

SAFETY EVALUATION REPORT

DOCKET NO.: 70-1374

LICENSE No.: SNM-1373

LICENSEE: Idaho State University

SUBJECT: AMENDMENT 6 – IDAHO STATE UNIVERSITY UPDATED ROSTER OF OFFICIALS

I. INTRODUCTION

By letter dated July 14, 2020 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML20197A004), Idaho State University (ISU) submitted changes to Attachment I of its application. Specifically, ISU requested that the U.S. Nuclear Regulatory Commission (NRC) amend Special Nuclear Materials License No. 1373 (SNM-1373) to update their roster. The amendment was requested as a result of recent administrative changes at Idaho State University. The specific changes to the roster are as follows:

- Replace Mr. Scott Snyder with Dr. Donna Lybecker as Vice President for Research
- Add Mr. Jonathan Scott as Reactor Supervisor in Training

The NRC staff accepted ISU's request by letter dated August 13, 2020 (ADAMS Accession No. ML20225A041). In its acceptance letter, the NRC staff requested additional information (RAI) regarding the qualifications of the above listed individuals. By letter dated August 25, 2020 (ADAMS Accession No. ML20268A202), ISU provided the requested information.

II. REGULATORY REQUIREMENTS

The regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Paragraph 70.23(a) state that an application for a license will be approved if the Commission determines, in part, that the applicant is qualified by reason of training and experience to use licensed material for the purpose requested.

III. DISCUSSION

In response to the August 13, 2020, RAI, in its August 25, 2020, ISU provided the qualifications for Dr. Lybecker. The ISU nominated her to the Vice President for Research position. The NRC staff reviewed Dr. Lybecker's qualifications and noted that she holds a Doctor of Philosophy degree (PhD) in political science with an emphasis in environmental policy. The NRC staff reviewed the minimum qualification requirements described in Attachment IV of ISU's license application, dated September 26, 2016 (ADAMS Accession No. ML16279A282) for the Vice President of Research (i.e., Responsible University Official). The requirements for the position are as follows:

- (1) Doctor of Philosophy (PhD) or equivalent education in a scientific/engineering/technical field, and
- (2) At least 5 years of supervisory/administrative experience.

To determine whether Dr. Lybecker's educational background meets requirement 1 above, the NRC staff evaluated the Colorado State University (CSU) Political Science undergraduate and graduate educational programs. For comparison, the NRC staff also evaluated political science programs from other universities and noted that, in general, the program requirements focus on politics, comparative politics, international relations, political theory, public policy, and administration. The CSU program also provides additional specialization in environmental politics and policy. Based on the information provided by ISU, its evaluation of the CSU's political science program, and its evaluation of political science programs from other colleges' and universities as compared to CSU's program, the NRC staff determined that a PhD in political science does not meet the scientific/engineering/technology educational background requirement described in Attachment IV of ISU's license application, dated September 26, 2016. Therefore, the NRC staff determined that Dr. Lybecker does not meet this requirement.

The NRC staff reviewed the information provided in ISU's response to the August 13, 2020, RAI regarding Dr. Lybecker's administrative experience. Dr. Lybecker currently holds the ISU's Vice President for Research position within the ISU's senior management team. Based on the description of this position provided by ISU, in this position Dr. Lybecker is responsible for ensuring resources are available to support the ISU radiation safety program as necessary. The NRC staff also noted that, in its response to the August 13, 2020, RAI, ISU stated that Dr. Lybecker has held administrative positions since 2014. Based on this information, the NRC staff determined that Dr. Lybecker possesses more than the required 5 years of administrative experience, and therefore, she meets the requirement for supervisory/administrative experience.

In its August 25, 2020, response to the RAI, ISU also provided the qualifications for Mr. Scott. The ISU nominated him for the reactor supervisor in training position. Attachment IV of ISU's license application, dated September 26, 2016 (ADAMS Accession No. ML16279A282) describes the requirements for the reactor supervisor as follows:

- (1) Bachelor of Science (BS) in an engineering or science field
- (2) At least 2 years of experience related to nuclear reactor operations (need not have power reactor experience).
- (3) Pass the requirements, or equivalent, for having a reactor operator license, and obtain a senior reactor operator license within one year of qualifying for the reactor operator license.
- (4) Must maintain certification as a senior reactor operator (SRO).

The NRC staff reviewed Mr. Scott's qualifications provided by ISU in its August 25, 2020, response to the RAI and noted that he possesses a bachelor's, as well as master's degree in nuclear engineering. In addition, Mr. Scott possesses 4 years of experience as a licensed reactor operator at the Missouri University of Science and Technology. In addition, in its responses to the RAI, ISU stated that Mr. Scott was scheduled to take the SRO license exam in May 2020 but, due to the shutdown of the ISU campus as a result of the COVID-19 pandemic, the exam was rescheduled for September 2020. In its response to the RAI, ISU stated that Mr. Scott will test for an SRO license at that time and stated that, until Mr. Scott obtains an SRO license, the currently acting reactor supervisor will continue in this position. Based on this information, the NRC staff determined that Mr. Scott meets the requirements described in Attachment IV of ISU's license application, dated September 26, 2016, for the reactor supervisor in training position.

By letter dated October 13, 2020 (ADAMS Accession No. ML20281A310), the NRC staff informed ISU the results of its evaluation of the July 14, 2020, and August 25, 2020, submittals. In its letter, the NRC informed ISU that, based on its evaluation of Dr. Lybecker's qualifications, she meets the requirement for administrative experience, but that the PhD in political science does not meet the requirement for education in a scientific/engineering/technology field. In its letter, the NRC staff requested that, within 30 days, ISU provide any additional information regarding Dr. Lybecker's scientific background that ISU believed qualified her for the position that ISU would like the NRC staff to review. The NRC staff stated that, as an alternative, ISU could submit the name and supporting information for another individual that would meet both requirements for evaluation. In its letter, the NRC staff also informed ISU that, based on its evaluation of his qualifications, Mr. Scott meets all of the requirements for the reactor supervisor in training position and, therefore, can be included in the roster of ISU Officials.

In response to the NRC staff's October 13, 2020, letter, ISU provided the requested information on November 13, 2020 (ADAMS Accession No. ML20332A026), and asked for consideration of an amendment of their SNM-1373 materials license. In its letter, ISU requested to amend the license by: (a) adding a senior manager requirement while eliminating the technical degree requirement, and (b) adding the chairperson of the university Reactor Safety Committee (RSC) to the roster. In its letter, ISU stated that they believe the significant level of expertise on the RSC supplies the needed expertise to the senior manager who serves as the responsible officer, and that it has always been a major source of expertise, providing the responsible officer with the in-depth information and detailed understanding of the work done under the license. The ISU supported their request by providing a revision to the roster requirements described in the September 2016 Attachment IV of ISU's license application as follows:

- A. Responsible University Officer, currently the Vice President for Research ~~and Dean of the Graduate School~~
- PhD or equivalent education ~~in a scientific/engineering/technology field~~
 - Senior manager at ISU (*new requirement)
 - At least 5 years of supervisory/administrative experience

This revision would delete the requirement for a PhD with scientific/engineering/technology field to only require a PhD. In addition, a requirement that the nominated individual must be a senior manager at ISU was now included.

The ISU revision to the roster will now include the following individual and associated requirements:

- B. Chairperson of Reactor Safety Committee
- BS or higher in an engineering field or physical science field
 - At least 5 years of experience related to nuclear reactor operations (need not have power reactor experience)
 - A professional engineering license is desirable but not essential

The ISU did not submit the name and qualifications of an individual for this position for the NRC staff's evaluation.

Because it was not clearly stated in its November 13, 2020, letter, the NRC staff contacted ISU to determine if ISU wanted the staff to evaluate Dr. Lybecker's qualifications against the revised

requirements for the Vice President for Research position. The ISU requested that the staff also conduct such evaluation.

The NRC staff evaluated ISU's revisions to the qualifications for the Vice President for Research position, and determined that the new, revised requirements do not represent a decrease on the effectiveness of ISU's program for adequately protecting public health and safety. Based on ISU's revisions to the position's requirements, and their description of the position responsibilities which consist of ensuring that resources are available to support the ISU radiation safety program as necessary, the NRC staff determined that the position is administrative in nature, and that a scientific background is not required. The NRC staff determined that the significant level of expertise on the RSC, as well as the scientific background and expertise of the other individuals in ISU's roster, supply the needed scientific knowledge and expertise to the managers for understanding the regulated activities conducted under the license. Therefore, based on the above discussed information, the NRC staff finds that Dr. Lybecker, as well as Mr. Scott, meet the requirements described in Attachment IV of ISU's, September 26, 2016, license application, as revised per the November 13, 2020, letter, for the Vice President for Research and the Reactor Supervisor in training positions, respectively. As such, the NRC staff finds that the new university officials are qualified by reason of training and experience to use licensed material for the education, research, and training activities authorized by the license and, therefore, are approved. The NRC also approves ISU's revisions of the requirements for the Vice President for Research position.

III. ENVIRONMENTAL REVIEW

A proposed action is excluded from an environmental review under 10 CFR 51.22(c)(14)(v) if it is an amendment to a license issued pursuant to 10 CFR Part 70 authorizing the use of radioactive materials for research and development and for educational purposes. The changes to Attachment I of ISU's application meet this requirement.

The NRC staff determined that the proposed action does not adversely impact public health and safety or the environment, and is categorically excluded from the requirement to conduct an environmental review. Therefore, in accordance with 10 CFR 51.22(c)(14)(v), neither an environmental assessment nor an environmental impact statement is warranted for this action.

IV. CONCLUSION

As stated above, the NRC staff finds that the new university officials are qualified by reason of training and experience to use licensed material for the education, research, and training activities authorized by the license. Therefore, the nominated individuals are acceptable for inclusion in ISU's roster.

PRINCIPAL CONTRIBUTOR

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