

JAN 28 1986

Docket No. 030-20199
License No. 47-23035-01
EA 85-134

West Virginia University
ATTN: Dr. William E. Collins
Vice President for Academic
Affairs and Research
Morgantown, WV 26506

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY
(INSPECTION REPORT NO. 47-23035-01/85-01)

This refers to the routine safety inspection conducted by the Nuclear Regulatory Commission (NRC) on October 23-24, 1985, at West Virginia University. During the inspection, several violations of NRC requirements were identified. The violations were discussed with Dr. Richard DeVaul, Dean, School of Medicine, at the conclusion of the inspection and during a telephone conversation with you on October 30, 1985. A Confirmation of Action Letter dated October 30, 1985, documented commitments made by you during the October conversation. The results of the inspection were also discussed during an Enforcement Conference on November 8, 1985, with you and members of your staff and Messrs. J. Philip Stohr and L. Franklin of the NRC staff.

The violations are described in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty, and they collectively represent a breakdown in the management oversight and control of your radiation safety program. These violations demonstrate the need for improvements in the administration and control of your program to ensure the safe performance of licensed activities and adherence to NRC requirements.

To emphasize the need to ensure implementation of effective management control over the radiation safety program, I have been authorized, after consultation with the Director, Office of Inspection and Enforcement, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty in the amount of One Thousand Two Hundred Fifty Dollars (\$1,250) for the violations described in the enclosed Notice. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1985), the violations have been classified in the aggregate as a Severity Level III problem. The base value of a civil penalty for a Severity Level III problem is \$2,500. The NRC Enforcement Policy allows for reduction of a civil penalty under certain circumstances. In this case, the base civil penalty is reduced by 50 percent because of your prior good performance in the general area of concern.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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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. Specifically, you should describe what actions will be implemented to ensure that adequate management control and oversight of your Radiation Safety Program are exercised by your Radiation Safety Officer. In your response, appropriate reference to previous submittals is acceptable. After reviewing your response to this Notice, including your proposed corrective actions, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosures will be placed in the NRC's 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, PL 96-511.

Should you have any questions concerning this letter, please contact us.

Sincerely,

J. Nelson Grace
Regional Administrator

Enclosures:

1. Notice of Violation and Proposed
Imposition of Civil Penalty
2. Inspection Report No. 47-23035-01/85-01

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