



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

November 20, 2018

EA-18-095

Mr. Gary Ward
Vice Chancellor of Operations
Curators of the University of Missouri - Columbia
Environmental Health and Safety #8 RPDB
Columbia, MO 65211

SUBJECT: CURATORS OF THE UNIVERSITY OF MISSOURI – COLUMBIA – NOTICE OF VIOLATION; NRC INSPECTION REPORT NO. 03002278/2018001(DNMS)

Dear Mr. Ward:

This letter refers to the inspection conducted on May 14 through May 17, 2018, at your Columbia, Missouri campus, with continued in-office review through August 9, 2018. The purpose of the inspection was to review activities performed under your NRC license to ensure that activities were being performed in accordance with NRC requirements. During the inspection, an apparent violation of NRC requirements was identified. The circumstances surrounding this apparent violation, the significance of the issue, and the need for lasting and effective corrective actions were discussed with Mrs. Felicity Beckfield of your staff during a telephone exit meeting on August 9, 2018. Details regarding the apparent violation were provided in NRC Inspection Report No. 03002278/2018001(DNMS), dated September 6, 2018. The inspection report can be found in the NRC's Agencywide Documents Access and Management System (ADAMS) at Accession Number ML18250A128. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violation identified in the report by either attending a predecisional enforcement conference or by providing a written response before we made our final enforcement decision. In a letter dated October 15, 2018, (ML18289A463) you provided a response to the apparent violation.

Based on the information developed during the inspection and the information that you provided in your response to the inspection report, the NRC has determined that a violation of NRC requirements occurred. This violation involved two instances in which your staff failed to secure radioactive material from unauthorized removal or access as required by Title 10 of the *Code of Federal Regulations* (CFR) Section 20.1801.

The failure to secure stored licensed material from unauthorized removal is of safety significance to the NRC because of the potential for unauthorized individuals to gain control of the radioactive material, which could result in an unintended exposure to the public. Therefore, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III. In accordance with the Enforcement Policy, a base civil penalty in the amount of \$7,250 is considered for a Severity Level III violation.

Because your facility has not been the subject of escalated enforcement actions within the last two inspections, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. The NRC determined *Corrective Action* credit was warranted due to the following corrective actions: (1) securing and taking an inventory of the material; (2) retraining the staff to include causes of the violation and requirements in 10 CFR 20.1801 and 20.1802; (3) removing of hardware to prop open the door preventing the door closer from closing, latching, and locking the hot lab door; and (4) replacing the door lock and installation of an automatic door closer such that the door shuts and locks on its own, and unlocks with a key.

Therefore, to encourage prompt and comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this Severity Level III violation constitutes escalated enforcement action that may subject you to increased inspection effort. The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in Inspection Report No. 03002278/2018001(DNMS) and your letter dated October 15, 2018. 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 in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room and in ADAMS. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information

G. Ward

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required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

Sincerely,

/RA by Darrell J. Roberts acting for/

K. Steven West
Regional Administrator

Docket No. 030-02278
License No. 24-00513-32

Enclosure:
Notice of Violation

cc w/encl: Felicity Beckfield, CHP
Radiation Safety Officer
State of Missouri

Letter to Gary Ward from K. Steven West dated November 20, 2018.

SUBJECT: NOTICE OF VIOLATION; NRC ROUTINE INSPECTION REPORT NO.
03002278/2018001(DNMS) – CURATORS OF THE UNIVERSITY OF MISSOURI –
COLUMBIA

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OFC	RIII-EICS	RIII-DNMS	RIII-DNMS	OE	RIII-ORA	RIII-ORA
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DATE	10/30/18	10/31/18	11/01/18	11/05/18	11/13/18	11/20/18

OFFICIAL RECORD COPY

1 OE concurrence provided via e-mail from Leelavathi Sreenivas on November 5, 2018.

NOTICE OF VIOLATION

Curators of the University Of Missouri – Columbia
Columbia, MO

Docket No. 030-02278
License No. 24-00513-32
EA-18-095

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on May 14 through May 17, 2018, with continued in-office review through August 9, 2018, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the Code of Federal Regulations (CFR) 20.1801 requires that the licensee secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas.

Contrary to the above:

(1) On May 11, 2017, the licensee failed to secure from unauthorized removal or limit access to 2.51 millicuries (mCi) of radium-223, 0.5 mCi of technetium-99m, and 21 mCi of cesium-137 stored in a room that was a controlled area. Specifically, the health physics technologist unknowingly left the radiation waste room door open and the licensed material was unsecured for about 30 minutes.

(2) On May 14, 2018, the licensee did not secure from unauthorized removal or limit access to 0.098 mCi of cesium-137, 3.15 mCi of cobalt-57, 0.118 mCi of barium-133, and 68.12 mCi of technetium-99m in a nuclear medicine hot lab that was a controlled area. Specifically, the nuclear medicine hot lab door was left propped open and the licensed material was left unsecured for a few minutes.

This is a Severity Level III violation (Section 6.7).

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, and the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report No. 03002278/2018001(DNMS) and your letter, dated October 15, 2018. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, (EA-18-095)," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III, 2443 Warrenton Road, Suite 210, Lisle, IL 60532, within 30 days of the date of the letter transmitting this Notice of Violation.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your

Enclosure

response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this 20th day of November 2018