

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:	Followup ARB Meeting
PURPOSE OF ARB:	To discuss allegation resolution
DATE OF ARB:	October 4, 2005

CONCERN:

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

UPDATED INFORMATION SINCE LAST ARB IS HIGHLIGHTED

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.)

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.

*** NEW INFORMATION SINCE LAST ARB ***

Following ABC's interview with the Director of NSIR, staff viewed part of ABC's footage of the interns' visits to 13 RTRs. Staff identified concerns at these sites but was not able to obtain any additional objective evidence from the ABC staff. ABC will not release the complete footage, or allow access to the interns until the show airs (planned for October 13).

On August 29, 2005, the ARB decided that ABC news should not be treated as a formal allegation (i.e., issued standard allegation correspondence). ABC news revealed the information in their investigation while getting NRC comments for inclusion in their report for airing on television. The staff identified the issues while viewing a copy of the tape recording. Based on the advice of OPA, it was decided that OPA would deal with ABC following standard practice in dealing with the news media.

Following the August 29, 2005, ARB for this allegation, staff opened 13 allegations, one for each RTR. This will allow ensure that all concerns are tracked and resolved in accordance with the NRR Allegations process.

Staff is evaluating the concerns at all 13 RTR's. Based on the limited information that ABC has provided, staff has identified one potential violation at the University of Wisconsin. This is further addressed in Allegation NRR-2005-A-0022.

On September 26, 2005, staff traveled to ABC's studios in New York to review the tapes and request additional information. Although ABC would not show any new footage, they claimed that the interns that visited the University of Wisconsin spent eight to ten minutes inside the reactor room and were given a tour. This differs from NRC's understanding of the events at Wisconsin. This concern is dealt with in NRR-2005-A-0022.

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 theft and diversion. Those measures include the ability to detect unauthorized access to the facility. 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: Low

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. Staff reviewed the concerns and has identified one potential violation at the University of Wisconsin. This potential violation is of low safety significance, as it does not represent a direct threat to public health and safety.

IV. TECHNICAL REVIEW PRIORITY AND BASIS: Low

Based on the above safety significance.

V. ACTIONS:

A. PROPOSED INVESTIGATIONS, PRIORITY LEVEL: Potential, Medium

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.

Based on current information, OI investigation at the University of Wisconsin is not warranted. However, based on a conversation with Brian Ross during the staff's trip to ABC in New York, the licensee may have provided false statements to the NRC. When the ABC show airs, NRC staff are expected to be given access to the complete footage. If there is evidence contrary to the licensee's statement, the ARB suggests that OI investigate the potential violation of NRC requirements by the licensee. This matter will be addressed in the plant-specific allegation.

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. The inspection at Wisconsin was completed, and one potential non-cited violation has been identified. Staff is waiting to view the complete ABC footage to determine whether additional violations were committed. Follow-up to this item will be addressed in the plant-specific allegation.

D. OTHER ACTIONS: Yes

NRC Senior Management, with Commission guidance, plans three action items. All correspondence is being sent to the Commission for concurrence:

- Send RAIs to all RTR facilities with reactor fuel. These RAIs will clarify the CALs, but do not impose any new requirements. (Contact: M. Mendonca)
- Prepare Q and A's for OPA. These will be used to respond to potential media inquiries following the airing of the show. They will be made public. They are currently "Official Use Only." (Contact: E. Brenner)
- Send a Response Letter to ABC. This letter will formally request more information from the broadcast company so that staff may followup on concerns for the 13 RTR's. This letter also seeks to clarify points mentioned during the interview. The NRR OAC is expected to be on concurrence for this letter. NRC expects to send a separate public letter to ABC before the show airs to clarify certain points made during the Roy Zimmerman interview. (Contact: V. Ordaz)

Following completion of these actions, this generic allegation will be closed. **Due Date:** November 20, 2005.

NRC has opened 13 allegations on the separate RTRs.

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

NRR-2005-A-0019

ALLEGATION REVIEW BOARD SECTION

ARB DECISION (and comments):

The ARB agrees with the safety significance, technical review priority, and proposed resolution plan.

ARB CHAIRMAN:	B. Boger
ARB MEMBER:	E. Hackett
ALLEGATION COORDINATOR:	J. Petrosino
ALLEGATION ASSISTANT:	J. Crutchley
OI REPRESENTATIVE:	K. Monroe
OE REPRESENTATIVE:	N/A
OGC REPRESENTATIVE:	G. Longo
IPSB LEAD REVIEWER:	V. Hall
TECHNICAL BRANCH LEAD REVIEWER:	M. Mendonca
RECORDING SECRETARY:	K. Richards
ADDITIONAL PARTICIPANTS:	R. Barnes, W. Beckner, E. Brenner, M. Brooks, V. Ordaz, B. Thomas

DISTRIBUTION:

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

D:\2005-19\Followup ARB Briefing Sheet-NRR-05-0019.wpd