



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

September 24, 1991

50-274

Dr. Dale E. Klein
Office of the Dean
College of Engineering
The University of Texas at Austin
Austin, Texas 78712-1080

Dear Dr. Klein:

Thank you for your letter of July 17, 1991, expressing concerns regarding a recent NRC inspection at the USGS research reactor near Denver, Colorado. I appreciate your willingness to bring these matters to my attention because the NRC desires to have inspections conducted in accordance with accepted standards of conduct and published regulations. Like you, our desire is that the USGS facility be operated in a safe manner and in compliance with all NRC regulations, and we believe that the inspection of June 17-30, 1991 contributed to the agency's program for ensuring and improving safety rather than having the opposite effect. In response to your letter, I have addressed below the specific issues raised and conveyed to you the results of a management review of this matter that I directed be done.

In reading your letter, it appeared that your primary concern centered on Mr. Roger Pedersen's behavior during the inspection and the licensee's perception that he was trying to impose his own philosophy on how a research reactor should be operated. Our review of the inspection activities indicates that Mr. Pedersen did not intend to impose personal philosophy and standards on the licensee nor did any such imposition occur. We acknowledged that Mr. Pedersen was aggressive in his inspection activities, but feel that he was properly focused on a rigorous pursuit of technical issues and regulatory concerns.

As to the specific items in your letter, please let me convey to you the results of our management review:

1. Dr. Nicholas was the "primary inspector" throughout the operation. The focus on the safety issues raised by Mr. Pedersen might have caused the licensee to conclude that he had become the "primary inspector," but this was not the case.
2. Mr. Pedersen's manner probably was inconsistent with past inspections, and I would attribute this to differences in style and technique. It has been acknowledged that Roger was an aggressive inspector, but I do not believe inappropriately so. In discussions with the inspectors, the NRC has concluded that their primary motive was "to ensure that the facility (was) being operated in a safe and compliant manner." If an adversarial atmosphere was created, I believe it was inadvertently caused by Mr. Pedersen's vigorous pursuit of issues, not by a lack of knowledge and experience with research reactor inspections. However, it is acknowledged that he was not

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qualified as a nonpower reactor inspector but was knowledgeable in the specific areas assigned to him for review by Dr. Nicholas.

3. Our review of this particular issue indicated that Mr. Pedersen did not impose personal standards and opinions about the facility during the inspection. He did articulate standards of practice and regulatory positions that reflect current agency requirements. It did not appear that any of the positions taken by the inspectors were inconsistent with present research reactor regulations or the licensee's technical specifications.
4. It is true that Mr. Pedersen's recent training and experience at NRR were not oriented to research reactor operation, and it is acknowledged that extra licensee staff effort was required to explain specific aspects of the USGS reactor operation to him. However, Mr. Pedersen's background includes a Nuclear Engineering degree from North Carolina State University and experience with the research reactor at that institution. As to the incorrect reactivity insertion rate calculations, I believe this resulted from a misunderstanding by the reactor supervisor. Notwithstanding the above, I consider it part of our statutory authority and responsibility to acquaint and train inspectors on facilities as part of an ongoing process, and in the particular case at USGS, this was done under the direct authority of a qualified inspector.
5. In reviewing the three specific actions you identified, we determined that there were extenuating circumstances that seem to place these incidents in a somewhat different light.
 - a. Mr. Pedersen had been taken to the files the first time by Mr. DeBey and shown where various records were located. This seemed to indicate that Mr. Pedersen would be free to use them again as required, provided that he returned the material and restored the files to the as-found condition. Mr. Pedersen has assured me that all files were returned after use and left in the same condition that they were found. It was not his understanding that he was to obtain licensee permission every time he went to use their files.
 - b. The only items removed from Mr. DeBey's desk while the office was empty was the one official copy of the operational manual and a copy of Title 10. In the first instance, Mr. Pedersen had been referred to the manual on Mr. DeBey's desk by the reactor operator because it was the only complete official copy available. Also, Mr. Pedersen utilized the document in that room and it never left Mr. DeBey's office. In the second instance, Mr. Pedersen needed to verify the wording of 10 CFR 50.59 and went to Mr. DeBey's office to use his copy of Title 10. Mr. DeBey was not in the office at the time, but Mr. Pedersen saw the document and carried it to his work station long enough to copy the applicable information before returning it. It would appear that because Mr. DeBey made no comment about the first instance when it occurred, Mr. Pedersen mistakenly felt that he could make use of the second document without prior permission. This was a presumption on Mr. Pedersen's part that was not intended to violate anyone's privacy or personal property rights.

- c. Although Mr. Pedersen had not received any instructions or seen any postings regarding entrance to the reactor room, he stated that he had informed Mr. DeBey and the two reactor operators who were having a discussion at the console before he entered the reactor room. Apparently they did not hear his statement that he was going in because Mr. Pedersen acknowledges that he did not receive a reply from them. This caused them to conclude that he had entered the reactor room without permission whereas from Mr. Pedersen's perspective, he felt that they had understood his intention to go into the reactor room to retrieve a notebook and had given tacit approval. I have concluded that this particular event occurred as a result of miscommunication and misunderstanding.

Once again, we acknowledge that all three of these incidents did occur, but feel that when placed in proper context they do not represent inappropriate performance but isolated actions that were not intended to violate licensee procedures or work practices.

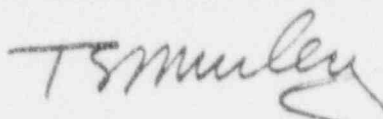
In summary, we acknowledge that tension developed between the licensee and the NRC inspectors during the inspection at USGS, and feel that the particular circumstance resulted from a misunderstanding between Mr. Pedersen and licensee personnel with regard to intent and responsiveness. We do not agree with your assertion that an untrained individual took charge of the inspection. It is not our intent to have adversarial attitudes develop during inspections, and the NRC strives to avoid that kind of situation. I share your desire that NRC inspectors and reactor operators focus on safety and compliance with important safety requirements. I feel that the inspection of June 17-20, 1991 achieved this objective. I appreciate and value your assessment that the staff at USGS is dedicated to the safe operation of their facility.

Finally, it is the agency's position that licensees not be required to meet standards in excess of published regulations and requirements, and it is my belief that USGS has not been, nor will be coerced into meeting any new or unpublished requirements as a result of the June 17-20, 1991 inspection.

The NRC is aware of the many concerns that the non-power reactor community has identified in the past regarding non-power reactor regulation. We have committed to a program of trained inspectors and inspections that are directed toward those areas that are safety significant. This program is currently being implemented and training courses for non-power reactor inspections are being conducted at our Technical Training Center in Chattanooga, Tennessee.

Thank you again for your letter and the opportunity to respond to your concerns. If you have any questions, please feel free to call me.

Sincerely,



Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Dr. Dale E. Klein

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