UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

June 20, 2006

Dan Corti
Radiation Safety Officer
The University of Montana
Building 32
Missoula, Montana 59812

SUBJECT: RESPONSE TO NRC INSPECTION REPORT 030-00872/2006-001 AND NOTICE OF VIOLATION

Dear Mr. Corti:

Thank you for your letter of May 25, 2006, in response to our letter and Notice of Violation (Notice) dated May 1, 2006. We have reviewed your reply and find it responsive to the concerns raised in the Notice. We will review the implementation of your corrective actions during future inspections to determine that full compliance has been achieved and will be maintained.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html.

Sincerely,

Anthony D. Dimitriadis for
Vivian H. Campbell, Chief
Nuclear Materials Inspection Branch

Docket No.: 030-00872
License No.: 25-01706-03

cc w/copy of licensee's letter dated 05/25/2006:
Montana Radiation Control Program Director

Dan Dwyer, Ph.D.
Vice President for Research and Development
The University of Montana
Building 32
Missoula, Montana 59812

The University of Montana

Environmental Health and Risk Management
The University of Montana
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DNMS

Date: May 25, 2006

TO: U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive
Suite 400
Arlington, TX 76011

FROM: Dan Corti, RSO

RE: Reply to a Notice of Violation from NRC Inspection Report 030-00872/2006-001
Docket No. 030-00872
License No. 25-01706-03

This Severity Level IV violation is based on the NRC's onsite inspection conducted March 27-30, 2006 by Janine Katanic. In the course of that inspection, the inspector noted multiple instances of individuals eating, drinking, storing food, drinks and personal effects in labs that were posted as locations where radioactive materials were used or stored. These activities were in non-compliance with The University of Montana's Radiation Safety Manual that at the time, stated that "absolutely no smoking, eating, drinking or using of cosmetics will be allowed" in laboratories where radioactive materials are used or stored.

Reason for violation

The radiation safety manual has been updated a number of times over the past 15 years. The wording that prohibits the use of food or beverage in labs has not been changed in the Radiation Safety Manual (RSM) but our user training and daily operations have. This was an oversight on the part of the RSO. The inspector was correct that our program implementation was in conflict with our RSM.

The program change that has allowed the presence of food and beverage in labs has been driven by the design of lab space on campus and the ubiquitous presence of computers for nearly all individuals over the past 20 years. Many of the current labs have individual workstations designed to be grad student "office space" at the end of lab benches or integral to the laboratory space in a great room design as opposed to hard sided separate offices.

Many of the buildings do not have employee break areas on each floor or in some cases within the building. The use of computers has necessitated a dedicated work area that requires more space than the simple lab notebook. To accommodate the need for personal space within the labs, the policy has evolved into what the inspector noted—the presence of food and beverage within rooms where radioactive materials are used. The RSO, the Radiation Safety Committee (RSC) and Dr. Dwyer, our Senior Administrative Official, have discussed this issue and agree that we can and must do better.

Corrective steps that have been taken and results achieved

The RSC met on May 8, 2006 to review the related program elements and discuss and approve corrective actions. Specifically, the RSC approved revision of the RSM; General Laboratory Rules for the Use of Radioactive Materials (II) A., to read, "Eating, drinking, utensil storage or food and beverage storage or using of cosmetics will be allowed in designated areas only. No, radioactive, biological or laboratory chemical materials may be present at any time in designated areas. All designated areas must be clearly signed and marked with blue tape.All designated areas must be included in the laboratory contamination survey program." This page has been inserted in all RSMs.

Effective May 24th, 2006, all rooms on the Missoula campus containing radioactive materials were re-signed with compliant signs reading "Caution Radioactive Materials" "No food, beverages or utensils except in designated areas". In addition to new door signs, the RSO and RSOS have visited each room containing radioactive materials and worked with the Authorized User to review existing designated areas. Where it was determined that no currently viable alternative exists to a personal workstation(s) within the laboratory, the designated area is now clearly signed with signs provided by the RSOS (copy of both signs enclosed). In addition to the physical delineation of designated areas, this provided an interactive and educational opportunity for users to fully understand the revised policy. The laboratories at the Biological Station in Polson and The University of Montana-Western in Dillon will be done in the same way by June 30, 2006 as part of this current quarter's inspection.

The above actions have resulted in a tighter control on the presence and use of food and beverage in laboratory settings. In addition to the immediate actions taken, the RSO will modify the Radiation Safety Program training to include information about the revised requirements starting with the next training session in June of 2006. This will ensure that all new users and those attending as a refresher will get the necessary information on an ongoing basis.

Corrective steps that will be taken to avoid further violations

In addition to the revised RSM, consistent signage and ongoing training designed to address this violation, the RSOS will include designated area use as a specific inspection element in all future quarterly inspections. Insofar as possible, new laboratory space will be designed with separate office work stations so that the need for and feasibility of designated areas within laboratories may be eliminated over time.

I hope this letter provides sufficient information to evaluate The University of Montana's response to the Notice of Violation. As an institution, we take compliance very seriously and intend to operate our program in a fully safe and compliant manner.

Sincerely,

Dan Corti, Radiation Safety Officer

This letter reviewed and approved by:

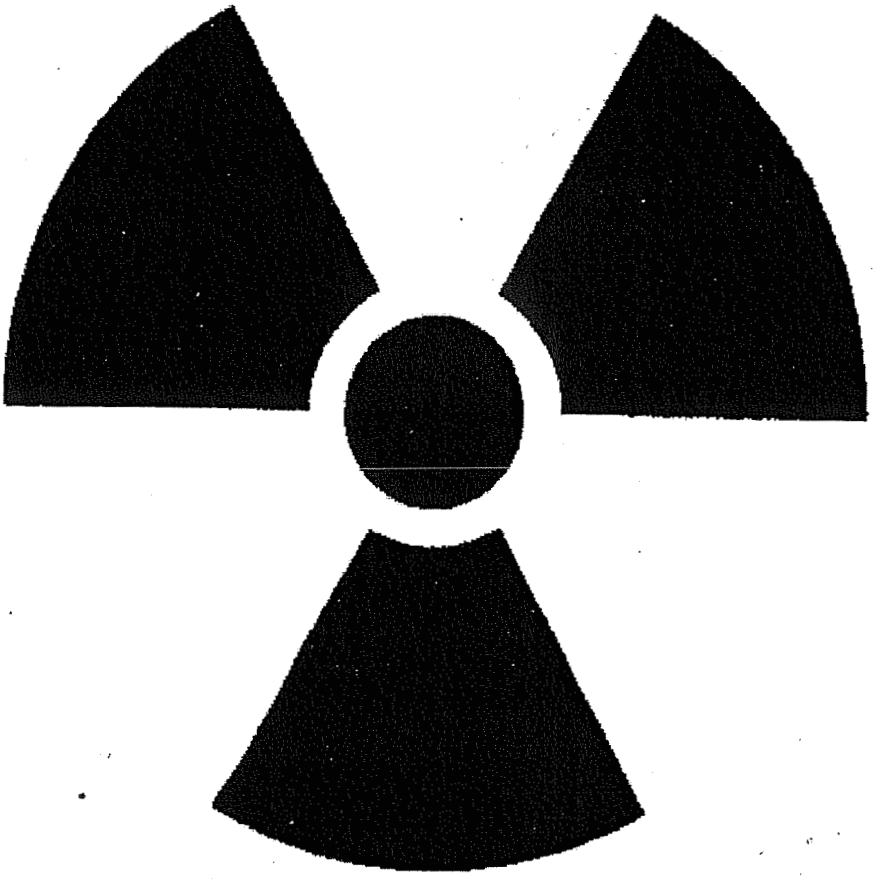
Date 5/25/06

Dan Dwyer, Ph.D
Vice President for Research and Development

Date 5-25-06

Keith Parker, Ph.D.
Radiation Safety Committee, Chair

Enclosures: Copy of radioactive door posting
Copy of Designated Area posting



Caution
Radioactive Materials

Food, beverage and cosmetic
use in
Designated Areas Only

Designated Area

Marked with Blue Tape

Radioactive Materials

Biological Materials

Laboratory Chemical Materials

bcc w/copy of licensee's ltr dtd 05/25/2006 (via ADAMS distrib):
LDWert
CLCain
VHCampbell
JEWhitten
JFKatanic
KEGardin
NMIB
RIV Materials Docket File (5th floor)

SUNSI Review Completed: JFK ADAMS: X Yes ☐ No Initials: JFK

X Publicly Available ☐ Non-Publicly Available ☐ Sensitive X Non-Sensitive

DOCUMENT NAME: s:\dnms\!nmib\!katanic\60087201-ack.wpd final r:_dnms

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