



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 31, 2018

IA-18-038

Mr. Brycen Roy
[NOTE: HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

SUBJECT: NOTICE OF VIOLATION - U.S. NRC INVESTIGATION REPORTS
4-2017-027 AND 4-2018-005

Dear Mr. Roy:

This letter refers to two investigations completed on January 18, 2018, and June 12, 2018, by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) at the U.S. Geological Survey (USGS) Training Research Isotopes General Atomic (TRIGA) Research and Test Reactor (reactor) facility. The purpose of these investigations was to determine whether you, the USGS TRIGA reactor supervisor, willfully submitted information known to be incomplete and inaccurate to the NRC and willfully failed to follow technical specifications by placing the reactor in an unsecure state without meeting the minimum staffing requirements. A factual summary of the investigations, as it pertained to your actions, was issued as an enclosure to our letter dated September 18, 2018, Agencywide Documents Access and Management System (ADAMS) Accession No. ML18255A327.

In the letter transmitting the factual summary of the investigation reports, we provided you the opportunity to address the apparent violations identified in the letter by attending a predecisional enforcement conference (PEC), participating in alternative dispute resolution (ADR), or providing a written response before we made our final enforcement decision. On October 25, 2018, you attended a PEC at the NRC Headquarters office in Rockville, Maryland to discuss your perspective on the apparent violations, their causes, and corrective actions. The conference was closed to public observation pursuant to NRC practice for OI cases that have not been publicly disclosed.

Based on the information developed in the investigations and the information that you provided during the conference, 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). The violation involves you deliberately submitting information that you knew to be inaccurate. Specifically, on approximately April 11, 2017, you prepared documents indicating that all operators had completed their requalification training, as required by the Title 10 of the *Code of Federal Regulations* (10 CFR) 55.59, when the required training had not taken place. You then provided these documents to the NRC inspector.

Your deliberate actions caused U.S. Geological Survey to be in violation of 10 CFR 50.9, "Completeness and accuracy of information," and 10 CFR 55.59, "Requalification," and caused you to be in violation of 10 CFR 50.5, "Deliberate Misconduct." Enclosure 2 includes a copy of the letter and Notice of Violations and Proposed Imposition of Civil Penalty issued to U.S. Geological Survey. Given the significance of the underlying issue and deliberate nature of your actions, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III.

Based on the information developed in the investigations and the information provided at the PEC, the NRC determined that you did not engage in deliberate misconduct by failing to meet a U.S. Geological Survey Technical Specification 6.1.3, "Staffing," although a non-willful violation of USGS Technical Specification 6.1.3, "Staffing," occurred as documented in the Notice of Violations and Proposed Imposition of Civil Penalty issued to USGS (Enclosure 2).

In determining the appropriate sanction to be issued for these cases, the NRC considered issuing an Order prohibiting your involvement in NRC-licensed activities as a result of your actions. However, after considering the circumstances of these cases, including the safety significance of the violation involving your deliberate submittal of inaccurate information; USGS's action regarding your wrongdoing, which included suspending your physical access to the reactor facility; and the NRC's determination that you did not deliberately violate USGS Technical Specification staffing requirements, I have decided to issue the enclosed Notice of Violation. 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.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Instead of providing a response to the Notice, you may request Alternative Dispute Resolution (ADR) with the NRC in an attempt to resolve this issue. This request must be made within 30 days of the issuance date of the Notice. Alternative dispute resolution 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. Additional information concerning the NRC's program is described in the enclosed brochure (NUREG/BR-0317) and can be obtained at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>. The Institute on Conflict Resolution at Cornell University has agreed to facilitate NRC's program as an intake neutral.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, 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. 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 Mr. Juan Peralta of my staff at (301) 287-9510.

Sincerely,

/RA/

Anne T. Boland, Director
Office of Enforcement

Docket No. 55-70899
License No. SOP-70585

Enclosures:

1. Notice of Violation
2. Notice of Violation and Imposition of Civil penalty to U.S. Geological Survey

SUBJECT: NOTICE OF VIOLATION - U.S. NRC INVESTIGATION REPORTS
4-2017-027 AND 4-2018-005. DATED: 12/31/2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADAMS Accession No: ML18354B075

***Concurred via e-mail**

OFFICE	NRR/DIRS	OGC	NRR/DLP	OE
NAME	LCasey	LBaer	LLund	ABoland
DATE	12/19/18	12/19/18	12/19/18	12/31/18

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Mr. Brycen Roy
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390(a)]

Docket No. 55-70899
License No. 70585
IA-18-038

During an U.S. Nuclear Regulatory Commission (NRC) investigation completed on January 18, 2018, 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)(2) 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 § 55.59, "Requalification," paragraph (a)(1) states that each licensee shall 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.

"Reactor Operation Requalification Program Manual, U.S. Geological Survey TRIGA Reactor," the licensee's method of satisfying the requalification training requirements of 10 CFR § 55.59, states, "A minimum of two training meetings shall be scheduled during each requalification year."

Contrary to the above, you deliberately submitted to the NRC information that you knew to be inaccurate in some respect material to the NRC. Specifically, on April 11, 2017, you deliberately prepared false documents indicating that all operators had completed all their requalification training, as required by 10 CFR § 55.59, when the required training had not been completed. You then provided these documents to the NRC inspector during an inspection at the USGS TRIGA reactor facility in April 2017. Your actions caused the licensee to be in violation of 10 CFR § 50.9 and 10 CFR § 55.59.

This is a Severity Level III violation (NRC Enforcement Policy Section 6.4, 6.9)

Pursuant to the provisions of 10 CFR 2.201, Mr. Brycen Roy is hereby is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: 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 of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; IA-18-038" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will

be taken; and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued requiring information as to 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.

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.

Your response will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's Agencywide Document 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. 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. 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. 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>.

Dated this 31st day of December 2018