UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
612 EAST LAMAR BLVD, SUITE 400
ARLINGTON, TEXAS 76011-4125

July 24, 2008

Mr. John R. Schunke
Vice President
Morrison-Maierle, Inc.
P.O. Box 1113
Bozeman, Montana 59771-1113

SUBJECT: CLOSURE OF INVESTIGATION (OI 4-2007-046)

Dear Mr. Schunke:

This refers to an investigation conducted by the NRC Office of Investigations (OI) regarding activities at a temporary jobsite located at Gallatin Field in Bozeman, Montana. OI initiated the investigation to determine if employees of Morrison-Maierle, Inc., willfully failed to follow the requirements of their NRC license when they failed to properly secure a nuclear gauge while in temporary storage.

Based on the evidence developed during the investigation, the allegation that employees willfully failed to follow the requirements of their NRC license was not substantiated. The NRC plans no further action related to willful misconduct and considers this investigation closed. The NRC previously issued a Notice of Violation on July 9, 2008, which addressed the non-willful aspect of this issue.

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

Sincerely,

/RA/

Arthur T. Howell III, Director
Division of Nuclear Materials Safety

Docket No.: 030-12975
License No.: 25-17563-01

bcc: Allegation File

SUNSI Review Completed: HAF ADAMS: ■ Yes No □ Initials:
■ Publicly Available □ Non-Publicly Available □ Sensitive ■ Non-Sensitive

OFFICE	RIV:SAC	RC/TL:ACES	C:NMSBA	D:DNMS
NAME	HAFreeman	KDFuller	VHCampbell	ATHowell
	/RA/	***/RA/***	***/RA ADGaines for/***	***/RA/***
DATE	07/10/2008	07/11/2008	07/16/2008	07/24/2008

OFFICIAL RECORD COPY