



January 24, 2008

John R. Madera, Chief
Nuclear Materials Inspection Branch
U. S. Nuclear Regulatory Commission
Region III
2443 Warrenville Road STE 210
Lisle, Illinois 60532-4352

RE: Response to phone conversation on January 10, 2008
Docket No. 030-32694/2007-001(DNMS) License No. 24-00513.38

Dear Mr. Madera,

This letter is in reply to the phone conversation held on January 10 2008, concerning the University of Missouri's Reply to a Notice of Violation dated October 31, 2007, specifically to the University's response to "Date When Full Compliance Will Be Achieved" under Violation F: "Failure of the licensee to keep all records showing receipt, transfer and disposal of byproduct materials".

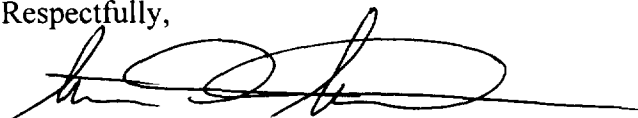
In the University's reply, we stated that the University will continue efforts to discuss this issue with R.M. Wester and Associates to regain the records required by NRC regulations. To expand upon this response I have discussed the issue with the University's Office of General Counsel and the following steps are being/will be taken:

- The University will continue its efforts to negotiate with R.M. Wester and Associates through counsel for approximately 6 additional months.
- If negotiations fail, we will discuss a potential lawsuit with campus officials and seek to obtain authorization to bring suit. This should take 3-6 months to get approval and to draft pleadings.
- If authorization to file suit is given, the University will file suit and attempt to settle the claim by obtaining the documents or get a court order directing R.M. Wester and Associates to return them. We believe that depending upon the court docket and appeals it may take up to 3 years for the case to be determined in court.
- If authorization to file suit is not granted or we are unsuccessful in obtaining a court order to recover the records, the University will again ask the NRC for regulatory discretion concerning the possession of these records.

The historical records that R.M. Wester and associates are withholding pose no safety risk to the public, University workers or the continued operation of the University's Radiation Safety Program. The missing records are historical in nature and serve only to satisfy regulatory record retention requirements. Absence of those records does not adversely impact any dose assessments or future operations of the University's radiation program. The University will continue to inform your office of our progress in the efforts to recover these records.

Please contact me if you have any questions or concerns.

Respectfully,

A handwritten signature in black ink, appearing to read 'S. Struck', with a long horizontal line extending to the right.

Steven D. Struck
Radiation Safety Officer
University of Missouri – St. Louis
(314)516-6362 phone
(314)516-6309 fax

cc: Glen Cope, Provost/ Vice Chancellor for Academic Affairs
Robert Roeseler, Director of Institutional Safety
Craig Robinson, Coordinator of Environmental Health and Safety



Radiation Safety

102 Transportation Building (MC 91)
One University Boulevard
St. Louis, Missouri 63121-4400



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