

**NRR-2005-A-0029**

**ALLEGATION REVIEW BOARD BRIEFING  
AND MEETING SUMMARY**

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<b>FACILITY:</b>	Kansas State University
<b>TAC NUMBER:</b>	MC8390
<b>RECEIVED:</b>	September 16, 2005
<b>150-DAY DATE:</b>	February 13, 2006

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<b>TYPE OF ARB:</b>	Followup ARB Meeting
<b>PURPOSE OF ARB:</b>	To discuss allegation resolution
<b>DATE OF ARB:</b>	October 27, 2005

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**UPDATED INFORMATION SINCE LAST ARB IS HIGHLIGHTED**

**CONCERN 1:**

Individuals were allowed to tour the research reactor with cameras, and without having their bags searched. This followed an alert to research reactor sites that individuals posing as students may visit in attempts to gain entry. The Director did not receive this alert.

**CONCERN 2:**

Wallets and a camera were allowed inside the reactor area during a reactor tour.

**CONCERN 3:**

During a reactor tour, the reactor's control room door was wide open.

**CONCERN 4:**

Two Kansas State University student guides allowed individuals to stand directly over the reactor pool during a tour. The tour guides discussed details such as the location of the fuel rods, the location of extra uranium, the weight of the fuel elements, the pool dimensions and the reactor's operating hours. The tour guides allowed individuals to take extensive pictures and video.

**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 Kansas State University, ABC provided information that individuals were allowed into the reactor room with cameras, and without having their bags searched. Staff review of ABC's edited tape did not reveal any evidence of a violation at Kansas 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 Kansas State University; 2) plans to send an RAIs to all RTR facilities with reactor fuel, including Kansas 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 Kansas 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 three new concerns at Kansas 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 Kansas 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 Kansas 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.

RTRS assessment states that Physical Security Plan in not required by license. This was approved with License amendment #11 to R-88. Physical Security Procedures are in place to implement requirements in accordance with 10CFR73.67(f).

The updated KSU Reactor Compensatory Measures (CMs) dated December 10, 2004 were approved by letter from DB Matthews to PM Whaley December 10, 2004.

Both the Physical Security Procedures and the commitment to CMs are both silent as to cameras carried by escorted visitors. These visitors were escorted as committed to in the CMs on page 16 under the section "Visitor Access Controls."

The licensee had been informed that the individuals had visited other RTRs. The licensee followed their requirements for allowing tours. Staff did not identify any violations of this Security Plan or the Compensatory Measures.

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 Kansas 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 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 2: Cameras and wallets are not addressed in the Physical Security Plan. The staff did not identify any violations.

Concern 3: Door requirements in the Physical Security Plan depend on working and non-working hours. Staff did not identify any violations.

Concern 4: Taking pictures, video, and discussing details of the reactor are not addressed in the Physical Security Plan. 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**

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**ARB DECISION (and comments):**

The ARB agreed with the safety significance, technical review priority, and proposed resolution plan.

<b>ARB CHAIRMAN:</b>	<b>M. Case</b>
<b>ARB MEMBER:</b>	<b>H. Berkow</b>
<b>ALLEGATION COORDINATOR:</b>	<b>G. Cwalina</b>
<b>OI REPRESENTATIVE:</b>	<b>K. Monroe</b>
<b>OE REPRESENTATIVE:</b>	<b>N/A</b>
<b>OGC REPRESENTATIVE:</b>	<b>G. Longo</b>
<b>IPSB LEAD REVIEWER:</b>	<b>V. Hall</b>
<b>TECHNICAL BRANCH LEAD REVIEWER:</b>	<b>M. Mendonca</b>
<b>RECORDING SECRETARY:</b>	<b>K. Richards</b>
<b>ADDITIONAL PARTICIPANTS:</b>	<b>R. Barnes, E. Brenner, M. Brooks, M. Marshall, T. Quay F. Talbot, D. Terao, B. Thomas</b>

**DISTRIBUTION:**  
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