



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

July 6, 2005

Docket No. 03001142

License No. 47-05972-02

Michael J. Farrell  
Interim President  
Marshall University  
216 Old Main  
One John Marshall Drive  
Huntington, West Virginia 25755-1000

SUBJECT: INSPECTION NO. 03001142/2005001, MARSHALL UNIVERSITY,  
HUNTINGTON, WEST VIRGINIA

Dear Mr. Farrell:

By letter dated April 11, 2005, you provided us with the results of an investigation conducted by Marshall University of NRC-licensed activities in a University research laboratory. We have reviewed the results of your investigation and, based upon this review, concluded that NRC-licensed activities were not conducted in full compliance with NRC requirements. Specifically, on March 31, 2005, your investigator identified an open soft drink can on a desk in the research laboratory. As described in your letter, drinking in areas where licensed materials are stored or used or storing drinks in these areas is prohibited by your license procedures. Specifically, Item 10.6 of your license application dated December 6, 2004, states that the University will adopt the "Safe Use of Radionuclides and Emergency Procedures" described in Appendix R to NUREG 1556, Volume 11. The Appendix R procedures require that individuals not eat, drink, smoke or apply cosmetics in any area where licensed material is stored or used and that food, drink or personal effects not be stored in these same areas. We note that your staff has taken corrective actions to prevent recurrence, including: (1) removing the soft drink can from the restricted area; (2) providing progressive discipline, in the form of a verbal warning, to the employees involved in the incident; and (3) providing remedial training regarding compliance with personnel protection policies. This was a non-repetitive, licensee-identified and corrected violation and is being treated as an NCV (non-cited violation) in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy). If you contest the violation or significance of the NCV, you should provide a response within 30 days of the date of this letter with the basis for your denial, to the United States Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with copies to the Regional Administrator, Region I, and the Director, Office of Enforcement, United State Nuclear Regulatory Commission, Washington, DC, 20555-0001.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified above.

M. Farrell  
Marshall University

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Current NRC regulations and the General Policy and Procedure for NRC Enforcement Actions are available at the NRC web site at <http://www.nrc.gov/materials/miau/mat-toolkits.html> and <http://www.nrc.gov/what-we-do/regulatory/enforcement> or by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

Your cooperation with us is appreciated.

Sincerely,

***Original signed by James P. Dwyer***

James P. Dwyer, Chief  
Commercial and R&D Branch  
Division of Nuclear Materials Safety

cc:  
William D. McCumbee, Ph.D., Radiation Safety Officer  
State of West Virginia  
File RI-2005-A-0021

M. Farrell  
Marshall University

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