



West Virginia University

Office of the Provost

May 5, 2000

Luis A. Reyes  
Regional Administrator  
US Nuclear Regulatory Commission  
Region II  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street SW Suite 23T85  
Atlanta, GA 30303-8931

Dear Mr. Reyes:

I am writing to respond to your letter of March 15, 2000 regarding an internal West Virginia University memorandum.

*Background:*

After the results of an enforcement action against West Virginia University by the Nuclear Regulatory Commission (NRC), the Vice President for Health Sciences and I co-authored a letter to the faculty of the campus noting that it was WVU policy to fully comply with Federal regulations [as they relate to the NRC and other agencies]. We also indicated that a "WVU safety or compliance staff member should always be present when an inspector talks with you or inspects your laboratory. When speaking with Federal inspectors, please answer questions truthfully and completely and provide requested documentation. If you have concerns or complaints about the regulations, discuss these with safety or compliance staff members allowing them to bring it to the attention of the inspector."

A self-identified faculty member has indicated that he called the NRC to "complain" about the memorandum indicating that it was a violation of free speech.

*Subsequent Campus Discussion:*

1. The faculty member is not a user of radioactive materials.
2. No user of radioactive materials or others, that I am aware of, has raised any concern about the letter.
3. It is WVU policy that any user of radioactive material has the right to talk privately with any inspector. Each user is informed of such policy as part of the education and training process.
4. The faculty member in question would not be aware of this policy.
5. The entire matter was discussed openly at a Faculty Senate meeting. Points made included.
  - a. a recognition that WVU, not each individual, was licensed by the NRC

Academic Affairs  
Research  
Extension and Public Service  
Information Technology

Phone: 304-293-5701  
Fax: 304-293-7554

Stewart Hall  
PO Box 6203  
Morgantown, WV 26506-6203

<http://www.wvu.edu/~acadaff/>

Equal Opportunity/Affirmative Action Institution

Luis Reyes  
US Nuclear Regulatory Commission  
May 5, 2000

Page 2

- b. loss of privilege to use radioactive material would affect all users, not just those not in compliance with NRC regulation
  - c. the ability to speak privately to an inspector was well known by users
  - d. the reason for having a staff member present was so that WVU could take corrective action to respond to safety issues and other violations promptly
6. No questions were raised by the Faculty Senate.
7. At the subsequent meeting of the Faculty Senate Executive Committee, the matter was closed without further debate. All recognized that safety and the need to protect the institution's license were of paramount importance.

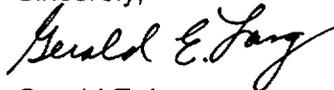
*Conclusion:*

I believe the institution has not created a "chilling effect" on its users of radioactive materials. Individuals have the right to speak personally and privately with an inspector at any time. Safety and institutional compliance are the issues. Save one, no other complaints have been received relative to said memo.

I apologize for the delay in responding. However, to have ample time for faculty input seemed more prudent than artificially complying with a 30-day deadline.

If you desire further information, please do not hesitate to contact me.

Sincerely,



Gerald E. Lang  
Provost and Vice President for  
Academic Affairs and Research

dmp

c: Dr. Robert D'Alessandri  
Dr. Kenneth Douglass  
✓ Donald Pelchat, NRC