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September 24, 2004

U.S. Nuclear Regulatory Commission  
ATTN: Mr. Alexander Adams  
Senior Project Manager  
Office of Nuclear Reactor Regulation  
Research and Non-Power Reactor Programs  
Mail Stop 12 G13  
Washington, DC 20555

Reference: Oregon State University TRIGA Reactor (OSTR)  
Docket No. 50-243, License No. R-106  
NRC Inspection Report No. 50-243/2004-201  
Letter to the Commission dated May 11, 2001, "Notice of Failure to Meet  
Required SRO Medical Examination Frequency"

Subject: Reply to a Notice of Violation Regarding Missed Medical Examination by a  
Licensed Operator

Mr. Adams:

As a result of a conversation with you on September 23, 2004, and as a follow-up to the letter from us dated September 8, 2004, the OSTR staff would like to respectfully reply to the Commission about the Notice of Violation given in NRC Inspection Report No. 50-243/2004-201. We do not contest the violation.

#### Reason for the Violation

The reason for the violation was a failure to perform a biennial medical examination for a licensed senior reactor operator in a timely manner. To track our surveillance and maintenance items, we use a series of checklists that include, among other things, the date the last time an action was performed followed by the date the action is next due. In this case, the date of last medical exam, "1/16/02", was transcribed from the Form 396 and written on our surveillance and maintenance checklist as "11/16/02". The error propagated from there and was discovered during a routine inspection by the Commission on August 3, 2004. A medical examination should have occurred no later than January 31, 2004. The operator in question operated the OSTR a total of 418.803 hours between February 1, 2004, and the date of discovery. Unfortunately, failure to perform a biennial medical examination in a timely manner also occurred and was self reported in May 2001, albeit for a different reason.

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The primary cause of this event stems from the improperly transcribed medical examination date on the surveillance and maintenance checklist. Two auxiliary causes were the failure of the administrative chain (from operator through Director) to identify the error and a lack of an independent audit of the operator requalification program. This has been determined by the NRC to be a Severity Level IV violation.

### **Corrective Actions**

Upon discovery, the individual was immediately suspended from operation of the OSTR. On August 4, 2004, the day following the discovery, the individual obtained a medical examination. We received the records of the medical examination on August 6, 2004. The individual was reinstated to operate the OSTR at that time.

### **Corrective Actions to Prevent Reoccurrence**

After consultation with the Chairperson of the Reactor Operations Committee (ROC), we decided that the best course of action would be to require the operator requalification program to be audited annually by the ROC. Currently, the ROC approves the results of the requalification program annually but does not perform an audit. With an audit of the entire requalification program such things as the operational examinations, the appropriateness of lectures and the completeness of written examinations may be independently inspected, in addition to the date of medical examinations. Section IV.C.1(c)(5) of the Oregon State TRIGA Reactor Operating Procedures (OSTROP) 6, *Administrative and Personnel Procedures*, will also be changed from, "The results of the annual reactor operator requalification program." to "The annual reactor operator requalification program." Additionally, the importance of attention to detail has been discussed by the Director, Reactor Administrator and all licensed operators.

We have found that the "tickler" file that was established as a corrective action for the last time a medical examination was missed has not been effective. Once a transcription error is made, it is simply passed on. Additionally, it dilutes responsibility. It is the responsibility of the Director, Reactor Administrator, Reactor Supervisor, and most importantly the licensed operator themselves to be cognizant of these dates. For these reasons, we feel the "tickler" file is ineffective and should be ended. The responsibility lies with the individual licensed operators and the entire administrative chain. This has been reinforced to all operators and facility administration.

### **Anticipated Date of Full Compliance**

We feel that full compliance with the above corrective actions shall occur when the audit of the operator requalification program is performed and OSTROP 6 is updated. Both of these actions shall occur during the next scheduled meeting of the ROC which is tentatively scheduled for November 2004. The senior reactor operator has already completed a medical examination. If you have any questions or comments, please do not hesitate to call me.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 9-24-04

Sincerely,

A handwritten signature in cursive script, appearing to read "Andrew C. Klein".

Andrew C. Klein  
Director

cc: Craig Bassett, USNRC  
David Stewart-Smith, ODOE  
Rich Holdren, OSU  
John Ringle, OSU  
Todd Keller, OSU  
Steve Reese, OSU  
Steve Smith, OSU  
Gary Wachs, OSU