

Predecisional Enforcement Conference **with Idaho State University**

US NRC Region IV
Monday, May 10, 2021

Administrative Topics

Today's attendance will be recorded

Individuals observing are in listen only mode

Keep your line muted when not talking

Speak clearly & Identify yourself

This meeting is being transcribed



Meeting Agenda

Topic	Participants
NRC Opening Remarks and Introductions	Scott Morris
Licensee Opening Remarks and Introductions	Idaho State University
Predecisional Enforcement Conference Process	Mary Muesle
Summary of Enforcement Policy and Process	Doug Dodson
NRC Summary of Apparent Violations	Janine Katanic
Licensee Presentation	Idaho State University
Questions and Discussion	All Conference Participants
Break and NRC Caucus	NRC and Conference Participants
Questions and Discussion	All Conference Participants
NRC Closing Remarks for Public Portion	Scott Morris
Public Question and Answer Session	Public Attendees
Closed Meeting	NRC and ISU Only



Opening Remarks & Introductions

Conference Process

No Final Decision on safety significance or enforcement action will be made today.

NRC Inspection Report provided our current understanding of the issues.

No specific information discussing quantities of material or other security-related information during the public portion of the meeting.

We Want Your Perspective

- Any additional details NRC should consider
- Whether violations occurred
- Perceived significance of the violations
- Corrective actions implemented and/or Planned Timeline

Public Meeting Disclaimer

- This is an Observation Meeting.
- Attendees have an opportunity to observe the NRC performing its regulatory function.
- Attendees have an opportunity to ask questions of the NRC staff or make comments about the issues discussed following the business portion of the meeting, however, the NRC is not actively soliciting comments towards regulatory decisions at this meeting.

Significance = Severity Level

SEVERITY LEVEL – I

(most significant regulatory concern)

SEVERITY LEVEL – II

(very significant regulatory concern)

SEVERITY LEVEL – III

(significant regulatory concern)



(Escalated Enforcement)

(Non-Escalated Enforcement)

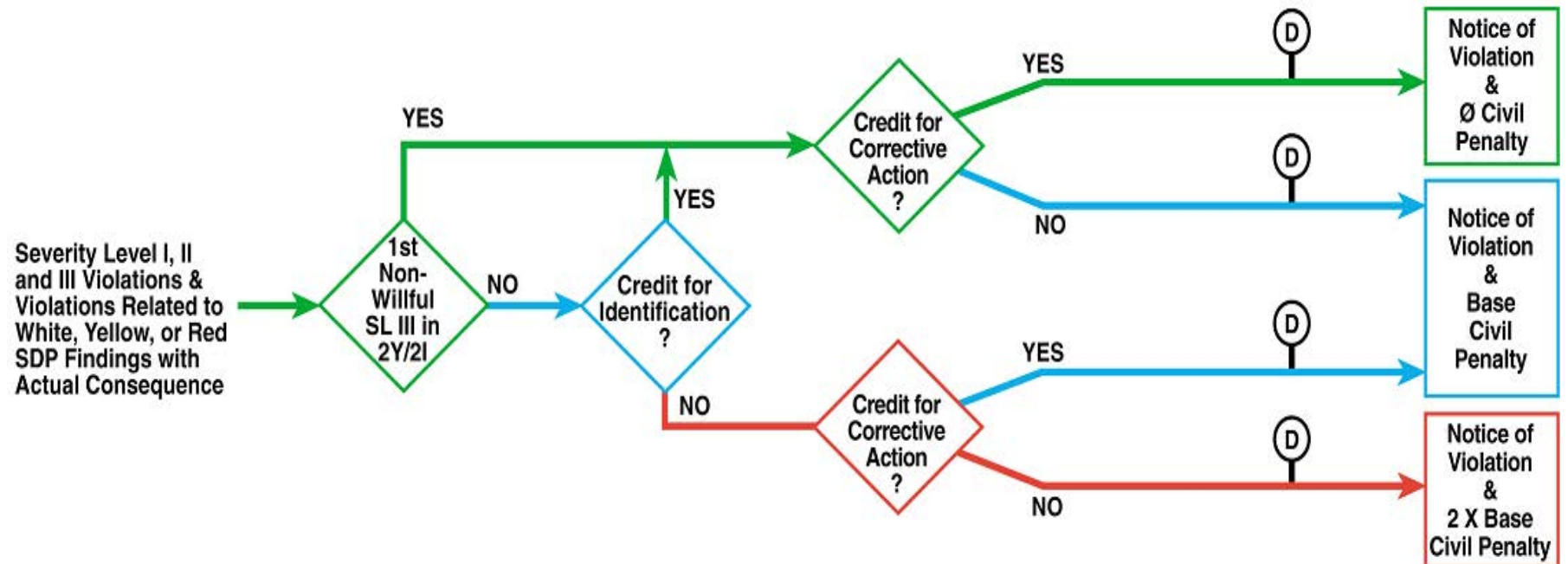
SEVERITY LEVEL – IV

(less significant concern, but more than minor)

Civil Penalty Assessment

NRC Considerations:

- Enforcement History
- Whether the licensee identified the issue
- Adequacy of corrective actions



POSSIBLE OUTCOMES

No Action

Notice of Violation without Civil Penalty

Notice of Violation with Civil Penalty

Order

Appeal Rights



ANY NRC ACTION MAY BE
CHALLENGED



CIVIL PENALTIES AND
ORDERS PROVIDE HEARING
RIGHTS AND ALTERNATIVE
DISPUTE RESOLUTION

NRC Team Inspection of ISU

- Review ISU corrective actions related to previous NRC enforcement:
 - NRC Inspection Report 030-32322/2015-001, EA-16-033 [ADAMS Accession No. ML16099A199]
 - NRC Inspection Report 030-32322/2017-001, EA-17-206 [ADAMS Accession No. ML18123A498]
 - NRC Inspection Report 030-32322/2018-001, EA-18-153 [ADAMS Accession No. ML19011A015]
- Assess ISU's completed actions related to a Confirmatory Order Modifying License, EA-18-153 [ADAMS Accession No. ML19122A123]
- Perform routine inspections of NRC License Nos.:
 - 11-27380-01: ISU Broad Scope
 - 11-27380-04: ISU Production
 - SNM-1373: ISU Special Nuclear Material (SNM)
 - Note: Although an inspection of License No. R-110 for the ISU Research and Test Reactor was not performed, the inspectors reviewed certain special nuclear material possessed under the license for the purpose of assessing licensee compliance with certain accounting and reporting criteria.

Apparent Violations

The Apparent violations are described in detail in the NRC Inspection Report, dated April 2, 2021. [ADAMS Accession No. ML21092A132]

Note:

The Apparent Violations are subject to further review and may be revised prior to any resulting enforcement action.

Apparent Violation 1

- NRC Confirmatory Order, EA-18-153, May 2, 2019
 - Section V, “Third-Party Audit and Causal Evaluation,” Condition A, requires, in part, that within 90 days of the issuance date of the Order, one or more third-party person(s) selected by ISU will complete a 100 percent source inventory and submit the results in writing to the NRC and the independent auditor.
- The third-party person selected by ISU failed to complete a 100 percent source inventory. The inventory failed to account for licensed material in the licensee’s possession under NRC license Nos. SNM-1373 and R-110.

Apparent Violation 2

- License Condition 9, License SNM-1373
 - Licensed Special Nuclear Material (SNM) is authorized for use in accordance with the statements, representations, and conditions specified in the licensee's application supplement dated February 14, 2011
 - Section 9, "Material Control and Accountability", Subsection (b), "Administrative controls", states in part, that the Reactor Safety Committee shall review and approve all plans and procedures for the use of the licensed materials in the subcritical assembly.
- The ISU Reactor Safety Committee failed to review and approve plans and procedures for the usage of the licensed materials in the subcritical assembly.

Apparent Violation 3

- 10 CFR 74.19(c) requires, in part, that each licensee who is authorized to possess SNM, at any one time and site location, in a quantity greater than 350 grams of contained uranium-235, uranium-233, or plutonium, or any combination thereof, shall conduct a physical inventory of all SNM in its possession under license.
- 10 CFR 74.4 defines *physical inventory*, in part, as the determination on a measured basis of the quantity of SNM on hand at a given time.
- ISU failed to conduct a physical inventory of all SNM in its possession. ISU failed to perform a physical inventory that consisted of a determination on a measured basis for the quantity of uranium-235 on hand at a given time.

Apparent Violation 4

- 10 CFR 70.9 requires, in part, that information provided to the NRC by a licensee shall be complete and accurate in all material respects.
- 10 CFR 74.13, requires, in part, that each licensee possessing or who had possessed in the previous reporting period, at any one time and location, SNM in a quantity totaling one gram or more of contained uranium-235 shall complete and submit Material Balance Reports concerning SNM that the licensee has received, produced, possessed, transferred, consumed, disposed, or lost.
- ISU failed to provide information to the NRC that was complete and accurate in all material respects. Information provided by ISU on Material Balance Reports was not complete and accurate in all material respects, including that for uranium-235 there is a one-gram difference between the quantity possessed by ISU and the quantity reported to the Nuclear Materials Management and Safeguards System.

Apparent Violation 5

- 10 CFR 33.13(c)(3)(ii)
 - Requires, in part, that the licensee establish administrative controls and provisions that are necessary to assure safe operations, including the establishment of administrative procedures which take into consideration such matters as the adequacy of equipment, training and experience of the user, and the operating or handling procedures.
- ISU failed to establish appropriate administrative procedures, for the use of an americium-241/beryllium source, which took into consideration such matters as the adequacy of equipment, training and experience of the users, and the operating or handling procedures.

Idaho State University Presentation





NRC and ISU Q&A Session

Call-In Number: 888-324-0284 Passcode: 3731666



**NRC Predecisional
Enforcement Conference
with
Idaho State University**

NRC Caucus in Session...
Returning Shortly



Call-In Number: 888-324-0284 Passcode: 3731666



NRC and ISU Q&A Session

Call-In Number: 888-324-0284 Passcode: 3731666

Closing Remarks

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Public Q&A Session

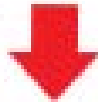
**Press *1 on your
phone to notify
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Public Feedback

www.nrc.gov/pmns/mtg


Public Meeting Schedule

- Welcome and Help
- Important Information for Attendees



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Start Date: 03/20/21			
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Records 1 - 10 of 97 Matching Records			
[First Previous Next Last Display All Matches New Search]			
Date/Time	Purpose	Location	Contact
03/22/21 9:30AM - 3:00PM	Meeting info For NRC staff to conduct a public teleconference meeting with NEXTERA/Florida Power and Light Company (FPL) to discuss planned submittals to support conversion of the Turkey Point Generating Station, Unit 3 and 4, and St. Lucie Plant, Unit 1 and 2 facilities to Improved Technical Specifications. [more...]	Teleconference NA NA MD	Natreon J. Jordan (301) 415- 7410
Participation: Category 1			
 Teleconference			
Meeting Feedback Form			