

September 12, 2006

EA-06-156

Mr. Stephen Frantz, Director
Reed College Reactor
Reed College
3203 S.E. Woodstock Boulevard
Portland, OR 97202-8199

SUBJECT: REED COLLEGE REACTOR FACILITY- NOTICE OF VIOLATION
INSPECTION REPORT NO. 50-288/2005-201

Dear Mr. Frantz:

This refers to the inspection and investigation conducted on May 31 thru June 2, 2005, at the Reed College Reactor facility. The purpose of the inspection was to follow-up on the events that occurred at your facility on May 10 and 11, 2005, involving problems with your data logging and rod control systems. The inspection report was issued on June 23, 2005. Based on the results of this inspection, unresolved items (URIs) were identified involving a potential violation resulting from an unauthorized facility modification by an employee who engaged in deliberate misconduct. Pursuant to the URIs, the Office of Investigations (OI) performed an investigation.

In a telephone conversation on August 23, 2006, Mr. Johnny Eads, of my staff, informed you, that the U.S. Nuclear Regulatory Commission (NRC) was considering a Severity Level IV Notice of Violation (NOV) for a violation involving deliberate misconduct by an employee. Mr. Eads also informed you that we had sufficient information regarding the apparent violation and your corrective actions to make this enforcement decision. This violation is cited in the enclosed NOV and the circumstances surrounding it are described in detail in the subject inspection report.

Although this unauthorized facility modification did not adversely impact reactor safety nor was the health and safety of the public affected because the facility's startup checklist detected a malfunction in the rod control system and the problem was corrected before operation was allowed, conduct of this nature by a licensee employee raises serious doubt as to whether the individual can be relied upon to comply with NRC requirements.

Further, although the NRC recognizes that your established procedures detected a failure and found and corrected the problem, the NRC holds the facility licensee responsible for the actions of its employees. To emphasize the importance that the NRC places on the responsibility of the licensee, the NRC has issued the enclosed NOV.

However, by letter dated June 7, 2005, you have provided corrective actions to provide added assurance that employees are more closely monitored. Those actions include enhancements to background checks, monitoring, supervisory oversight, and hours of activities. Particularly important was your initiative to regularly check individuals with unescorted access for changes in status with other departments within the college. Your June 7, 2005, letter indicated that

these actions would be complete before the beginning of the academic year on August 29, 2005. These actions, as documented in your August 23, 2006 letter, have been considered in NRC's evaluation of the violation. Specifically, NRC considers your proposed corrective actions to be acceptable and no further response to the NOV is needed. Again, your cooperation, timely identification, and correction of the issue was recognized and the NRC will follow up in future inspections.

In accordance with Section 2.390, "Public inspections, exemptions, requests for withholding," of Title 10 of the *Code of Federal Regulations*, a copy of this letter and its enclosure will be made available for public inspection in the NRC Public Document Room and from the NRC's Agencywide Documents Access and Management System accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response, if any, should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. The NRC also includes significant enforcement actions on its Web site at www.nrc.gov; select **What We Do, Enforcement**, then **Significant Enforcement Actions**.

Sincerely,

/RA by John Lubinski for/

Ho K. Nieh, Acting Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-288
License No. R-112

Enclosure: NOV

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NOTICE OF VIOLATION

Reed College
Reed College Reactor

Docket No.: 50-288
License No.: R-112
EA-06-156

During an NRC inspection conducted on May 31 thru June 2, 2005, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

- A. 10 CFR 50.59 requires that a licensee may make changes in the facility without obtaining a license amendment pursuant to 10 CFR 50.90 only if a change to the TS incorporated in the license is not required, and the change does not meet any of the criteria in paragraph (c)(2). Therefore, any change, whether or not an amendment is required, requires that a review pursuant to 10 CFR 50.59 be done prior to making the change.

Contrary to the above, on May 10, 2005, a jumper that had been installed on the K2 relay in the rod control circuitry on April 15, 1999, as documented in the Maintenance Log and "As-Built" instrumentation circuitry, was removed and was not evaluated under 10 CFR 50.59.

This is a Severity Level IV Violation (Supplement I).

The NRC has concluded that information regarding the reason for the violation, the planned and taken corrective actions to correct the violation and prevent recurrence, and the date when full compliance will be achieved was adequately addressed in your letter dated June 7, 2005. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201, "Notice of Violation," if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," include the EA number, and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 within 30 days of the date of the letter transmitting this Notice of Violation (NOV).

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's Agencywide Documents Access and Management System accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In accordance with 10 CFR 19.11, "Posting of notices to workers," you may be required to post this NOV within two working days of receipt.

Dated at Rockville, Maryland this 12th day of September 2006.