

Lovelace Respiratory Research Institute

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DATE: July 16, 2013

TO: U.S. Nuclear Regulatory Commission

ATTN: Document Control Desk
Washington, DC 20555-0001

FROM: Robert W. Rubin, Ph.D.
President and Chief Executive Officer
Lovelace Respiratory Research Institute

RE: Reply to a Notice of Violation

Attached please find the Lovelace Respiratory Research Institute's (LRRI's) response to the Notice of Violation dated June 25, 2013, pursuant to the provisions of 10 CFR 2.201. The Notice of Violation is noted as Docket 030-37312 for License 030-29237-01. LRRI does not contest nor dispute the violation cited. This response contains the following information: 1) reason for the violation, 2) corrective steps that have been taken and progress to date, and 3) the date when full compliance will be achieved.

LRRI is fully committed to correcting the deficiency noted during the inspection conducted from April 29 through May 2, 2013. We look forward to hearing from the Nuclear Regulatory Commission regarding our response and are happy to supply any additional materials or information requested. If you have any questions regarding our response or desire additional information, please contact me or Bret Hendzel, Senior Director of Operations (505-348-9450).

Sincerely,

A handwritten signature in black ink that reads 'Robert W. Rubin'.

Robert W. Rubin, Ph.D.
President and CEO

cc: Regional Administrator, Region IV

J. Benson
R. Sherwood
B. Hendzel
J. Roberts
LRRI RSC

IE07
RGN-IV

Violation A.

10 CFR 20.1703(c) (5) states, in part, "The licensee shall implement and maintain a respiratory protection program that includes determination by a physician that the individual user is medically fit to use respiratory protection equipment before the initial fitting of a face sealing respiratory protection equipment and either 12 months thereafter, or periodically at a frequency determined by a physician."

Contrary to the above, the licensee did not implement and maintain a respiratory protection program that includes determination by a physician that the individual user is medically fit to use respiratory protection equipment before the initial fitting of a face sealing respirator and either every 12 months thereafter or periodically at a frequency determined by a physician. Specifically, the licensee did perform a determination by a physician that the individual user was medically fit to use respiratory protection equipment before the initial fitting of a face sealing respiratory, but failed to perform the same evaluation every 12 months or periodically at a frequency determined by a physician.

This is a Severity Level IV violation (Section 6.3).

Reason for Violation.

LRRRI agrees procedures were not in place to arrange for re-evaluation of an employee continued to be medically fit to use face sealing respiratory protection on a 12 month basis following initial assessments, or periodically at a frequency determined by a physician.

Corrective Action

Upon verbal notification of this violation, LRRRI contracted with the University of New Mexico Employee Occupational Health Services to have users of face sealing respirators needing an annual screen to have pulmonary function assessments. Approximately 90% of the needed assessments took place between June 11 and June 18, 2013. Because of scheduling issues, one individual received pulmonary function testing at Concentra Medical Center, Albuquerque.

Going forward, each employee using face sealing respiratory protection will be assessed on an annual basis or schedule recommended by a physician. The requirement for individual respirator users to have annual (or otherwise scheduled) pulmonary function assessment has been posted as a training requirement in Training Manager as: "Course # and name: ESH-601, Respirator Medical Clearance Annual (NRC Requirement) - See ES and H to schedule appointment. 12 month recurrence". The Training Manager software will automatically notify respirator users of this requirement on the first day of each month beginning three months prior to the time of the next annual review.

Date When Full Compliance Will be Achieved

We expect all involved individuals will have had needed follow up pulmonary function assessments completed by July 31, 2013.