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NRR-2005-A-0039

**ALLEGATION REVIEW BOARD BRIEFING
AND MEETING SUMMARY**

FACILITY:	Rensselaer Polytechnic Institute
TAC NUMBER:	MC8721
RECEIVED:	October 13, 2005
150-DAY DATE:	March 12, 2006

TYPE OF ARB:	Initial ARB Meeting
PURPOSE OF ARB:	To discuss allegation resolution
DATE OF ARB:	October 27, 2005

CONCERN 1:

There are two entrances to the industrial park where the reactor is located, only one of which is guarded.

CONCERN 2:

No guards are visible in the reactor building

CONCERN 3:

No one questioned the individuals as they wandered around the gate for about 30 minutes on two separate occasions.

I. BACKGROUND:

An investigative ABC "Primetime" News team provided information to NRC's Office of Public Affairs regarding issues at research and test reactor (RTR) sites that ABC believed to reflect violations of security measures.

ABC sent interns to 25 colleges with RTRs. The interns attempted to gain access to the university research reactor facilities. They videotaped portions of their attempts (the NRC staff has asked ABC for any tape they have on these issues). ABC visited NRC Headquarters to interview the Director of the Office of Nuclear Security and Incident Response and shared part of the ABC videotapes and documents, that identified 13 RTRs. NRC staff visited ABC studio in New York City to review these tapes.

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Staff opened allegation NRR-2005-A-0019 to address the generic RTR security issue. Staff also opened allegations NRR-2005-0020 through NRR-2005-A-0032 to address concerns at the first 13 RTRs identified in the tapes viewed before the "Primetime" show.

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.

At Rensselaer Polytechnic Institute (RPI), ABC provided information that the interns made two visits to the facility. Despite the presence of security cameras, no one questioned the interns as they wandered around the gate for about 30 minutes on two separate occasions. The NRC staff review of ABC's edited tape did not reveal any evidence of a violation at RPI.

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 RPI; 2) plans to send an RAIs to all RTR facilities with reactor fuel, including RPI. 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 25 RTRs, including RPI.

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 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 violate NRC requirements for security at research reactors. At no time were the ABC interns allowed into the reactor facility and the Controlled Access Area.

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 RPI, 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 three concerns, RTRS assessment states:

Concern 1: There are no Physical Security Plan requirements for the industrial park. This area is open to the public. The staff did not identify any violations.

Concern 2: There are no Physical Security Plan requirements for "visible" guards. The staff did not identify any violations

Concern 3: There are no Physical Security Plan requirements for the gated area around the building that houses the reactor. This area is open to the public. 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

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
TECHNICAL BRANCH LEAD REVIEWER:	M. Mendonca
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