

MAY 15 1985

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Curators of the University of Missouri
ATTN: Herbert Goldberg, Ph.D.
Associate Vice President
309 University Hall
Columbia, MO 65211

License No. 24-00513-32

030-02278

Gentlemen:

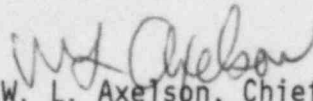
This letter responds to the questions which arose during the February 1985 inspection regarding (1) the applicability of Department of Transportation (DOT) regulations to state entities, such as the University of Missouri, holding NRC licenses and (2) the implications, if any, for compliance with NRC regulations and license conditions which refer to DOT regulations. The questions were referred to the NRC Office of the Executive Legal Director for their review.

Their interpretation (Appendix B) concludes, in essence, that the University of Missouri, when using State vehicles and State employees acting within the scope of their duties for the transportation of radioactive materials, is not subject to direct regulation of DOT. However, the University is subject to 10 CFR 71.5 of NRC regulations. 10 CFR 71.5(b) requires governmental licensees not otherwise subject to DOT regulations, i.e., the University of Missouri, to "conform to the standards and requirements of the DOT" specified in 49 CFR Parts 170 through 189. This requirement is also spelled out in License Condition No. 25 of your license.

Accordingly, during the February 5-8, 1985 inspection, certain of your activities appeared to be in noncompliance with License Condition No. 25, as specified in the enclosed Appendix A. A written response, including an explanation of how and when your radioactive handling system will be modified to assure compliance with NRC regulations, is required.

We will gladly discuss any questions you have concerning this matter.

Sincerely,


W. L. Axelsson, Chief
Nuclear Materials Safety
and Safeguards Branch

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Enclosures: As stated

cc w/encls:
John Tolan, Radiation Safety Officer
DMB/Document Control Desk (RIDS)

bcc: L. Cobb, OIE
E. Jake!, ELD

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Lynch/b1
05/10/85

Wiedeman
5/10/85

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Grella
5/13/85

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Berson
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Axelsson

Telephone
Concurrence
on 5/13/85
ELD
E. Jake!

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