



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

March 27, 1998

EA 98-100

John Kerrigan, Ph.D.
Chancellor
University of Wisconsin-Oshkosh
800 Algoma Blvd.
Oshkosh, WI 54901

SUBJECT: NOTICE OF VIOLATION
(NRC Inspection Report 030-01171/98001(DNMS); 030-07111/98001(DNMS))

Dear Dr. Kerrigan:

This refers to the inspection conducted on February 11 and 12, 1998, at University of Wisconsin in Oshkosh, Wisconsin. The purpose of the inspection was to determine whether activities authorized by the licenses were conducted safely and in accordance with NRC requirements. During the inspection, apparent violations of NRC requirements were identified. A copy of the NRC inspection report was sent to you by a letter dated March 6, 1998. You were given the option of participating in a predecisional enforcement conference or addressing the apparent violations in writing. You chose to submit a written response dated March 23, 1998.

Based on the information developed during the inspection and the information provided in your March 23 response to the inspection report, the NRC has determined that violations of NRC requirements occurred. These violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the subject inspection report.

Seven violations were identified during the inspection and together they demonstrate a programmatic breakdown of control over licensed activities. The root cause of this breakdown stems from the lack of program oversight by the Radiation Safety Office and university management. In addition, the radiation safety program personnel changes which occurred in September 1997, directly affected the continuity of program activities. Individually, the safety significance of the violations is low because of the small quantity of radioactive materials currently being used. However, collectively, the violations are of significant regulatory concern to the NRC because they cover the breadth of your program. Incumbent upon each NRC licensee is the responsibility to ensure that all requirements of the NRC license are met and any potential violations of NRC requirements are identified and corrected expeditiously. Therefore, these violations are classified in the aggregate in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, as a Severity Level III problem.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$2,750 is considered for a Severity Level III problem. 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

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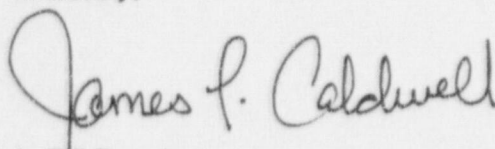
process in Section VI.B.2 of the Enforcement Policy. Based upon the corrective actions taken following the inspection and those actions identified in your letter dated March 23, 1998, credit for *Corrective Action* was warranted. Beside addressing each of the individual violations, the corrective actions planned or taken to address the root causes include: (1) scheduled training on your license commitments and pertinent NRC regulations for all individuals who work with licensed material or work in restricted areas; (2) performance of an annual program audit by management with the assistance of the Radiation Safety Committee; (3) increased management oversight of the radiation safety program to ensure compliance with NRC requirements and to review program needs and resources.

Therefore, to encourage prompt and comprehensive correction of violations and in recognition of the absence of previous escalated enforcement action, I have been authorized 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 the Severity Level III problem constitutes escalated enforcement actions that may subject you to increased inspection effort.

The NRC has concluded that information regarding the reasons for the violation, and the corrective actions taken and planned to correct the violation and prevent recurrence are already adequately addressed in your letter dated March 23, 1998. 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 2.790 of the NRC's "Rules of Practice," a copy of this letter, the enclosed Notice, and your response if you choose to respond, will be placed in the NRC Public Document Room.

Sincerely,

for 
A. Bill Beach
Regional Administrator

Docket No. 030-01171
License No. 48-13250-02

Enclosure: Notice of Violation

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