

27 October 2022

From: Dr. Glenn E. Sjoden, Director
Chair, University of Utah Nuclear Engineering Program
Energy Solutions Presidential Endowed Chair
Department of Civil and Environmental Engineering
110 Central Campus Drive, Room 2000, Salt Lake City, UT 84112

50-407

Subj: Reply to a Notice of Violation

To: U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

This memo constitutes a Reply to a "Notice of Violation" as noted in "UNIVERSITY OF UTAH – NUCLEAR REGULATORY COMMISSION SECURITY INSPECTION REPORT NO. 05000407/2022202". Note: We received the IR and associated "Notice of Violation" on 10/27/2022 from Michael Takacs. The notice documents a violation of Title 10 of the Code of Federal Regulations (10 CFR) 73.57, "Requirements for criminal history records checks of individuals granted unescorted access to a nuclear power facility, a non-power reactor, or access to Safeguards Information," paragraph (f)(5).

Background:

From your report, as noted above, "Contrary to the above, the inspector found that the licensee did not retain the fingerprint and criminal history records received from the FBI, or a copy of the fingerprint and criminal history records, for two former employees who had terminated their employment from the non-power reactor facility within the past year. The former employees were previously approved by the licensee for unescorted access to the non-power reactor facility and to Safeguards Information, based on their fingerprint and criminal history records received from the FBI and the background checks performed by the licensee."

Response:

(1) The reason for the violation: We acknowledge the violation as noted; the reason the violation occurred was due to Mathew Lund, SRO and UUTR Reactor Supervisor (RS) at the time (prior to August 2019), failed to document and preserve background check information on two employees in our normal RS filing system. Because this occurred long before my employment at the University of Utah, which began in August of 2019, and well before subsequent RS staff members took over for Mr. Lund after that time, there was no possibility to locate the applicable background check data, despite an exhaustive search of all records at the time this deficiency was identified; the RS file system contained empty files and no records where the referenced data were set to reside. We acknowledge and fully regret this violation, although we note that it was well beyond our control, for the reasons stated. Because neither I nor our current RS were employed at the University of Utah at the time the said documentation was not maintained, there is no possibility for us to have remedied the situation. We have and shall continue to maintain all applicable security records, to the fullest extent possible, with complete transparency to USNRC.

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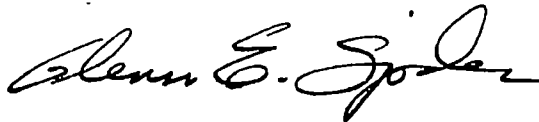
(2) The corrective steps that have been taken and the results achieved were as follows: All documentation and required security actions are current and are being maintained by the UUTR staff, including Andrew Allison, our permanent RS, and myself, as Reactor Director. All actions “on our watch” have been effectively documented, as required, and we are in full compliance with Federal/NRC Regulations.

(3) The corrective steps that will be taken: We have regularly maintained documents during my tenure as Reactor Director, and as noted in your recent on-site inspection, all is currently in order, sans the lack of documents from Mr. Lund and the failures as noted in your notice. Since those persons are no longer affiliated with the facility, and our current operation is up to date, all documents have been retained and maintained, we believe the risk of further violations of this nature are eliminated.

(4) The date when full compliance will be achieved: We are currently in full compliance; the current Reactor Supervisor is Andrew Allison, who is maintaining documents as required for security and safety compliance.

Safety, security, and regulatory compliance are our top priorities. We shall continue to make every effort to ensure the violation noted here is never repeated. Please let me know if you require additional information. My contact email is glenn.sjoden@utah.edu, and cell number is 352-870-5080.

Sincerely



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