



Mr. James Schmidt  
Security and Industrial Branch  
Division of Nuclear Materials Safety  
Nuclear Regulatory Commission, Region I  
475 Allendale Road  
King of Prussia, PA 19406-1415

October 14, 2005

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**Re: NRC inspection of License 37-28329-01 on September 20, 2005**

Dear Mr. Schmidt:

This letter is in response to our telephone discussions on September 20, and October 12, 2005.

During the Commission's inspection of Philotechnics' facilities in Clairton, PA on September 20, it was noted that the doors to the facility were not locked to prevent unauthorized access. Our understanding is that this deficiency will be considered a Finding by the Commission.

Philotechnics believes the doors to the facility, which constitute paths of entry to the restricted area, should remain locked unless attended; in fact, the day of the inspection I personally instructed plant personnel to ensure doors are locked. Furthermore, I instructed plant personnel to purchase and install self-locking latches with electronic keypads so that only authorized personnel could gain access to the restricted area. However, the regulations do not specifically state the restricted area must remain locked or that the licensee must absolutely prevent the unauthorized entry to the restricted area by a member of the public. In fact, questions regarding restricted area access have been raised many times over the years, and the Commission's answers have historically been ambiguous. Excerpts from NRC Health Physics Questions and Answers, specifically Questions 66, 119, and 411, are included as an attachment to this letter

10 CFR 20.1003 defines a restricted area as an area, access to which is limited by the licensee for the purpose of protecting individuals against undue risks from exposure to radiation and radioactive materials. Restricted area does not include areas used as

residential quarters, but separate rooms in a residential building may be set apart as a restricted area.

While the doors to the facility were not always locked, they were posted "Authorized personnel only." This seems consistent with the phrase "access to which is limited by the licensee" contained in the Part 20.1003, and with the recommendation of Question 66, part b. While a member of the public could have, by way of trespassing, gained access to the facility, this in no way constituted frequent access, so training would not have been required for such an individual.

Philotechnics is committed to radiological safety and has taken necessary corrective action to ensure unauthorized personnel do not have access to restricted areas. However in light of the NRC's past recommendations, we request this issue be reclassified as an Observation.

Sincerely,



Glenn R. Marshall, CHP  
Radiation Safety Officer

(Attachment)

### **NRC Health Physics Questions and Answers**

#### **Question 66:**

This question concerns restricted area limitations. At some sites for nuclear power plants the restricted area has been defined as the site boundary. In some areas routine public access was available with the understanding that, should the need arise, public use of these areas could be prohibited. Examples of this type of access include fishing, visitor centers, and farming. This type of use now appears to fall within the intent of the definition of controlled area and therefore, a new restricted area boundary located somewhat nearer the plant must be defined, in places where such uses exist.

The next physical boundary is a single fenced area, roughly corresponding to the security definition of owner controlled area. Station parking is routinely within this area and access is provided through openings in the single fence which are not continuously guarded. These openings are posted, "No Trespassing." The direct questions involved are:

- a. Can this area (single fenced area) qualify as the restricted area boundary?
- b. If so, are postings sufficient or would guards be required?
- c. If posting is sufficient, what is the acceptable wording?

#### **Answer:**

a. Yes, access to this area could be limited so as to meet the definition of a restricted area. However, it should be recognized that the dose received by an individual in a restricted area is an occupational dose that is subject to the occupational dose limits in Subpart C of the revised Part 20 (or to the occupational dose limits of 10 CFR 20.101 in the old Part 20) and the requirements in 10 CFR 19.12 on instructions to workers. (See definitions of "restricted area" and "occupational dose.")

b. Although neither posting nor guards are required specifically, access to a restricted area must, by definition, be controlled. In the situation described in the question, access control could be accomplished by posting or use of guards

c. Since posting is not specifically required (see b. above), the wording is left to the discretion of the licensee. NOTE: This answer also applies to research and test reactors, fuel fabrication plants, and major radioactive materials processors insofar as the conditions described in the question for nuclear power plants apply to these other facilities. (References: 10 CFR 20.1003, 10 CFR 20.1201, 10 CFR 20.1206, 10 CFR 20.1207, 10 CFR 20.1208, 10 CFR 19.12)

#### **Question 119:**

Is it permissible under 10 CFR Part 20 for a licensee to have a controlled area that is controlled for purposes of radiation protection but that is not a restricted area?

**Answer:**

No. By definition, in Part 20, a "restricted area means an area, access to which is limited by the licensee for the purpose of protecting individuals against undue risks from exposure to radiation and radioactive materials." As stated in the answer to Question 26 (a) under the heading "Controlled Area": ". . . an area that satisfies both the definition of a restricted area and the definition of a controlled area is considered to be a restricted area for purposes of compliance with Part 20." (Reference: 10 CFR 20.1003)

**Question 411:**

Under 10 CFR 19.12, what is the minimum training that licensees must provide to visitors who will enter a restricted area (where the occupational dose limits apply)?

**Answer:**

10 CFR 19.12, "Instructions to Workers," requires that training (instruction) be provided to "all individuals working in or frequenting any portion of a restricted area." Frequenting an area means to pay frequent visits to the area or to be in the area often. Therefore, 10 CFR 19.12 does not apply to infrequent visitors who will not be working in the restricted area. However, 10 CFR 19.12 does apply to visitors or other individuals (a) who will be working in the restricted area or (b) who are expected to be in the area often. (Thus, 10 CFR 19.12 does require instruction of anyone working in a restricted area, even if that work is infrequent.) Licensees have the responsibility to determine which individuals are frequent visitors and which are not. Although not required by 10 CFR 19.12, in accordance with good radiation protection practice, infrequent visitor (s) should be provided with a trained escort who will provide the visitor (s) with the information needed for protection from any potential radiological hazards. (Reference: 10 CFR 19.12)