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NRR-2005-A-0023

**ALLEGATION REVIEW BOARD BRIEFING
AND MEETING SUMMARY**

FACILITY:	Penn State University
TAC NUMBER:	MC8384
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:

A guard was sleeping at his post outside of the reactor building.

CONCERN 2:

Unarmed guards are protecting the reactor building.

CONCERN 3:

Individuals parked a car in a lot six feet from a fence around the building that houses the reactor. The individuals were parked for more than 10 minutes and were not approached or asked any questions.

CONCERN 4:

During a tour, bags and cameras were not allowed but were left just 30 feet away from the reactor, which was behind a locked door. The bags were not searched.

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

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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 Penn State University, ABC provided information that a guard was asleep outside of the reactor building, and that the guards that protect the facility are unarmed. Staff review of ABC's edited tape did not reveal any evidence of a violation at Penn State University.

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 Penn State University; 2) plans to send an RAIs to all RTR facilities with reactor fuel, including Penn State University. 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 Penn State University.

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 two new concerns at Penn State University.

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 Penn State University. 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 Penn State University, 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: Guard is really parking lot attendant and is not part of security requirements or commitments. The Physical Security Plan dated June 11, 1990, as supplemented on March 10, 1992, does not mention the parking lot attendant. The Compensatory Measures dated July 22, 2003, as supplemented on October 1, 2003, do not mention the parking lot attendant. The Facility Director at Penn State was informed. The

licensee discussed with parking lot attendant, including the importance of staying alert. Licensee was informed by parking lot attendant that he was not sleeping as he saw them approach and waited for them to get near to react. Licensee informed their management of this potential public perception issue.

Concern 2: By observation available to the public it is clear the parking lot attendant (not a guard) is not armed. This is not part of security requirements and is not revealing any info that is not readily apparent to the casual observer.

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 Penn State University 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 two 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: The facility does not have control outside the fence. The Compensatory Measures state that the fence is closed with access only as required. Parking outside the Fence is not a violation

Concern 4: The bags and cameras were left outside the Controlled Access Area (CAA). There is no requirement to search bags outside of the CAA. This is not a violation.

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
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