

NRR-2005-A-0019

**ALLEGATION REVIEW BOARD BRIEFING
AND MEETING SUMMARY**

FACILITY:	Various University Research Reactors
TAC NUMBER:	MC8202
RECEIVED:	August 26, 2005
150-DAY DATE:	January 23, 2006

TYPE OF ARB:	Initial ARB Meeting
PURPOSE OF ARB:	To discuss allegation resolution
DATE OF ARB:	August 26, 2005

CONCERN:

Personnel at several research reactor facilities are knowingly violating approved security procedures.

I. BACKGROUND:

An investigative ABC News team provided information to NRC's Office of Public Affairs regarding issues at several research reactor sites that ABC believed to reflect violations of security measures. The ABC staff identified three specific colleges (University of Wisconsin, University of Florida and Ohio State University) where interns attempted to gain access to the university research reactor facilities. The individuals videotaped portions of their attempts (the NRC staff has asked ABC for any tape they have on these issues).

At the University of Wisconsin (UW), a knowledgeable UW individual appeared to allow the interns access to the research reactor while stating on the tape recording that he could get in trouble for doing so. Therefore, it appeared the individual had full knowledge that he could be violating reactor escorted access procedures or commitments to search bags and log tours prior to allowing access. (The NRC staff has asked ABC for all film on this incident to have additional evidence.)

Personnel at the University of Florida may have allowed access to ABC individuals without verification of their identities contrary to reactor escorted access procedures or commitments. (From previous discussions with University of Florida personnel, identities were checked prior to access. The NRC staff is asking ABC for additional details on this visit.)

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At Ohio State University, ABC provided information that a bag or bags had been allowed into the protected area without being properly searched. This may be contrary to escorted access control procedures or commitments.

After the September 11, 2001, attacks, the NRC sent several advisories to licensees, including research reactor sites. Licensees have reviewed these advisories and implemented additional provisions applicable to their facility. Further, the NRC is evaluating safeguards and security requirements considering potential terrorist attacks for all classes of licensees. Although the safety programs at these facilities have proven adequate in the past, the NRC continues to evaluate the programs, and address potential concerns.

II. REGULATORY REQUIREMENT(S):

NRC licensed research reactors are required to establish, maintain and follow an NRC-approved security plan and procedures for the protection of nuclear materials from threats and theft. Those measures include the ability to detect unauthorized access to the facility and delay the intruders until the designated response force is able to respond. Security requirements are based on a graded approach with increasing requirements for material that is more attractive for theft or diversion and for facilities that have a greater risk of radiological releases due to sabotage.

10 CFR 73.67, *Licensee fixed site and in-transit requirements for the physical protection of special nuclear material of moderate and low strategic significance*, states, in part, "...6) Limit access to the controlled access areas to authorized or escorted individuals who require such access in order to perform their duties..."

Licensee have detailed plans and procedures specifying how to meet these requirements, including specific guidance as to the criteria for searching packages and for allowing escorted access.

III. SAFETY SIGNIFICANCE AND BASIS: Medium

Allowing unauthorized access to the facility will allow an increased possibility of sabotage to the reactor or theft of special nuclear material. The issue is a significant safety issue, however, it does not rise to the level of needing immediate action, but does require near-term staff evaluation.

IV. TECHNICAL REVIEW PRIORITY AND BASIS: Medium

Based on the above safety significance.

V. ACTIONS:

A. PROPOSED INVESTIGATIONS, PRIORITY LEVEL: Assist

The issues identified did not appear to violate NRC requirements for security at research

reactors. However, the actions may have been deviations from plant procedures. Based upon the advice of OGC and OI, since it appears that the actions of the licensee staff did not result in any deliberate violations of NRC requirements, opening an OI investigation is not warranted at this time. Because the actions of the employee at the University of Wisconsin appear most egregious, the ARB recommended that OI provide assistance to the technical staff during an inspection. In addition, if OI is available, the ARB suggested that OI also assist the staff in reviewing the issues at the University of Florida and Ohio State.

B. REFERRAL: No

C. PROPOSED INSPECTIONS AND DUE DATES: Yes

RTRS will coordinate their proposed inspection actions (Inspection Plan) with OI, DIPM, OPA and OGC. Due Date: September 1, 2005.

Because of the minimal amount of objective evidence which could substantiate the assertions of impropriety, RTRS will plan and perform inspections at certain research reactor facilities regarding their security program compliance. Of the three colleges, the University of Wisconsin was identified as the most significant case of potential impropriety and potential willfulness. Therefore, OI will assist the staff during the inspection at U of W. Since the ABC news story is planned to be released before September 9, 2005, the inspection is a high priority. Due Date: September 2, 2005.

D. OTHER ACTIONS: No

VI. NON-NRR ISSUES (OGC, OE, NMSS, REGION, ETC.): None

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ALLEGATION REVIEW BOARD SECTION

ARB DECISION (and comments):

The ARB agreed with the above recommendations. In addition, the ARB decided that ABC news should not be treated as a formal allegor. ABC news revealed the information in their investigation while getting NRC comments for inclusion in their report. The staff identified the issues while viewing a copy of the tape recording. OPA is in frequent contact with ABC and is apprising them of NRC actions in accordance with their normal practice. The ARB agreed that continuing with normal contact processes and procedures would be acceptable to meet the intent of the allegation process.

ARB CHAIRMAN:	B. Boger
ARB MEMBER:	C. Haney
ALLEGATION COORDINATOR:	G. Cwalina
ALLEGATION COORDINATOR:	J. Petrosino
OI REPRESENTATIVE:	K. Monroe
OE REPRESENTATIVE:	N/A
OGC REPRESENTATIVE:	G. Longo
IPSB LEAD REVIEWER:	J. Petrosino
TECHNICAL BRANCH LEAD REVIEWER:	M. Mendonca
RECORDING SECRETARY:	J. Petrosino
ADDITIONAL PARTICIPANTS:	B. Thomas, A. Madison, K. Witt, W. Beckner, J. Davis, S. Morris, and E. Brenner.

DISTRIBUTION:
B. Sheron, NRR
B. Jones, OGC
G. Caputo, OI

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