



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

December 22, 2022

Dan Corti, Radiation Safety Officer
The University of Montana
Environmental Health
Building 32
Missoula, MT 59812-9144

SUBJECT: NRC INSPECTION REPORT 030-00872/2022-001; AND NOTICE OF VIOLATION

Dear Dan Corti:

This letter refers to the inspection conducted on November 9, 2022, at your facility in Missoula, Montana. The inspection was an examination of activities conducted under your license as they relate to public health and safety, to confirm compliance with the U.S. Nuclear Regulatory Commission's (NRC's) rules, regulations, and with the conditions of your license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, observation of the licensed facilities, independent radiation measurements, and interviews with personnel. A final exit briefing was conducted with you on November 30, 2022.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy, which is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

The violations are being cited in the enclosed Notice of Violation (Notice) because they were identified by the NRC during the inspection. The violations involved failing to notify the NRC when principal activities had ceased for more than 24 months at the Fort Missoula Field Research Center, and for failing to follow the radiation safety manual by updating the list of personnel authorized to work as radiation users on an existing permit.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be useful in preparing your response. You can find the Information Notice on the NRC website at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>.

Information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance will be or was achieved should be addressed. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Additionally, the violations identified in the previous inspection were adequately addressed by the corrective actions taken as described in the NRC letter dated November 15, 2019, found at the NRC's ADAMS (Agencywide Documents Access and Management System) under accession number ML19319B277, and the violations are now considered closed.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, its enclosure, and your response, would normally be made available electronically for public inspection in the NRC Public Document Room or from ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Should you have any questions regarding this letter or the enclosed Notice, please contact Jason Dykert at 817-200-1427 or the undersigned at 817-200-1455.

Sincerely,



Signed by Roldan-Otero, Lizette
on 12/22/22

Lizette Roldán-Otero, PhD, Chief
Materials Inspection Branch
Division of Radiological Safety and Security

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

Enclosure:
Notice of Violation (Notice)

cc w/Enclosure:
Carter S. Anderson, Administrator
Division Administrator QAD
Montana Department of Public Health & Human Services
P.O. Box 202953
Helena, MT 59620-2953
Carter.Anderson@mt.gov

NRC INSPECTION REPORT NO. 030-00872/2022-001 AND NOTICE OF VIOLATION DATED
DECEMBER 22, 2022

DISTRIBUTION:

SMorris, RA
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R4-DRSS-MIB

ADAMS ACCESSION NUMBER: **ML22355A606**

SUNSI Review: Yes ADAMS: Publicly Available Non-Sensitive

By: JCD/KCB

OFFICE	MIB	MIB	C:MIB			
NAME	KBischoff	JDykert	LRoldánOtero			
SIGNATURE	/RA/	/RA/	LRO			
DATE	12-15-22	12-13-22	12/22/22			

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

The University of Montana
Missoula, Montana

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

During an NRC inspection on November 9, 2022, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Title 10 of the *Code of Federal Regulations* (CFR) 30.36(d) requires, in part, that licensees provide notification to the NRC in writing within 60 days of any of the following occurrences, and begin decommissioning any separate building that contains residual radioactivity so that the building is suitable for release in accordance with NRC requirements.
- (1) The license has expired;
 - (2) The licensee has decided to permanently cease principal activities at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements;
 - (3) No principal activities under the license have been conducted for a period of 24 months; or
 - (4) No principal activities have been conducted for a period of 24 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements.

Contrary to the above, as of November 9, 2022, the licensee failed to notify the NRC in writing within 60 days and begin decommissioning of a separate building, when no principal activities were conducted for a period of 24 months in that separate building, that contained residual radioactivity and was unsuitable for release in accordance with NRC requirements.

Specifically, the licensee had not conducted principal activities in the Fort Missoula Field Research Center located at 2960 Post Siding Road in Missoula, Montana, under NRC License No. 25-01706-03, from September 2017 through November 2022, a period greater than 24 months but the NRC was not notified, and the licensee had not begun decommissioning of the building to allow for release in accordance with NRC requirements.

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

- B. License Condition 26 A requires, in part, that the licensee shall conduct its program in accordance with the procedures contained in the license application. The license application requires in Section 8.8, "Training for Individuals Working in or Frequenting Restricted Areas," that the "Standard Operating Procedures for use of radioactive materials... must be approved by the Radiation Safety Committee as part of the Authorized User Application."

Enclosure

Contrary to the above, from June 2022 to November 2022, the licensee failed to conduct its program in accordance with the procedures contained in the license application, and did not have the standard operating procedures for use of radioactive materials be approved by the Radiation Safety Committee as part of an Authorized User's Application.

Specifically, the licensee did not update standard operating procedures for new experiments or list new users under the Authorized User's application and then seek approval from the Radiation Safety Committee prior to a new work beginning under an existing research protocol application.

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

Pursuant to the provisions of 10 CFR 2.201, The University of Montana is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to Director, Division of Radiological Safety and Security, U.S. Nuclear Regulatory Commission Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

This reply should be clearly marked as a "Reply to a Notice of Violation," and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued requiring information as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

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.

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>. To the extent possible, your response should not include any personal privacy or proprietary 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 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).

Dated this 22nd day of December 2022