



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-8064

JAN 3 1994

Docket: 030-00871  
License: 25-00326-06

Montana State University  
ATTN: Mr. Swenson  
Vice President, Research  
Bozeman, Montana 59717

SUBJECT: NRC INSPECTION REPORT 030-00871/93-01 (NOTICE OF VIOLATION)

This refers to the routine, unannounced inspection conducted by Mr. Mark R. Shaffer of this office on November 3-4, 1993. The inspection included a review of activities authorized by Byproduct Materials License 25-00326-06. At the conclusion of the inspection, the findings were discussed with members of your staff. The exit briefing conducted on November 4, 1993, was later supplemented with a telephonic exit briefing conducted on November 12, 1993. During the latter briefing, members of the NRC Region IV office discussed concerns regarding management of your radiation safety program. The enclosed NRC Inspection Report 030-00871/93-01 documents this inspection.

The inspection was an examination of activities conducted under the license as they relate to radiation safety and to compliance with the Commission's rules and regulations and the conditions of the license. The inspection consisted of selective examinations of procedures and representative records, interviews of personnel, independent measurements, and observation of activities in progress.

Based on the results of this inspection, certain of your activities appeared to be in violation of NRC requirements, as specified in the enclosed Notice of Violation (Notice).

The inspection revealed several weaknesses in management oversight of your radiation safety program. Although some of the violations identified during the inspection were minor in nature, we are concerned that your lack of attention to detail may result in future deficiencies which have greater safety significance. Further, the amount of time and resources allotted to the Radiation Safety Officer to perform his duties appears to have been insufficient for him to accomplish the necessary audits and surveys of licensed activities which are essential to maintain compliance with the Commission's rules and regulations and the conditions of your license.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this

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Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

Based upon the weaknesses described above, we are concerned about the implementation of your program in the area of management control. In addition, we are concerned that corrective actions taken by Montana State University in response to previous violations were not effective and resulted in recurrence of two violations as discussed below. Therefore, in your reply to this letter, you should also specifically describe those actions planned or taken to improve the effectiveness of the management control of your licensed operations, with particular emphasis on measures currently being taken to prevent further violations.

Normally your program would be inspected at two-year intervals. However, based on the findings of the inspection and our concerns regarding management oversight of your radiation safety program, we plan to reduce the next inspection interval for your program in order to evaluate the effectiveness of corrective actions taken by Montana State University in response to our inspection findings.

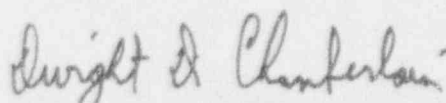
Also reviewed were the actions you had taken with respect to the violations observed during our previous inspection conducted on September 12-13, 1991. The inspector verified that the corrective actions for some of these violations had been implemented as stated in your reply dated December 13, 1991, and that these actions were effective. However, we noted that two violations had recurred since the previous inspection. These items are identified as Violations A.2 and A.3 in the attached Notice.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96.511.

Should you have any questions concerning this letter, please contact the inspector identified above at (817) 860-8100.

Sincerely,



Dwight D. Chamberlain, Acting Director  
Division of Radiation Safety  
and Safeguards

Enclosures:

1. Appendix A - Notice of Violation
2. Appendix B - NRC Inspection  
Report 030-00871/93-01

cc:

Montana Radiation Control Program Director

bcc:  
 DMB - Original (IE-07)  
 JLMilhoan  
 DDChamberlain  
 CLCain  
 RAScarano, RV  
 MMessier, OC/LFDCB (4503)  
 \*WLFisher  
 \*LLKasner  
 \*MRShaffer  
 \*NMIS  
 \*MIS System  
 \*RIV Files (2)  
  
 \*W/IFS Form

RIV:NMIS	AC:NMIS	AD:DRSS <i>DR</i>		
*MRShaffer	LLKasner <i>LK</i>	DDChamberlain		
12/ /93	12/29/93	12/30/93		

\* Previously Concurred

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 DMB - Original (IE-07)  
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 \*NMIS  
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RIV:NMIS	AC:NMIS	AD:DRSS <i>DR</i>		
*MRShaffer	LLKasner <i>JK</i>	DDChamberlain		
12/ /93	12/29/93	12/30/93		

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