



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

November 19, 2019

EA-19-071

Dr. Audrey Bilger
President of Reed College
3203 Southwest Woodstock Boulevard
Portland, Oregon 97202-8199

SUBJECT: NRC INVESTIGATION REPORTS 4-2016-022 AND 4-2017-023

Dear Dr. Bilger:

This letter refers to the investigations completed on March 15, 2019, and September 26, 2019, by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) at the Reed Research Reactor (RRR) located in Portland, OR. The purpose of the investigations, in part, was to determine if an employee of Reed College (licensee) willfully provided information that was known to be incomplete and inaccurate to the NRC, and if the employee willfully failed to fully implement the requirements of the Reed College operating license. A factual summary of the investigations is provided as Enclosure 1.

Based on the results of the investigations, apparent violations were identified and are being considered for escalated enforcement action in accordance with the NRC's Enforcement Policy. The current Enforcement Policy can be found on the NRC's public web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The apparent violations being considered for escalated enforcement involve Reed College's failure to provide information to the Commission that is complete and accurate in all material respects, in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.9(a), "Completeness and accuracy of information," and violations of NRC Order EA-07-074 and of Reed College Operating License R-112, License Condition 2.C.(3). The apparent violations being considered for escalated enforcement action are summarized in Enclosure 2.

Before the NRC makes its enforcement decision, we are providing you an opportunity to: (1) respond in writing to the apparent violations addressed in this letter; (2) request a predecisional enforcement conference (PEC) to be held at NRC Headquarters in Rockville, MD; or (3) request alternative dispute resolution (ADR) mediation. If a PEC is held, the meeting will be closed to public observation since information related to an OI report will be discussed, and the report has not been made public. Please contact Mr. Anthony Mendiola at (301) 415-1054, or Mr. Juan Peralta at (301) 287-9510, within 10 days of the date of this letter to notify the NRC of which option you plan to use. If you decide to participate in a PEC or pursue ADR, a PEC should be held within 30 calendar days, and an ADR session within 45 calendar days, of the date of this letter.

Documents transmitted herein contain security-related information. When separated from its enclosures, this document is decontrolled.

Dr. A. Bilger

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If you choose to provide a written response, it should be clearly marked as a "Response to Apparent Violations, NRC Investigation Reports 4-2016-022 and 4-2017-023; EA-19-071" and should include for the apparent violations: (1) the reason(s) for the apparent violations or, if contested, the basis for disputing the apparent violations; (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. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. Your response should be addressed to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this letter.

If you choose to request a PEC, the meeting should be held within 30 calendar days of the date of this letter. The conference will afford you the opportunity to provide your perspective on these matters and any other information that you believe the NRC should take into consideration before making an enforcement decision. The decision to hold a PEC does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference would be conducted to obtain information to assist the NRC in making an enforcement decision. The topics discussed during the conference may include information to determine whether a violation occurred and whether willfulness is involved, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned.

In lieu of a PEC, you may also request ADR with the NRC in an attempt to resolve this issue. Alternative dispute resolution is a general term encompassing various techniques for resolving conflicts using a neutral third party. The technique that the NRC has decided to employ is mediation. Mediation is a voluntary, informal process in which a trained neutral mediator works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions. Mediation gives parties an opportunity to discuss issues, clear up potential misunderstandings, be creative, find areas of agreement, and reach a final resolution of the issues. If you choose to pursue ADR, the ADR mediation session should be held within 45 calendar days of the date of this letter.

Additional information concerning the NRC's ADR program can be obtained from our web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>, as well as NRC brochure NUREG/BR-0317, "Enforcement Alternative Dispute Resolution Program," Revision 2 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18122A101). The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as a neutral third party. You must contact ICR at 877-733-9415 within 10 calendar days of the date of this letter if you are interested in pursuing resolution of this issue through ADR. Additionally, as previously stated, please contact Mr. Anthony Mendiola or Mr. Juan Peralta at the numbers shown above within 10 calendar days of the date of this letter if you choose to participate in ADR.

If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision.

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In addition, please be advised that the number and characterization of the apparent violations described in the Enclosure 2 may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter and your responses, if you choose to provide them, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's ADAMS, accessible from the NRC Web site at <https://www.nrc.gov/reading-rm/adams.html>. However, because of the security-related information contained in the enclosures, and in accordance with 10 CFR 2.390(d), a copy of this letter's enclosures will not be available for public inspection. To the extent possible, any response which you provide should not include any personal privacy, proprietary information or security-related information so that it can be made available to the public without redaction. You should also be aware that all final NRC documents, including the final OI report, are official agency records and may be made available to the public under the Freedom of Information Act, subject to redaction of certain information in accordance with the Freedom of Information Act.

If you have any questions regarding this matter, you may contact Mr. Anthony Mendiola, Chief, Non-Power Production and Utilization Facilities Oversight Branch at (301) 415-1054, or Mr. Juan Peralta, Chief, Enforcement Branch at (301) 287-9510.

Sincerely,

/RA/

George A. Wilson, Director
Office of Enforcement

Enclosures (non-public):

1. Factual Summary
2. Apparent Violation

~~OFFICIAL USE ONLY – SECURITY-RELATED INFORMATION~~

Dr. A. Bilger

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DATED: NOVEMBER 19, 2019

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Non-Sensitive

ADAMS ACCESSION NUMBER: ML19330E777

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DATE	11/13/2019	11/13/2019	11/13/2019	11/13/2019	11/13/2019
OFFICE	OE:BC	OE:DD	OE:D		
NAME	JPeralta	FPeduzzi	GWilson		
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DATE	11/13/2019	11/18/2019	11/19/2019		

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