

ENCLOSURE 1

NOTICE OF VIOLATION

Texas A&M University

Docket No: 50-059

License No: R-23

During an NRC inspection conducted on September 30 through October 3, 1996, and October 24, 1996, three 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. Quarterly Audits

Technical Specification 6.1.6 states, in part, "The Reactor Safety Board shall be responsible for, . . . conducting periodic audits of procedures, reactor operations and maintenance, equipment performance, and records; . . . reporting all their findings and recommendations concerning the reactor facility to the Head of the Department of Nuclear Engineering."

Technical Specification 6.4.3 states, "Audits of facility activities shall be performed at least quarterly under the cognizance of the Reactor Safety Board but in no case by the personnel responsible for the item audited. These audits shall examine the operating records and encompass but shall not be limited to the following:

- a. The conformance of the facility operation to the Technical Specifications and applicable license conditions, at least annually.
- b. The Facility Emergency Plan and implementing procedures, at least every two years.
- c. The Facility Security Plan and implementing procedures, at least every two years."

Contrary to the above, quarterly audits were not performed of facility activities and reactor operation since the second quarter of 1992, biennial audits of the Facility Emergency Plan and implementing procedures were performed by a member of the Reactor Safety Board not independent of the AGN-201M reactor facility staff since February 8, 1991, and biennial audits of the Facility Security Plan and implementing procedures were performed by a member of the Reactor Safety Board not independent of the AGN-201M reactor facility staff since August 25, 1994.

This is a Severity Level IV violation (Supplement I)(50-059/96-01).

B. Annual Radiation Protection Program Reviews

10 CFR 20.1101(c) states, " The licensee shall periodically (at least annually) review the radiation protection program content and implementation."

Contrary to the above, annual reviews of the radiation protection program were not performed during 1994 and 1995.

This is a Severity Level IV violation (Supplement IV)(50-059/96-02).

C. Annual Physical Security Plan Reviews

License Condition 2.D states, "The licensee shall maintain in effect and fully implement all provisions of the NRC-approved physical security plan, . . . ."

Section 3.5 of the AGN-201M Reactor Facility Security Plan states, "The security program will be reviewed annually by the Reactor Safety Board described in the license. The results of each meeting will be forwarded to the NRC with the annual report for the facility."

Contrary to the above, annual reviews of the security program were not performed by the Reactor Safety Board since August 25, 1994, and the results of the annual reviews were never included with the annual reports for the facility.

This is a Severity Level IV violation (Supplement III)(50-059/96-03).

Pursuant to the provisions of 10 CFR 2.201, Texas A&M University 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 8<sup>th</sup> day of November 1996