

June 29, 2006

Dr. William E. Burchill
Head of Nuclear Engineering
Texas A&M University
Zachry Bldg. Room 129
College Station, TX 77843-3133

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 50-059/2006-201 AND NOTICE OF VIOLATION

Dear Dr. Burchill:

This letter refers to the inspection conducted on March 7 and 15, and April 19, 2006, at the Texas A&M University AGN-201M research reactor. The inspection included a review of activities authorized for your facility. The enclosed report presents the results of that inspection.

This inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. These violations were evaluated in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions - Enforcement Policy." The current Enforcement Policy is included on the NRC's Web site at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**. The violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the subject inspection report. The violations are being cited in the Notice because: 1) they demonstrate a lack of attention to the reactor and emergency preparedness programs, and 2) they were identified by the NRC and not as a result of your own audit program.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements. The NRC has concluded that some information has already been provided in a letter from you received by the NRC dated May 5, 2006. You are required to provide all of the information specified in the enclosed notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response

Dr. Burchill

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should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Should you have any questions concerning this inspection, please contact Mr. Kevin M. Witt at 301-415-4075.

Sincerely,

/RA/

Ho Nieh, Acting Division Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-059
License No. R-23

Enclosures: 1. Notice of Violation
2. NRC Inspection Report No. 50-059/2006-201

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TEMPLATE #: NRR-106

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DATE	04/20/2006	5/31/06	04/05/2006	6/5/06	6/27/06	6/29/06

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Texas A&M University

Docket No. 50-59

cc:

Mayor of the City of College Station
College Station, TX 77843-3575

Governor's Budget and
Planning Office
P.O. Box 13561
Austin, TX 78711

Bureau of Radiation Control
State of Texas
1100 West 49th Street
Austin, TX 78756

Department Head
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Dr. W.D. Reece
Director, Nuclear Science Center
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Test, Research, and Training
Reactor Newsletter
University of Florida
202 Nuclear Sciences Center
Gainesville, FL 32611

NOTICE OF VIOLATION

Texas A&M University
AGN-201M Research Reactor Facility

Docket No. 50-059
License No. R-23

During an NRC inspection conducted on March 7, 2006, two violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions - Enforcement Policy," the violations are listed below:

- A. Technical Specification Section 6.4.3 states, "Audits of facility activities shall be performed at least quarterly under the cognizance of the Reactor Safety Board but in no case by the personnel responsible for the item audited. These audits shall examine the operating records and encompass but shall not be limited to the following: a) The conformance of the facility operation to the Technical Specifications and applicable license conditions, at least annually; b) The Facility emergency plan and implementing procedures, at least every two years, c) The Facility Security Plan and implementing procedures, at least every two years."

Contrary to the above, no audits have been conducted since the reactor was last operable in 1999.

This is a Severity Level IV violation (Supplement VII).

- B. 10 CFR 50.54(q) states, "A licensee authorized to possess and operate a research reactor or a fuel facility shall follow and maintain in effect emergency plans which meet the requirements in appendix E to this part."

The Texas A&M University AGN-201M Emergency Plan (E-Plan) Section 10.1 states, "This evacuation drill is detailed in and performed in accordance with the AGN-201M Maintenance Procedures, annually, but at intervals not to exceed sixteen (16) months." Additionally, the E-Plan also states, "The retraining and re-orientation of facility emergency response personnel are to be included as part of the annual AGN-201M requalification program for reactor operators."

Contrary to this requirement, the licensee stated that emergency drills had not been conducted annually. The licensee had not conducted an emergency drill since the reactor was last operated in 1999. The licensee also could not find documentation indicating that the required retraining and re-orientation of facility emergency response personnel was being completed. The licensee indicated that this training had not been conducted since the reactor was last operated in 1999.

This is a Severity Level IV violation (Supplement VIII).

Pursuant to the provisions of 10 CFR 2.201, Texas A&M University is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the responsible inspector, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the

corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

The NRC has concluded that information regarding the reason for violation A, the corrective actions taken and planned to correct the violations and prevent recurrence is already adequately addressed on the docket in a letter from you received by the NRC dated May 5, 2006. In that letter, you also provided information regarding part of the reason for violation B. You are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. You are still required to provide the rest of the information specified in the previous paragraph.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated at Rockville, Maryland this day of 2006

U. S. NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION

Docket No.: 50-059

License No.: R-23

Report No.: 50-059/2006-201

Licensee: Texas A&M University

Facility: Texas A&M University AGN-201M Research Reactor

Location: College Station, TX

Dates: March 7 and 15, and April 19, 2006

Inspector: Kevin M. Witt

Approved by: Ho K. Nieh, Acting Division Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

EXECUTIVE SUMMARY

Texas A&M University
Report No: 50-059/2005-201

The primary focus of this routine, announced inspection was the on-site review of selected aspects of the licensee's non-power training reactor operation including: organization and staffing; operations logs and records; requalification training; radiation protection; design changes; committees, audits and reviews; emergency preparedness; and a follow-up on previous open items.

Organization and Staffing

- The licensee's organization and staffing remain in compliance with the requirements specified in the Technical Specifications.

Operations Logs and Records

- The reactor has not been operated since August 25, 1999. An inspector follow-up item was issued to request information regarding the status of the control console upgrades and an unresolved item was issued for failure to submit annual reports.

Requalification Training

- Operator requalification was not being conducted as required by the Operator Requalification Program due to the long term shutdown of the reactor facility. An inspector follow-up item was issued to request information about the licensee's plan to re-qualify the only licensed operator before the reactor is operated again.

Radiation Protection Program

- Surveys were being completed and documented acceptably.
- Postings met the regulatory requirements specified in 10 CFR Parts 19 and 20.
- Personnel dosimetry was being worn as required and doses were well within the licensee's procedural action levels and NRC's regulatory limits.
- Radiation monitoring equipment was being maintained and calibrated as required.
- The Radiation Protection Program being implemented by the licensee satisfied regulatory requirements.
- Effluent monitoring satisfied license and regulatory requirements and releases were within the specified regulatory and Technical Specification limits.

Design Changes

- No significant nor minor changes have been evaluated at the facility. An inspector follow-up item was issued to ensure that the licensee conduct a 10 CFR 50.59 review on the changes being made to the reactor control console.

Committees, Audits, and Reviews

- Review and oversight functions required by the Technical Specifications were not completed by the Reactor Safety Board due to the reactor being maintained in an extended shutdown condition. A violation was issued for failure to complete audits of facility operations, the facility emergency plan, and the facility security plan, as required by the Technical Specifications.

Emergency Preparedness

- A violation was issued for not conducting emergency training and requalification as well as annual emergency drills as required by the Technical Specifications.

Follow-up on Previous Open Items

- The issue regarding the evaluation of whether to develop a procedure for evaluating facility changes remains open.

REPORT DETAILS

Summary of Plant Status

The licensee's five watt Aerojet General Nucleonics-201M (AGN) training reactor continues to be maintained in an extended shutdown condition. The licensee plans to upgrade the control system to utilize current digital technologies. During the inspection, the reactor was not operated due to the lack of an operable control console. Records show that the reactor has not been operated since August 25, 1999. The licensee indicated that the main priority of the reactor staff has been to implement a new control system. According to Technical Specification (TS) Section 4.0, *Surveillance Requirements*, "Actions specified in this section are not required to be performed if during the specified surveillance period the reactor has not been brought critical or is maintained in a shutdown condition extending beyond the surveillance period."

1. Organization and Staffing

a. Inspection Scope (Inspection Procedure [IP] 69001)

The inspector reviewed the following regarding the licensee's organization and staffing to ensure that the requirements of the TS Sections 6.1 and 6.2 were being met:

- organization and staffing
- qualifications
- management responsibilities
- administrative controls

b. Observations and Findings

The inspector determined that the organizational structure at the facility had not changed since the previous NRC inspection in September 1999 (NRC Inspection Report 50-059/1999-201). The reactor supervisor (RS) who had been in the position for many years has left the facility and the only other licensed operator has assumed the duties of that position. The current RS is a full time professor and the duties of the RS are conducted on an as needed basis. Due to the constraints of staffing, the department head has appointed a professor as the laboratory facilities manager (LFM). The LFM position is responsible for maintaining the administrative requirements of the facility and for ensuring that the restart of the reactor is kept on a strict schedule.

Through a review of résumés and discussions with personnel, the inspector determined that the staff members satisfied the TS qualification requirements. A review of reactor console records confirmed that the staffing requirements during reactor operations were met.

c. Conclusions

The licensee's organization and staffing remain in compliance with the requirements specified in the TSs.

2. Operations Logs and Records

a. Inspection Scope (IP 69001)

The inspector reviewed the following to ensure that selected records were maintained as required by TS Section 6.10:

- Reactor status updates
- Annual Operating Report of the Texas A&M University AGN-201M Training Reactor, dated June 1, 2001 - May 31, 2002

b. Observations and Findings

The AGN-201M reactor has been undergoing upgrades to different components of the reactor control system. The last date of operation of the reactor was August 25, 1999. Currently, the licensee is reconfiguring the control console to have digital outputs for power and period in addition to having analog scrams to conform to the present safety analysis report. The licensee sent a letter to the NRC on June 16, 2003 stating that the reactor would be ready for restart by September 15, 2003. Due to unforeseen complications, the work on the control console upgrade has been delayed numerous times since the letter was sent to the NRC. The licensee committed to sending a letter to the NRC with an updated schedule of control console upgrade milestones. This issue will be considered by the NRC as an Inspector Follow-up Item (IFI) and will be reviewed during the next inspection at the facility (IFI 50-059/2006-201-01).

During the review of reactor documentation, the inspector noted that there have been no operating logs since 1999 due to the inoperable reactor and there is no TS or procedural requirement for the licensee to maintain a log book. Annual operating reports have not been prepared for the past several years due to the reactor being shut down. The licensee was able to provide the inspector with one annual report for the period of June 1, 2001 - May 31, 2002. The inspector noted that the licensee had not submitted the Annual Reports to the NRC for June 1, 2002 - May 31, 2003, for June 1, 2003 - May 31, 2004 and for June 1, 2004 - May 31, 2005. As specified in TS 6.9.1, "Routine annual operating reports shall be submitted no later than ninety (90) days following the end of the operating year." The licensee has stated that since the reactor is not being utilized, there is no information that can be submitted to the NRC. The licensee was informed that failure to submit annual operating reports required by the TSs was identified as an Unresolved Item¹ (URI) pending corrective actions and implementation of controls to prevent recurrence. This issue will be reviewed during a future inspection (URI 50-059/2006-201-02).

¹An Unresolved Item is a matter about which more information is required to determine whether the issue in question is an acceptable item, a deviation, a nonconformance, or a violation.

c. Conclusions

The reactor has not been operated since August 25, 1999. An IFI was issued to request information regarding the status of the control console upgrades and a URI was issued for failure to submit annual reports .

3. Requalification Training

a. Inspection Scope (IP 69001 & 69002)

The inspector reviewed the following to verify compliance with the requirements in 10 CFR Part 55:

- “Requalification Program for Licensed Reactor Operators and Senior Reactor Operators - Texas A&M University,” modified May 20, 1988
- operator active license status
- training
- operator physical examination records
- reactivity manipulations
- written examination results
- operator active duty status

b. Observations and Findings

The interim RS, who has a senior reactor operator (SRO) license, is currently the only staff member authorized to operate the reactor. The previous RS, who has recently left the facility, also possessed a SRO license. The licensee could not provide the inspector with any requalification records for the interim RS or the previous RS, both of whom have had their SRO licenses since the reactor was previously operational. The required annual written examination and a demonstration of operator proficiency in reactor operation have not been completed. The required medical examinations have not been completed.

10 CFR 55.59(a) states, “Requalification requirements. Each licensee shall –
(1) Successfully complete a requalification program developed by the facility licensee that has been approved by the Commission. This program shall be conducted for a continuous period not to exceed 24 months in duration.
(2) Pass a comprehensive requalification written examination and an annual operating test.”

According to 10 CFR 55.59(b), “Additional training. If the requirements of paragraphs (a) (1) and (2) of this section are not met, the Commission may require the licensee to complete additional training and to submit evidence to the Commission of successful completion of this training before returning to licensed duties.” The licensee committed to submitting a letter to the NRC summarizing their plans to requalify the only licensed operator at the facility. In this letter, the licensee will provide a description of how the operator will become proficient in the operation of the AGN-201M reactor. Currently, the only operator at the facility is not considered to have a valid license due to a lack of participation in the requalification

program. This issue will be considered by the NRC as an IFI and will be reviewed during the next inspection at the facility (IFI 50-059/2006-201-03).

c. Conclusions

Operator requalification was not being conducted as required by the Operator Requalification Program due to the long term shutdown of the reactor facility. An IFI was issued to request information about the licensee's plan to re-qualify the only licensed operator before the reactor is operated again.

4. Radiation Protection Program

a. Inspection Scope (IP 69001)

The inspector reviewed the following to verify compliance with 10 CFR Part 20:

- C Radiological Safety Program Manual, revised March 2000
- C Radiation Protection Program: 2004 Review, dated April 13, 2005
- Contamination Survey Forms for the AGN Complex, dated from 2004 to present
- Personnel and area dosimetry results for 2004 to present
- Certificate of Completion for General Radiological Safety Training, dated September 23, 2004

b. Observations and Findings

(1) Surveys

The inspector reviewed monthly wipe contamination surveys of the AGN reactor facility completed by campus Environmental Health and Safety Department (EHSD) Health Physics (HP) personnel. There were no timeliness requirements for the HP personnel to conduct these surveys. The results were documented on the appropriate forms, evaluated as required, and corrective actions taken when readings or results exceeded set action levels. No elevated readings were discovered during the inspection period.

(2) Postings and Notices

The inspector reviewed the postings at the entrances to the facility controlled areas. The postings were acceptable and indicated the radiation hazards present. Other postings also showed the industrial hygiene hazards present in the areas. The facility's radioactive material storage areas were noted to be properly posted. No unmarked radioactive material was detected in the facility. Copies of current notices to workers required by 10 CFR Part 19 were posted on the bulletin board in the hallway leading to the reactor facility.

(3) Dosimetry

The licensee used a National Voluntary Laboratory Accreditation program-accredited vendor, Landauer, to process personnel dosimetry. Through direct

observation, the inspector determined that dosimetry was acceptably used by facility personnel. For visitors to the facility, no dosimetry is issued for monitoring due to low background readings and no direct exposures to sources.

An examination of the records for the inspection period showed that all exposures were well within NRC limits and within licensee action levels. There are currently two people at the facility that are being monitored. The inspector also reviewed the dosimetry records of the previous RS who has recently left the facility. Monitoring is accomplished by using an optically stimulated luminescence dosimeter (OSLD). All of the personnel associated with the facility received exposures that approximately equal the background radiation levels. For any whole body or extremity exposures that exceed 40 millirem (mrem) in a one month period or 120 mrem per quarter, the badge holder is directly notified requesting an explanation of possible reasons for the deviation. There were no notifications issued to staff at the AGN facility during the inspection period.

(4) Radiation Monitoring Equipment

The calibration of portable survey meters and friskers was typically completed by an outside contractor. There were no fixed radiation detectors installed at the facility. The calibration stickers of portable survey meters and friskers in use at the facility were reviewed. Calibration frequency met the requirements established in the applicable procedures while records were being maintained as required.

(5) Radiation Protection Program

The licensee's Radiation Protection Program was established in an online document. The program required that all personnel who had unescorted access to work in a radiation area or with radioactive material receive training in radiation protection, policies, procedures, requirements, and facilities prior to entry. The inspector verified that licensee staff had received the required radiation protection ("rad worker") training given by EHSD. In addition, the staff with unescorted access to the AGN facility supervise all new employees at the facility until they are given unescorted access.

The inspector also verified that the Texas A&M radiation protection program was being reviewed annually as required. No issues were identified in the audit of the program.

(6) Facility Tours

The inspector toured the Reactor Room and the accompanying laboratories. Control of radioactive material and control of access to radiation and high radiation areas were acceptable. The postings and signs for these areas were appropriate. The inspector also determined that there were no measurable releases of gaseous or liquid radioactive material from the research reactor facility.

(7) Environmental Monitoring

An OSLD dosimeter is placed in the AGN Complex several feet from the reactor facility. A dosimeter is also placed directly outside of the facility in a controlled area. Annual dosimetry records for 2004 show that there was an exposure of less than 1 rem to the AGN room and less than 200 mrem exposure to the room directly outside of the AGN facility. There were no liquid or gaseous effluents discharged from the facility due to the reactor not operating.

c. Conclusions

The inspector determined that: (1) surveys were being completed and documented acceptably, (2) postings met the regulatory requirements specified in 10 CFR Parts 19 and 20, (3) personnel dosimetry was being worn as required and doses were well within the licensee's procedural action levels and NRC's regulatory limits, (4) radiation monitoring equipment was being maintained and calibrated as required, (5) the Radiation Protection Program being implemented by the licensee satisfied regulatory requirements, and (6) effluent monitoring satisfied license and regulatory requirements and releases were within the specified regulatory and TS limits.

5. Design Changes

a. Inspection Scope (IP 69001)

In order to verify that any modifications to the facility were consistent with 10 CFR 50.59 and TS Section 6.4.2, the inspector reviewed:

C procedures requiring review of changes under 10 CFR 50.59

b. Observations and Findings

The inspector verified that administrative controls were in place that required the appropriate review and approval of all changes prior to implementation. The LFM communicated that a 10 CFR 50.59 review will be conducted on the changes made to the control system prior to starting the reactor again. Currently, the control system is at the reactor facility and is connected to the control rods. While testing of the control system is underway, the control rods and their drives are removed from the core, which makes the reactor inoperable. The inspector confirmed with the licensee the need for them to complete the 10 CFR 50.59 review in order to ensure an acceptable design change prior to the restart of the AGN-201M reactor. This issue will be considered by the NRC as an IFI and will be reviewed during the next inspection at the facility (IFI 50-059/2006-201-04).

c. Conclusions

No significant nor minor changes have been evaluated at the facility. An IFI was issued to ensure that the licensee conducts a 10 CFR 50.59 review on the changes being made to the reactor control console.

6. Committees, Audits, and Reviews

a. Inspection Scope (IP 69001 & 69002)

The inspector reviewed the following to ensure that the audits and reviews stipulated in TS Section 6.4 were being completed:

C Reactor Safety Board (RSB) meeting minutes for December 12, 2002

b. Observations and Findings

The composition and meeting frequency of the RSB satisfied the TS requirements. Due to the small size of the AGN reactor, the RSB was responsible for the oversight of the Texas A&M TRIGA Reactor (Docket No. 50-128) as well as the AGN reactor. For a majority of the meeting minutes, little mention was made of the activities conducted at the AGN reactor since the TRIGA Reactor had more activities being conducted. Issues brought up by the RSB were resolved in an appropriate time frame and were noted in RSB meeting minutes.

TS 6.4.3 states, "Audits of facility activities shall be performed at least quarterly under the cognizance of the Reactor Safety Board but in no case by the personnel responsible for the item audited. These audits shall examine the operating records and encompass but shall not be limited to the following: a) The conformance of the facility operation to the Technical Specifications and applicable license conditions, at least annually; b) The Facility emergency plan and implementing procedures, at least every two years, c) The Facility Security Plan and implementing procedures, at least every two years." It appeared that audits had not been conducted since the reactor was last operable in 1999. The licensee has stated that there is very little purpose of conducting an audit of the facility operation conformance to the TSs since there are no licensed activities being conducted at the facility. The licensee was informed that failure to conduct audits of facility operations, emergency preparedness, and security was a violation of TS Section 6.4.3 (VIO 50-059/2006-201-05).

c. Conclusions

Minimal review and oversight functions were being completed by the RSB due to the reactor being maintained in an extended shutdown condition. A violation was issued for failure to complete audits of facility operations, the facility E-Plan, and the facility Security Plan, as required by the TSs.

7. Emergency Preparedness

a. Inspection Scope (IP 69001 & 69002)

The inspector reviewed the following to verify the implementation of the Emergency Plan:

- C Emergency Plan for the Texas A&M University AGN-201M Reactor, dated October 1998

b. Observations and Findings

The Emergency Plan (E-Plan) in use at the AGN facility was the same as the version most recently approved by the NRC, dated October 1998. The inspector verified that the facility and emergency equipment were as described in the E-Plan. The inspector could not determine whether there were implementing procedures that are needed to effectively implement the E-Plan.

E-Plan Section 10.1 states, "This evacuation drill is detailed in and performed in accordance with the AGN-201M Maintenance Procedures, annually, but at intervals not to exceed sixteen (16) months." Contrary to this requirement, the licensee stated that emergency drills had not been conducted annually.

E-Plan Section 10.1 states, "The retraining and re-orientation of facility emergency response personnel are to be included as part of the annual AGN-201M requalification program for reactor operators." The licensee could not find documentation indicating that this training for the reactor staff and emergency responders was being completed.

10 CFR 50.54(q) states, "A licensee authorized to possess and/or operate a research reactor or a fuel facility shall follow and maintain in effect emergency plans which meet the requirements in appendix E to this part." The licensee was informed that failure to conduct annual emergency drills and retraining and reorientation of facility emergency response personnel as required by E-Plan Section 10.1 was a violation of 10 CFR 50.54(q) (VIO 50-059/2006-201-06).

c. Conclusions

A violation was issued for not conducting emergency training and requalification as well as annual emergency drills as required by the TSs.

8. Follow-up on Previous Open Items

a. Inspection Scope (IP 69001)

The inspectors reviewed the actions taken by the licensee following identification of Inspector Follow-up Items during a previous inspection.

b. Observations and Findings

- (1) IFI 059-98-201-02 - Follow-up on the licensee's evaluation of the need for formal written guidance to ensure that any facility change would be done under 10 CFR 50.59 or license amendment as required by TS.

NRC Inspection Report No. 50-059/98-201, dated May 12, 1998, outlined the situation. During that inspection, the inspector noted that unscheduled maintenance or repairs were informally evaluated to decide that it was not a facility change. The Reactor Supervisor stated that they would evaluate the need for formal written guidance. During the inspection conducted on September 27, 1999, the inspector reviewed the situation and found that the licensee was still reviewing the changes to 10 CFR 50.59 requirements to determine the need for formal written guidance to ensure that any facility change would be done under 50.59 or license amendment as required by TS.

During this inspection, the inspector confirmed that the licensee had committed to developing a new procedure that would effectively instruct staff on conducting 10 CFR 50.59 reviews. This issue will still be considered by the NRC as an IFI and will be reviewed during the next inspection at the facility. This issue will remain open.

c. Conclusions

The issue regarding the evaluation of whether to develop a procedure for evaluating facility changes remains open.

9. Exit Interview

The inspection scope and results were summarized on March 7 and 15, and April 19, 2006, with members of licensee management. The inspector described the areas inspected and discussed in detail the inspection findings. No dissenting comments were received from the licensee.

PARTIAL LIST OF PERSONS CONTACTED

Licensee

W. Burchill, Department Head, Nuclear Engineering
W. Charlton, Laboratories Supervisor
D. Menchaca, Radiological Safety Officer

INSPECTION PROCEDURES USED

IP 69001 Class II Research and Test Reactors
IP 69002 Class III Research and Test Reactors

ITEMS OPENED, CLOSED, AND DISCUSSED

Opened

50-059/2006-201-01	IFI	Follow-up to verify that the licensee sends a letter to the NRC with an updated schedule of control console upgrade milestones.
50-059/2006-201-02	URI	Failure to submit annual operating reports in accordance with TS requirements.
50-059/2006-201-03	IFI	Follow-up to verify the licensee sends a plan to the NRC describing how the operator will become proficient in the operation of the AGN.
50-059/2006-201-04	IFI	Follow-up to verify the licensee completes the 10 CFR 50.59 review regarding the control console upgrade.
50-059/2006-201-05	VIO	Failure to conduct audits.
50-059/2006-201-06	VIO	Failure to conduct emergency drills and emergency training

Closed

None

Discussed

50-059/1998-201-02	IFI	Follow-up on the licensee's evaluation of the need for formal written guidance to ensure that any facility change would be done under 10 CFR 50.59 or license amendment as required by TS.
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LIST OF ACRONYMS USED

ADAMS	Agencywide Documents Access and Management System
AGN	Aerojet General Nucleonics
CFR	Code of Federal Regulations
E-Plan	Emergency Plan
EHSD	Environmental Health and Safety Department

HP	Health Physics
IFI	Inspector Follow-up Item
IP	Inspection Procedure
LFM	Laboratory Facilities Manager
MREM	millirem
NRC	Nuclear Regulatory Commission
OSLD	Optically Stimulated Luminescence Dosimeter
RS	Reactor Supervisor
RSB	Reactor Safety Board
SRO	Senior Reactor Operator
TS	Technical Specifications
URI	Unresolved Item