

NRR-2005-A-0026

**ALLEGATION REVIEW BOARD BRIEFING
AND MEETING SUMMARY**

FACILITY: University of Utah
TAC NUMBER: MC8387
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:

Access to the reactor was allowed with limited escort (i.e., only one escort).

CONCERN 2:

Bags were allowed in the building without being searched, but were kept outside the reactor room.

CONCERN 3:

Prior to a reactor tour, names and addresses were given, but ID's were not requested.

CONCERN 4:

Individuals were able to bring cameras on a tour.

CONCERN 5:

Individuals returned to the building that houses reactor at 12:30am, and found a basement entrance to the building unlocked.

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.

At the University of Utah, ABC provided information that individuals were allowed to tour the reactor room with a limited escort. The individuals bags were allowed in the building, but were kept outside the reactor room. Staff review of ABC's edited tape did not reveal any evidence of a violation at the University of Utah.

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 Utah; 2) plans to send an RAIs to all RTR facilities with reactor fuel, including the University of Utah. 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 Utah.

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 identified three new concerns at the University of Utah.

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

Allowing unauthorized access to the facility will allow an increased possibility of sabotage to the reactor or theft of special nuclear material. However, there is no evidence that unauthorized access was granted at the University of Utah. 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 Utah, 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 two concerns, RTRS assessment states:

Concern 1: Video provided by the University of Utah showed two escorts, although security plan, Rev. 7 dated July 2003, and Compensatory Measures dated February 23, 2004, were not violated by escort to visitor ratio.

Concern 2: The storage of bags in the office area is in accordance with the Compensatory Measures and Security Plan. Bags were not allowed in lab area. In addition to NRC evaluations and inspections, the security risk to reactor was evaluated by DOE counter-terrorism, WMD group, and FBI, previously, and found acceptable.

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 Utah 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.

RTRS identified three new concerns, and based on their review of the University's Physical Security Plan and Compensatory Measures did not identify any violations. Their assessment for the new concerns states:

Concern 3: Background checks are only required for unescorted access. The staff did not identify any violations.

Concern 4: There is no requirement in the Physical Security Plan or commitment in the CMs regarding cameras for this the facility. The staff did not identify any violations.

Concern 5: The exterior doors for the building that houses the reactor are not part of the Physical Security Plan or Compensatory Measures. This area is open to the public. The staff did not identify any violations.

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
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OE REPRESENTATIVE:	N/A
OGC REPRESENTATIVE:	G. Longo
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