

# **SAFEGUARDS INFORMATION**

July 3, 2003

CAL No. NRR-03-001

Dr. John A. Bernard, Director  
Nuclear Reactor Laboratory  
Massachusetts Institute of Technology  
138 Albany Street  
Cambridge, MA 02139-4296

SUBJECT: CONFIRMATORY ACTION LETTER

Dear Dr. Bernard:

On June 30, 2003, the Massachusetts Institute of Technology (MIT) Nuclear Reactor Laboratory (NRL) reported an event to NRC where a reactor operator was asleep at the reactor console for a period of less than thirty minutes during the morning of June 29, 2003. From our preliminary review of this event, we are concerned with the operator at the console falling asleep because reactor operators are an important part of the multiple aspects of defense-in-depth that protects public health and safety. We are also concerned that the reactor operator outside the containment building could not enter the containment and thus would not have been able to respond to what could have been a potential reactor event.

Pursuant to your letter of July 1, 2003, and a telephone conversation between yourself and Alexander Adams, Jr., U.S. Nuclear Regulatory Commission (NRC) project manager for the MIT NRL on July 1, 2003, it is our understanding that you have taken the following actions:

1. The reactor operator who fell asleep at the controls of the MIT research reactor will not operate the MIT Research Reactor without a second licensed operator being present in the control room. This restriction will remain in effect until the NRC can evaluate the MIT ten-day written report on this event, conduct an inspection, and NRC approves removal of the restriction.

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WARNING: Violation of Section 147 of the Atomic Energy Act, "Safeguards Information" is subject to Civil and Criminal Penalties

**SAFEGUARDS INFORMATION**

## **SAFEGUARDS INFORMATION**

Dr. J. A. Bernard

-2-

2. When a reactor operator is alone at the controls of the MIT research reactor, positive contact will be made with the operator at the controls approximately every half hour.

The attachment to this letter, which contains Safeguards Information, contains an additional action that you have taken.

Pursuant to Section 182 of the Atomic Energy Act, 42 U.S.C. 2232, you are required to notify me immediately if your understanding differs from that set forth above.

We conclude that the above actions adequately address our concerns until NRC can complete our review of the event and your long-term corrective actions.

Issuance of this Confirmatory Action Letter does not preclude issuance of an order formalizing the above commitments or requiring other actions on the part of the licensee; nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter. In addition, failure to take the actions addressed in this Confirmatory Action Letter may result in enforcement action.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The attachment to this letter contains Safeguards Information and will not be placed in the NRC Public Document Room or in ADAMS. If you have any questions please contact Alexander Adams at 301-415-1127.

Sincerely,

**/RA/**

David B. Matthews, Director  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Docket No. 50-20  
License No. R-37

cc wo/attachment: Please see next page

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Massachusetts Institute of  
Technology

Docket No. 50-20

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City Manager  
City Hall  
Cambridge, MA 02139

Department of Environmental  
Quality Engineering  
100 Cambridge Street  
Boston, MA 02202

Test, Research, and Training  
Reactor Newsletter  
University of Florida  
202 Nuclear Sciences Center  
Gainesville, FL 32611

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-2-

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/RA/

David B. Matthews, Director  
Division of Regulatory Improvement Programs  
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\*Please see previous concurrence

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