

October 22, 2015

IA-15-054

Mr. Greg Stasny
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390(a)]

SUBJECT: NOTICE OF VIOLATION – U.S. NUCLEAR REGULATORY COMMISSION
INVESTIGATION REPORT NO. 4-2014-010

Dear Mr. Stasny:

This letter refers to the investigation completed on December 1, 2014, by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) at the Texas A&M Nuclear Science Center (Texas A&M NSC), College Station, Texas. The purpose of the investigation was to determine whether you, the manager of reactor operations, willfully falsified the May 14, 2013, reactor operations log shutdown checklist on May 15, 2013. The investigation examined whether you willfully certified the required shutdown procedures were performed, although you knew they had not been done. A factual summary of the investigation, as it pertains to your actions, was issued as an enclosure to our letter dated September 11, 2015.

In the letter transmitting the factual summary of the OI report, we provided you the opportunity to address the apparent violation identified in the report by either attending a predecisional enforcement conference or an alternative dispute resolution (ADR) meeting or by providing a written response before we made our final enforcement decision. In a letter dated October 7, 2015, you provided a response to the apparent violation.

Based on the information developed during the investigation and the information that you provided in your response to the September 11, 2015, letter the NRC has determined that a deliberate violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) (Enclosure 1). You engaged in deliberate misconduct by submitting information that you knew to be inaccurate causing Texas A&M NSC to be in violation of 10 CFR 50.9, "Completeness and accuracy of information," paragraph (a), states, in part, that information required by the Commission's regulations, orders, or license conditions to be maintained shall be accurate in all material respects. Specifically, on or after May 15, 2013, you falsified the reactor operations log shutdown checklist for May 14, 2013. Enclosure 2 includes a copy of the letter and Notice of Violation and Proposed Imposition of Civil Penalty issued to Texas A&M NSC.

Given the significance of the underlying issue and the deliberate nature of your actions, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III. You should be aware that if you are involved in NRC-licensed activities in the future, additional deliberate violations could result in more significant enforcement action or criminal action.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in your letter received October 7, 2015. 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.

If you disagree with this enforcement sanction, you may request ADR with the NRC in an attempt to resolve this issue. The NRC is offering this option to you because your actions rose to a Severity Level III, which the NRC considers particularly significant. ADR is a general term encompassing various techniques for resolving conflict outside of court using a neutral third party. The technique that the NRC has decided to employ is mediation. In mediation, a neutral mediator with no decision-making authority helps parties clarify issues, explore settlement options, and evaluate how best to advance their respective interests. The mediator's responsibility is to assist the parties in reaching an agreement. However, the mediator has no authority to impose a resolution upon the parties. Mediation is a confidential and voluntary process. If the parties to the ADR process (the NRC and the licensee/individual) agree to use ADR, they select a mutually agreeable neutral mediator and share equally the cost of the mediator's services.

Generally, the NRC is willing to discuss the resolution of three potential issues: 1) whether a violation occurred; 2) the appropriate enforcement action; and 3) the appropriate corrective actions for the violation(s). Additional information concerning the NRC's ADR program can be found at <http://www.internal.nrc.gov/OE/ADR/post-invest-adr-home.html>. The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as an intake neutral. Intake neutrals perform several functions, including: assisting parties in determining ADR potential for their case, advising parties regarding the ADR process, aiding the parties in selecting an appropriate mediator, explaining the extent of confidentiality, and providing other logistic assistance as necessary. Please contact the ICR at (877) 733-9415 within 10 days of the date of this letter if you are interested in pursuing this issue through the ADR program.

In accordance with 10 CFR 2.390, "Public inspections, exemptions, request for withholding," a copy of this letter, its enclosure(s), and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>). In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. This system, which is not publicly-accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not.

G. Stasny

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The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

If you have any questions, please contact Dr. Kevin Hsueh at 301-415-7256.

Sincerely,

/Mirela Gavrilas for RA/

Lawrence E. Kokajko, Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 55-06064
License No. 70724

Enclosures:

1. Notice of Violation
2. Letter and Notice of Violation and Proposed
Imposition of Civil Penalty issued to Texas A&M NSC

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

G. Stasny

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

| ADAMS Accession No.: ML15279A633 *concurrence via e-mail | | | | NRR-106 |
|---|---------------|-----------------|----------------|-----------------------------|
| OFFICE | NRR/DPR/PROB* | NRR/DPR/LA | NRR/DIRS/IPAB* | OGC/NLO* |
| NAME | GMorlang | NParker | LCasey | PJehle |
| DATE | 10/21/2015 | 10/20/2015 | 10/20/2015 | 10/20/2015 |
| OFFICE | OE/EB* | NRR/DPR/PROB/BC | NRR/DPR/DD* | NRR/DPR/D* |
| NAME | RFretz | KHsueh | MGavrilas | (MGavrilas for) LKokajko |
| DATE | 10/20/2015 | 10/16/2015 | 10/22/2015 | 10/22/2015 |

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Mr. Greg Stasny
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390(a)]

Docket No. 55-06064
License No. 70724
IA-15-054

During an U.S. Nuclear Regulatory Commission (NRC) investigation completed on December 1, 2014, a violation of NRC requirements was identified. In accordance with the NRC's Enforcement Policy, the violation is listed below:

Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.5, "Deliberate misconduct," paragraph (a), states, in part, that an employee of a licensee may not engage in deliberate misconduct that causes a licensee to be in violation of any rule, regulation or order; or any term, condition, or limitation of any license issued by the Commission. In addition, it states, in part, that an employee of a licensee may not deliberately submit to the NRC or a licensee information that the person submitting the information knows to be inaccurate in some respect material to the NRC.

10 CFR 50.9, "Completeness and accuracy of information," paragraph (a), states, in part, that information required by the Commission's regulations, orders, or license conditions to be maintained shall be complete and accurate in all material respects.

10 CFR 50.21, "Class 104 licenses; for medical therapy and research and development facilities," states, in part, that a class 104 license will be issued, to a production or utilization facility, which is useful in the conduct of research and development activities, for any one or more of the following: to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, or use.

10 CFR 50.36, "Technical specifications," paragraph (b), states, in part, "Each license authorizing operation of a production or utilization facility of a type described in § 50.21 or § 50.22 will include technical specifications." Paragraph (c), states, in part, "Technical specifications will include items in the following categories: (1) Safety limits, limiting safety system settings, and limiting control settings..., (2) Limiting conditions for operations..., and (5) Administrative controls...."

Technical Specification (TS) 6.3, "Operating Procedures," requires, in part, operating procedures shall be in effect for the startup, operation, and shutdown of the reactor.

Texas A&M NSC established Standard Operating Procedure NSC Form 112 1-73, "Reactor Shutdown," as the implementing procedure for reactor shutdown. Section 2.a of the procedure states, in part, "The SRO [Senior Reactor Operator] will instruct the RO [Reactor Operator] to shutdown the reactor." It also states, in part, that the RO will then: "Record the shutdown in the operations log," and "...visually verify all rods are down." Section 2.c of the procedure states, in part, "Following the last shutdown of the day, the 'Daily Reactor Shutdown Checkoff' section of the reactor operations log will be completed...."

The Daily Reactor Shutdown Checkoff contained checklist items that paralleled, in part, those of Section 2.a of Standard Operating Procedure NSC Form 112 1-73, such as, "Visually check all rods down."

Contrary to the above, on or after May 15, 2013, you engaged in deliberate misconduct by deliberately submitting information that you knew to be inaccurate and that caused the licensee to be in violation of 10 CFR 50.9. Specifically, you documented the completion of the 'Daily Reactor Shutdown Checkoff' section of the reactor operations log without performing the shutdown actions required by Section 2.a of Standard Operating Procedure NSC Form 112 1-73, which is a procedure required by TS 6.3.a. This record was material to the NRC because it provides evidence of compliance with the TS, which was established in compliance with 10 CFR 50.36 because the licensee holds a class 104 license pursuant to 10 CFR 50.21.

This is a Severity Level III violation (NRC Enforcement Policy Section 6.9).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in your letter received October 7, 2015. However, 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. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, IA-15-054, and send it to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville, MD 20852-2738, with a copy to the Director, Office of Nuclear Reactor Regulation, and the Document Control Desk, Washington, DC 20555-0001 within 30 days of the date of the letter transmitting this Notice.

If you contest this enforcement action, you should 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.

Your response, if you choose to provide one, will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System, accessible from the NRC's 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. This letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals.

The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC's Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Dated this 22nd day of October 2015.