

NRR-2005-A-0024

**ALLEGATION REVIEW BOARD BRIEFING
AND MEETING SUMMARY**

FACILITY:	University of Maryland
TAC NUMBER:	MC8385
RECEIVED:	September 16, 2005
150-DAY DATE:	February 13, 2006

TYPE OF ARB:	Followup ARB Meeting
PURPOSE OF ARB:	To discuss allegation resolution
DATE OF ARB:	October 27, 2005

CONCERN 1:

Doors to the reactor building were left open during the day and night.

CONCERN 2:

Individuals went undetected around the site to look in exterior doors and view reactor controlled area.

CONCERN 3:

Individuals were able to videotape exterior alarms and cameras around the facility.

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 specific 13 colleges 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).

Staff viewed part of the ABC videotapes, and identified 13 allegations, one for each RTR. The generic issue is addressed in allegation NRR-2005-A-0019.

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At the University of Maryland, ABC provided information that doors to the reactor building were left open at night. In addition, individuals went undetected around the site, and were able to videotape exterior alarms and cameras around the facility. Staff review of ABC's edited tape did not reveal any evidence of a violation at the University of Maryland.

Allegation NRR-2005-A-0019, initiated various actions, as guided by Senior Management, and the Commission. These actions include: 1) review of the security plans at the University of Maryland; 2) plans to send RAIs to all RTR facilities with reactor fuel, including the University of Maryland. These RAIs will clarify the CALs, but do not impose any new requirements; and 3) plans to 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 RTRs, including the University of Maryland.

On October 13, the day of the "Primetime" show, ABC published a public website listing all 25 RTRs that their interns visited. The ABC website identified the 25 colleges where interns attempted to gain access to the university research reactor facilities, and listed ABC's perceived security concerns. Staff opened allegations for the additional 12 RTRs. These are NRR-2005-A-0034 through NRR-2005-A-0045.

Staff did not identified any new concerns at the University of Maryland.

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, "...(d) Fixed site requirements for special nuclear material of moderate strategic significance. Each licensee who possesses, stores, or uses quantities and types of special nuclear material of moderate strategic significance at a fixed site (...) shall (...)
6) Limit access to the controlled access areas to authorized or escorted individuals who require such access in order to perform their duties,
7) Assure that all visitors to the controlled access area are under the constant escort of an individual who has been authorized to access this area..."

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

There is no evidence that unauthorized access was granted at the University of Maryland. The generic issue is a significant safety issue, and is addressed in NRR-2005-A-0019.

There is no evidence that the University violated NRC approved security procedures, plans or measures. NRC has evaluated security plans, procedures and systems and has verified that appropriate security measures are in place to protect the public health and safety from the potential radiological effects of postulated theft or sabotage. Therefore, the safety significance is low.

IV. TECHNICAL REVIEW PRIORITY AND BASIS: Low

Based on the above safety significance.

V. ACTIONS:

A. PROPOSED INVESTIGATIONS, PRIORITY LEVEL: No

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

B. REFERRAL: No

C. PROPOSED INSPECTIONS AND DUE DATES: No

D. OTHER ACTIONS: Yes

As a result of allegation NRR-2005-A-0019, the Research and Test Reactor Section (RTRS) coordinated their proposed actions with OI, DIPM, OPA and OGC. For the University of Maryland, RTRS performed a review of security plans, and relevant documents. Their review did not identify any violations of the approved security plan. Due Date: Completed.

For the three concerns, RTRS assessment states:

Concern 1: Doors that were found open were not to the reactor building. The doors were to an engineering building containing classrooms, office and lab space. The reactor facility is a separate building which is attached to the engineering building. The doors that were found open are not required by the security plan. The licensee indicated that construction is under way in the building but it has not adversely affected the reactor safety or security. There is no evidence that the Controlled Access Area (CAA) was unsecured. The security plan and compensatory measures do not require the doors to the engineering building be controlled. The licensee indicated that construction is under way in the building but it has not adversely affected the reactor

safety or security. There is no evidence that the CAA was unsecured. The licensee is continuing to monitor and complete construction on the building housing the reactor facility.

Concern 2: There is no evidence that the CAA was entered. The licensee indicated that after hour activities are common on campus and as long as activities are not suspicious or illegal no action is taken. Licensee informed their Police Department.

Concern 3: Security equipment external to the CAA is in public areas. Filming in public areas is not prohibited.

Staff plans to review the ABC show to determine if additional issues are identified. Any new issues will be brought to the ARB.

Further, the staff will request complete unedited tapes of the interns' visits to the University of Maryland from ABC. ABC has verbally agreed to release the tapes following airing of the show. If the tapes identify new issues, staff will return to the ARB.

If the show and unedited tapes do not identify any further information, the staff will close the allegation.

Staff reviewed the ABC "Primetime" show, and did not identify any new relevant information. Staff plans to request complete unedited tapes from ABC to determine if additional issues are identified. Any new issues indicating a possible violation of NRC regulations will be brought to the ARB.

Based on RTRS review, the staff plans to close this allegation. If additional information is received indicating a possible violation of NRC regulations (i.e. from ABC's unedited tapes) then staff will re-open the allegation. Due Date: December 31, 2005.

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 safety significance, technical review priority, and proposed resolution plan.

ARB CHAIRMAN:	M. Case
ARB MEMBER:	H. Berkow
ALLEGATION COORDINATOR:	G. Cwalina
OI REPRESENTATIVE:	K. Monroe
OE REPRESENTATIVE:	N/A
OGC REPRESENTATIVE:	G. Longo
IPSB LEAD REVIEWER:	V. Hall
TECHNICAL BRANCH LEAD REVIEWER:	M. Mendonca
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