

October 16, 2001
EN 01-038

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: University of Missouri-Columbia (EA 01-013)
Columbia, MO 65211
Docket No. 50-186

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - \$3,000

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$3,000 will be issued on or about October 19, 2001 to University of Missouri-Columbia Research Reactor (MURR). This action is based on a Severity Level III violation involving discrimination against a former MURR senior research scientist who, in a letter to the University Provost dated May 24, 1999, described a discussion he had with a Department of Energy (DOE) official. In that letter, the senior research scientist discussed what was interpreted as a DOE concern regarding the level of commercial activity at the MURR. (In fact, 10 CFR 50.22, Class 103 licensees; for commercial and industrial facilities, outlines the license requirements for the level of commercial activity at a facility). As a result of writing this letter to the Provost, the senior research scientist was given an oral warning, as documented in a letter from the MURR Director. The oral warning letter contained statements that prohibited, restricted, or otherwise discouraged the senior research scientist from participating in future discussions with state or federal officials. This letter is viewed as a restrictive agreement which prohibits the employee from engaging in protected activities, in violation NRC requirements. Because the violation involves willfulness, the staff considered whether credit was warranted for identification and corrective action. Since the NRC identified the violation, credit for identification is not warranted. Based on a review of MURR's planned corrective actions, corrective action credit is warranted. Therefore, a civil penalty at the base value is being proposed.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice	October 19, 2001
Telephone Notification of Licensee	October 19, 2001

The State of Missouri will be notified.

The licensee has thirty days from the date of the Notice in which to respond. Following NRC evaluation of the response, the civil penalty may be remitted, mitigated, or imposed by Order.

Contacts: Barry Westreich, OE, 415-3456, James Luehman, OE, 415-2741

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			BWestreich	FCongel
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**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**