

*Official*

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Docket No. 50-160  
License No. R-97  
EA 88-32

Georgia Institute of Technology  
ATTN: Dr. J. P. Crechine, President  
225 North Avenue  
Atlanta, GA 30332

Gentlemen:

SUBJECT: ENFORCEMENT CONFERENCE SUMMARY - GEORGIA INSTITUTE OF TECHNOLOGY  
RESEARCH REACTOR, DOCKET NO. 50-160  
(NRC OFFICE OF INVESTIGATIONS REPORT NO. 2-88-003)

This letter refers to the Enforcement Conference held at our request on September 19, 1988. This meeting concerned activities authorized for your Georgia Institute of Technology (GT), Neely Nuclear Research Center (NNRC) facility. The issues discussed at this conference related to NRC concerns with the freedom of NNRC personnel to report safety concerns to GT management or to the NRC, without fear of reprisal, in accordance with 10 CFR 50.7. A list of attendees and a conference summary are enclosed. We are continuing our review of these issues to determine if enforcement action is warranted.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosures will be placed in the NRC Public Document Room.

Should you have any questions concerning this matter, please contact us.

Sincerely,

Malcolm L. Ernst  
Acting Regional Administrator

Enclosures:

1. List of Attendees
2. Enforcement Conference Summary

cc w/encls:

✓ A. P. Sheppard, Acting Vice President  
for Research  
State of Georgia

bcc w/encl: (See page)

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ENCLOSURE 1

LIST OF ATTENDEES

Georgia Institute of Technology

J. P. Crecine, President  
A. P. Sheppard, Acting Vice President of Research  
R. Fuller, Vice President of Business and Finance

Nuclear Regulatory Commission (Region II)

J. N. Grace, Regional Administrator  
M. L. Ernst, Deputy Regional Administrator  
J. P. Stohr, Director, Division of Radiation Safety and Safeguards (DRSS)  
A. F. Gibson, Director, Division of Reactor Safety  
C. W. Hehl, Deputy Director, Division of Reactor Projects (DRP)  
G. R. Jenkins, Director, Enforcement and Investigation Coordination Staff  
(EICS)  
R. J. Goddard, Regional Counsel  
P. E. Fredrickson, Section Chief, DRP  
B. Uryc, Senior Enforcement Coordinator, EICS  
G. B. Kuzo, Senior Radiation Specialist, DRSS

Nuclear Regulatory Commission (Headquarters)

C. L. Miller, Acting Director, Standardization and Non-Power Reactor Project  
Directorate, Office of Nuclear Reactor Regulation (NRR)  
A. Adams, Project Manager, NRR  
H. Wong, Deputy Director, Office of Enforcement

State of Georgia

T. E. Hill, Acting Director, Radiological Health Section, Georgia Department  
of Human Resources

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ENCLOSURE 2

ENFORCEMENT CONFERENCE SUMMARY

The Regional Administrator (RA) opened the meeting by stating that the NRC was interested in the Georgia Institute of Technology (GT) position on the NRC Office of Investigations (OI) Report Synopsis sent to GT on September 1, 1988. The RA stated that this report represented the position of OI and that the discussions during this enforcement conference would be considered prior to a final NRC position and a determination on any NRC proposed enforcement action. The Deputy Regional Administrator (DRA) then discussed the potential enforcement action that could result from the NRC's decision, and also that restart of the Georgia Tech Research Reactor (GTRR) could be impacted by this matter. The DRA stated that, although the problem under discussion was specifically related to the 10 CFR 50.7 issue of possible intimidation and harassment of Neely Nuclear Research Center (NNRC) personnel, this problem could not be separated from the broader concerns of management control at the NNRC. The DRA further stated that the NRC continues to have reservations with the position taken by GT which appeared to have concluded that the entire management control problem at the NNRC rested with the health physics staff, and that, with the termination of these personnel from this staff, the management control problem basically had been solved. The DRA stated that the NRC continues to be concerned that the decision to terminate members of the health physics staff not only may be construed as reprisal, but it also may reflect that GT management did not adequately evaluate the performance of NNRC management in this and other matters.

The DRA then discussed the specific concerns related to the potential intimidation and harassment as outlined below. He stated that the NRC concerns related to the degree, if any, to which the termination decision represented retribution for any known or perceived safety concern that NNRC health physics personnel had threatened to discuss or had discussed with the NRC, bypassing their own GT management chain. The DRA added that the NRC review of this issue showed that, although operations personnel had reportedly (per NNRC and GT management) performed in an unsatisfactory manner over a long period of time, no disciplinary action had been taken against these personnel. The lack of disciplinary action prior to the terminations, and the perception that the health physics staff appeared more vocal than the operations staff in their concern over NNRC management, provided a basis for the possibility that the termination was, to some extent, affected by possible NNRC staff interaction with the NRC. The DRA stated that, prior to the terminations, he had responded to questions from the Vice President of Research (VPR) by calling his attention to a May 1987 NRC letter cautioning GT with regard to 10 CFR 50.7.

The GT President stated that he believed that, even in July 1987, the NNRC staff members could report safety issues directly to the President. He stated that the driving force to replace the health physics staff primarily was to upgrade the quality of this organization. He also stated that another reason was to defuse the hostility that had developed over the 1987 NNRC reorganization and that studies, conducted to evaluate the problems at the NNRC, revealed

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that replacement of the health physics staff was at least the minimum necessary to resolve the problem. The GT President believed that his options regarding the lessening of hostilities were either to replace the health physics staff or leave that organization intact and replace everyone else at the NNRC. The GT President also stated that he believed the present NNRC organization was working well and there was a close working relationship between the Radiation Safety Officer, the Acting VPR and the NNRC management and staff. He stated he was not aware of any past safety-related intimidation or harassment by management, although he did have indication that harassment may have existed between NNRC operations and health physics personnel. Based on a question from the RA relating to any documented or discussed "open door" policy, the President discussed a February 1988 memorandum in which he clarified the safety issue reporting chain. This memorandum informed the GT staff that safety violations should not only be reported to the line management but also to the Nuclear Safeguards Committee, which is responsible to the President.

Discussion between the NRC and GT continued over the fine line between discussing issues with the NRC and professional obligations to discuss problems with one's employer. The Acting VPR agreed that operations personnel had acted "unprofessionally" in the past and had not been disciplined, but that they would be reviewed more closely in the future.

The Acting VPR then provided an update on resolution of those technical restart issues identified by the NRC. The RA emphasized that GT should not be content to improve only those items identified by the NRC, but should rely on GT resources to determine whether all restart issues have been identified and satisfactorily resolved. The DRA reiterated that the NRC's concerns at the NNRC have never been solely the degree of contamination from the August 1987 event, but rather the lack of NNRC management controls that should have prevented the event in the first place. The NRC's basic reason for requiring upgrade of those controls was to assure that more safety significant events will not have the potential of occurring in the future. The GT President agreed with the NRC that the concern over the NNRC was not the actual August 1987 event, but the potential safety consequences of future events.

The RA stated that he believes that the GT President's frank discussion during the conference provided the NRC a better perspective of GT's intent to improve and showed a healthier attitude than during previous meetings with GT management. He added that the NRC will closely monitor GT's activities to determine if the NNRC's past culture has really changed.

The DRA asked the GT President, directly, if intimidation and harassment had existed against NNRC health physics personnel. The GT President stated that it was his determination that it had not taken place. He stated that the decision to replace the health physics personnel was made in December 1987, before the August 1987 event became an issue. The decision was made to wait until after the January 1988 inspection to effect the replacement. After the implication of a degraded health physics program, the decision on replacement was expedited. He also reiterated that all reviews tended to show that replacement of the health physics staff was the proper decision. Also, the operations staff had been substantially augmented. More changes may need to be made, but he felt that any additional changes at present would be counter-productive. Ongoing reviews would determine whether any further changes need to be made.

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The GT President distributed copies of a letter (enclosed) dated September 19, 1988 that he had signed describing the reporting structure at NNRC. The RA closed the meeting stating that both sides had benefited from the frank discussion and that the NRC would be making enforcement decisions on this matter and would notify GT of the outcome as soon as possible.