

ENCLOSURE

NOTICE OF VIOLATION

Texas A&M University System
Texas Engineering Experiment Station

Docket No.: 50-128
License No.: R-83

During an NRC inspection conducted on March 17-21, 1997, eight violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

- A. 10 CFR 55.59(c) requires that the facility licensee have a reactor operator requalification program reviewed and approved by the Commission.
10 CFR 55.59(c)(2) requires that the operator requalification program include lectures.

"The Nuclear Science Center Reactor Operator and Senior Reactor Operator Requalification Program," Revision III (June 1979), states that one or more lectures will be scheduled within a 4-month interval to cover a topic selected from a list included in the requalification plan.

Contrary to the above, no lectures were scheduled between October 18, 1995, and July 14, 1996.

This is a Severity Level IV violation (Supplement I)(50-128/9701-01).

- B. 10 CFR 55.59(a)(1) requires that each licensee operator successfully complete a requalification program developed by the facility licensee that has been approved by the commission.

10 CFR 55.59(c)(2) requires that the requalification program include preplanned lectures on a regular and continuing basis.

Contrary to the above, one or more reactor operators did not attend four lectures that were a part of the requalification program in 1996. One or more reactor operators did not attend two lectures that were of the requalification program presented in 1997.

This is a Severity Level IV violation (Supplement I)(50-128/9701-02).

- C. 10 CFR 55.21 requires that operators have a physical examination every 2 years.

Contrary to the above, four reactor operators did not have physical examinations every 2 years.

This is a Severity Level IV violation (Supplement I)(50-128/9701-03).

- D. Technical Specification 6.2.4 states that reactor safety board, or a subcommittee thereof, shall audit reactor operations and radiation protection programs at least quarterly, but at intervals not to exceed 4 months.

Technical Specification 6.2.4(a) states that facility operations, including radiation protection, shall be audited at least once per year, not to exceed 15 months. Technical Specification 6.2.4(c) requires that the facility security plan and records be audited at least once per calendar year, not to exceed 15 months.

Contrary to the above, no audits were performed during the first quarter of 1995. No audits were performed during the first two quarters of 1996. The interval between audits exceeded 15 months.

This is a Severity Level IV violation (Supplement I)(50-128/9701-04).

- E. 10 CFR 20.1501(a) requires each licensee to make or cause to be made surveys that may be necessary for the licensee to comply with the regulations in 10 CFR Part 20 and are reasonable under the circumstances to evaluate the extent of radiation levels and the potential radiological hazards that could be present.

Contrary to the above, radiation surveys were not performed in the waste storage building until March 27, 1997.

This is a Severity Level IV violation (Supplement IV)(50-128/9701-05).

- F. 10 CFR 20.1301(a)(1) requires that each licensee conduct operations so that the total effective dose equivalent to individual members of the public from the licensed operation does not exceed 0.1 rem (100 millirems) in a year, exclusive of the dose contributed from background radiation.

10 CFR 20.1302(b) states that a licensee shall show compliance with the annual dose limit in 10 CFR 20.1301 by (1) demonstrating by measurement or calculation that the total effective dose equivalent to the individual likely to receive the highest dose from the licensed operation does not exceed the annual dose limit; or (2) demonstrating that (i) the annual concentrations or radioactive material released in gaseous and liquid effluents at the boundary of the unrestricted area do not exceed the values specified in Table 2 of Appendix B to Part 20; and (ii) if an individual were continuously present in an unrestricted area, the dose from external sources would not exceed 0.002 rem in an hour and 0.05 rem in a year.

Contrary to the above, the licensee did not demonstrate compliance with annual dose limits for individual members of the public. Thermoluminescent dosimeter results confirmed that two locations in unrestricted areas received 198 millirems and 117 millirems in 1996 and one location received 123 millirems in 1995.

This is a Severity Level IV violation (Supplement IV)(50-128/9701-06).

- G. License Condition II.B.(3) allows the licensee to receive, possess, and use in amounts as required, any byproduct material, without restriction to chemical or physical form, for analysis or instrument calibration.

Contrary to the above, since February 23, 1994, the licensee possessed byproduct material, contained in reactor components from another site, that was not used for analysis or instrument calibration.

This is a Severity Level IV violation (Supplement I)(50-128/9701-07).

- H. 10 CFR 50.54(q) requires that a licensee authorized to possess and/or operate a research reactor follow and maintain in effect emergency plans which meet the requirements of 10 CFR Part 50, Appendix E. 10 CFR Part 50, Appendix E, Section IV.F., requires the plan to provide for exercising by periodic drills.

Section 10.2 of the "Emergency Plan for the Nuclear Science Center," Revision 1 (September 1995), states that onsite emergency drills will be conducted annually to test the adequacy of emergency procedures and to ensure that emergency organization personnel are familiar with their duties.

Contrary to the above, an onsite emergency drill was not conducted in 1996.

This is a Severity Level IV violation (Supplement VIII)(50-128/9701-08).

Pursuant to the provisions of 10 CFR 2.201, Texas Engineering Experiment Station is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, 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" 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 to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or 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.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at Arlington, Texas
this 29th day of May 1997