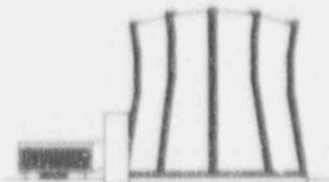


TEXAS ENGINEERING EXPERIMENT STATION

TEXAS A&M UNIVERSITY  
COLLEGE STATION, TEXAS 77843-3574

April 27, 1992



NUCLEAR SCIENCE CENTER  
409/845-7551  
92-267

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555

Docket No: 50-128, License R-83

SUBJECT: Licensee Reply to Notice of Violation dated April 9, 1992  
(NRC INSPECTION REPORT 50-128/92-01)

Dear Sir:

The following response is submitted by the Texas Engineering Experiment Station (Licensee), a part of the Texas A&M University System in regard to the notice of violation issued on April 9, 1992 by the U.S. Nuclear Regulatory Commission, Region IV office.

Stated Violation

- A. Texas A&M University license condition II.B.(3) states "pursuant to the Act and 10 CFR, Chapter I, Part 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material," to receive, possess and use in connection with operation of the reactor a twenty (20) curie encapsulated plutonium-beryllium neutron source and a three (3) curie americium-beryllium neutron source and to possess but not separate such byproduct material as may be produced by operation of the reactor." Contrary to the license condition the NSC possessed several sealed sources which were not produced by the operation of the reactor.

Licensee Response

- A. The licensee admits to the storage of radioactive material not produced by the reactor at the facility. The Nuclear Science Center staff believed that since they had been issued a sublicense by the Office of Radiological Safety (ORS) for the possession of radioactive material at the NSC that this storage of material was lawful. It was not the NSC management's intention to willfully violated the regulations.

When a sublicense is issued by the ORS, the new licensee does not commonly receive a copy of the entire university license, but rather a notice on what their individual sublicense will allow them.

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Discussion of the matter with the ORS revealed the following information. In the past, the State of Texas license did not exclude the NSC as an authorized storage location. When the ORS had the license amended in 1991, this unsolicited change was made by the State of Texas to resolve the past confusion between the Nuclear Regulatory Commission and the State over responsibility for material at the NSC.

#### Corrective Action

- A. After discussing the issue with the Office of Radiological Safety, it was determined that the most cost effective method of resolving the issue was to request an amendment to the State of Texas license. This amendment request will be to allow storage of radioactive material not generated by the reactor at the NSC. A letter requesting this change to the license by the ORS on March 16, 1992. Discussions between the ORS and the State of Texas indicated this request for amendment will be approved.

#### Stated Violation

- B. 10 CFR 50.54(q) requires that a licensee authorized to possess and operate a research reactor shall follow and maintain in effect emergency plans. Section 3.1.11 of the Emergency Plan approved November 1982 requires that fireman be trained annually in the basic principles of radiation protection and the Nuclear Science Center emergency procedures. Contrary to the above, the inspector determined that the licensee had not conducted training for fire department personnel since September 1990.

#### Licensee Response

- B. The licensee believes that the training was performed, but has been unable to locate the attendance sheets to verify performance of the training. The individual responsible for the training left the organization shortly after the period it is believed the training occurred. Since the licensee is unable to locate the verifying paperwork, the finding of violation must be accepted.

It is the opinion of the NSC management that the root cause of the problem was structure of the management tracking system. The system used at the time of the inspection consisted of a list of action items kept by the Director which indicated when tasks needed to be completed. With the recent reorganization of the NSC and the appointment of a new Director, these items were not tracked to completion, including verification that the correct paperwork was filed. Audits by the Reactor Safety

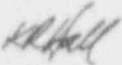
Board would have disclosed the missing training forms.

Corrective Action

- B. Because the paperwork cannot be found, the licensee has scheduled with the College Station Fire Department to conduct training on the Emergency Plan to all three shifts. These training sessions will be performed on May 12, 13 and 14. In addition, the licensee has created a Management Overview Program (MOP) database for tracking biennial, annual and semiannual routines to ensure their timely completion. This database will be administered by the Administrative Services Staff.

Should there be any questions regarding this reply, please contact me at (409) 845-3357 or Dr. W. D. Reece, Director, Nuclear Science Center at (409) 845-7551.

Respectfully submitted,

  
Kenneth R. Hall  
Deputy Director  
Texas Engineering Experiment Station

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Texas Engineering Experiment Station  
Texas A&M University

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