

April 27, 1995

AF 36-1

MEMORANDUM TO: James M. Taylor
Executive Director for Operations

FROM: Eric S. Beckjord, Director /s/ David L. Morrison
Office of Nuclear Regulatory Research

SUBJECT: PROPOSED RULEMAKING "CHANGES TO NUCLEAR POWER PLANT SECURITY
REQUIREMENTS ASSOCIATED WITH CONTAINMENT ACCESS CONTROL"
(10 CFR PART 73) (WITS-910185) (RES-940092)

Attached for your signature is a proposed rule to be published in the Federal Register that would amend 10 CFR 73.55, "Physical Protection of Plants and Materials" (Attachment 1). This proposed amendment would delete § 73.55(d)(8) which requires controlling access of personnel and materials into containment during periods of high traffic.

Background: On February 18, 1994, the Commission directed the staff to implement the changes to § 73.55 recommended as a result of re-examining security requirements associated with an internal threat (SECY-93-326). One of the recommendations is the deletion of § 73.55(d)(8), because the deletion would provide significant relief to the licensees without compromising the physical protection required for the health and safety of the public.

Notices: A notice to the Commission that the EDO has signed this proposed rule is attached (Attachment 2). The appropriate Congressional Committees will be notified (Attachment 3). A copy of the proposed rule will be sent to all affected licensees and other interested persons. A public announcement will be issued (Attachment 4).

Resources: Resources to implement this rulemaking are included in the FY 1995-1999 Five-Year Plan and no additional resources are required for its implementation.

Coordination: The Offices of Nuclear Reactor Regulation, Administration, Enforcement, and Information Resources Management concur in this amendment. The CRGR and the ACRS have been informed and have decided not to review this rulemaking. The Office of the General Counsel has reviewed this proposed rulemaking and has no legal objection.

Attachments: As stated (4)

Distribution: RDB/Rdg/Subj/central LRiani MFato (RES-940092)
MBridgers (WITS- 910185)

[Document Name: G:\Frattali\FNL.ED2.FNL]

*See previous concurrences

OFFC	RDB:DRA*	RDB:DRA*	D:DRA	D:RES			
NAME	SFrattali	TMartin	BMorris	ESBeckjord			
DATE	04/21/95	04/21/95	04/26/95	04/27/95			
COPY	Yes - No	Yes - No	Yes - No	Yes - No			

OFFICIAL RECORD COPY

(RES File Code) RES 3

MEMORANDUM TO: James M. Taylor
Executive Director for Operations

FROM: Eric S. Beckjord, Director
Office of Nuclear Regulatory Research

SUBJECT: PROPOSED RULEMAKING "CHANGES TO NUCLEAR POWER PLANT SECURITY REQUIREMENTS ASSOCIATED WITH CONTAINMENT ACCESS CONTROL" (10 CFR PART 73) (WITS-910185) (RES-940092)

Attached for your signature is a proposed rule to be published in the Federal Register that would amend 10 CFR 73.55, "Physical Protection of Plants and Materials" (Attachment 1). This proposed amendment would delete § 73.55(d)(8) which requires controlling access of personnel and materials into containment during periods of high traffic.

Background: On February 18, 1994, the Commission directed the staff to implement the changes to § 73.55 recommended as a result of re-examining security requirements associated with an internal threat (SECY-93-326). One of the recommendations is the deletion of § 73.55(d)(8), because the deletion would provide significant relief to the licensees without compromising the physical protection required for the health and safety of the public.

Notices: A notice to the Commission that the EDO has signed this proposed rule is attached (Attachment 2). The appropriate Congressional Committees will be notified (Attachment 3). A copy of the proposed rule will be sent to all affected licensees and other interested persons. A public announcement will be issued (Attachment 4).

Resources: Resources to implement this rulemaking are included in the FY 1995-1999 Five-Year Plan and no additional resources are required for its implementation.

Coordination: The Offices of Nuclear Reactor Regulation, Administration, Enforcement, and Information Resources Management concur in this amendment. The CRGR and the ACRS have been informed and have decided not to review this rulemaking. The Office of the General Counsel has reviewed this proposed rulemaking and has no legal objection.

Attachments:

1. Federal Register notice & disk
2. Weekly Report
3. Congressional Letters
4. Public Announcement

Distribution: RDB/Rdg/Subj/central LRiani MFato (RES-940092)
MBridgers (WITS- 910185)

[Document Name: G:\Frattali\FNL.ED2]

OFFC	RDB:DRA	RDB:DRA	D:DRA	D:RES			
NAME	SFrattali <i>SFrattali</i>	TMartin <i>TMartin</i>	BMorris	ESBeckjord			
DATE	04/20/95	04/20/95	04/ /95	04/ /95			
COPY	<u>Yes</u> - No	<u>Yes</u> - No	Yes - No	Yes - No			



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 27, 1995

MEMORANDUM TO: James M. Taylor
Executive Director for Operations

FROM: Eric S. Beckjord, Director
Office of Nuclear Regulatory Research

SUBJECT: PROPOSED RULEMAKING "CHANGES TO NUCLEAR POWER PLANT SECURITY
REQUIREMENTS ASSOCIATED WITH CONTAINMENT ACCESS CONTROL"
(10 CFR PART 73) (WITS-910185) (RES-940092)

Attached for your signature is a proposed rule to be published in the Federal Register that would amend 10 CFR 73.55, "Physical Protection of Plants and Materials" (Attachment 1). This proposed amendment would delete § 73.55(d)(8) which requires controlling access of personnel and materials into containment during periods of high traffic.

Background: On February 18, 1994, the Commission directed the staff to implement the changes to § 73.55 recommended as a result of re-examining security requirements associated with an internal threat (SECY-93-326). One of the recommendations is the deletion of § 73.55(d)(8), because the deletion would provide significant relief to the licensees without compromising the physical protection required for the health and safety of the public.

Notices: A notice to the Commission that the EDO has signed this proposed rule is attached (Attachment 2). The appropriate Congressional Committees will be notified (Attachment 3). A copy of the proposed rule will be sent to all affected licensees and other interested persons. A public announcement will be issued (Attachment 4).

Resources: Resources to implement this rulemaking are included in the FY 1995-1999 Five-Year Plan and no additional resources are required for its implementation.

Coordination: The Offices of Nuclear Reactor Regulation, Administration, Enforcement, and Information Resources Management concur in this amendment. The CRGR and the ACRS have been informed and have decided not to review this rulemaking. The Office of the General Counsel has reviewed this proposed rulemaking and has no legal objection.

Attachments: As stated (4)

Attachment 1
Federal Register Notice

[7590-01-P]

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

RIN: 3150-AF36

Changes to Nuclear Power Plant Security Requirements
Associated with Containment Access Control

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing amending its regulations to delete certain security requirements for controlling the access of personnel and materials into reactor containment during periods of high traffic such as refueling and major maintenance. This action would relieve nuclear power plant licensees of the requirement to separately control access to reactor containments during periods of high traffic, such as refueling and major maintenance outages. Deletion of this requirement would decrease the regulatory burden for the licensees without degradation of physical security. This action follows reconsideration by the NRC of nuclear power plant physical security requirements to identify those that are marginal to safety, redundant, or out of date.

DATES: Submit comments by (insert date 30 days after publication in the Federal Register). Comments received after this date will be considered if it

is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Comments may be sent to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attn: Docketing and Service Branch. Hand deliver comments to 11545 Rockville Pike, Maryland, between 7:45 a.m. and 4:15 p.m. on Federal workdays.

Comments may be submitted electronically, in either ASCII text or WordPerfect format (version 5.1 or later), by calling the NRC Electronic Bulletin Board (BBS) on FedWorld. The bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet. Background documents on this rulemaking are also available for downloading and viewing on the bulletin board.

If using a personal computer and modem, the NRC rulemaking subsystem on FedWorld can be accessed directly by dialing the toll free number (800) 303-9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT-100 terminal emulation, the NRC rulemaking subsystem can then be accessed by selecting the "Rules Menu" option from the "NRC Main Menu." Users will find the "FedWorld Online User's Guides" particularly helpful. Many NRC subsystems and data bases also have a "Help/Information Center" option that is tailored to the particular subsystem.

The NRC subsystem on FedWorld can also be accessed by a direct dial phone number for the main FedWorld BBS, (703) 321-3339, or by using Telnet via Internet: fedworld.gov. If using (703) 321-3339 to contact FedWorld, the NRC

subsystem will be accessed from the main FedWorld menu by selecting the "Regulatory, Government Administration and State Systems," then selecting "Regulatory Information Mall." At that point, a menu will be displayed that has an option "U.S. Nuclear Regulatory Commission" that will take you to the NRC Online main menu. The NRC Online area also can be accessed directly by typing "/go nrc" at a FedWorld command line. If you access NRC from FedWorld's main menu, you may return to FedWorld by selecting the "Return to FedWorld" option from the NRC Online Main Menu. However, if you access NRC at FedWorld by using NRC's toll-free number, you will have full access to all NRC systems, but you will not have access to the main FedWorld system.

If you contact FedWorld using Telnet, you will see the NRC area and menus, including the Rules Menu. Although you will be able to download documents and leave messages, you will not be able to write comments or upload files (comments). If you contact FedWorld using FTP, all files can be accessed and downloaded but uploads are not allowed; all you will see is a list of files without descriptions (normal Gopher look). An index file listing all files within a subdirectory, with descriptions, is available. There is a 15-minute time limit for FTP access.

Although FedWorld also can be accessed through the World Wide Web, like FTP, that mode only provides access for downloading files and does not display the NRC Rules Menu.

For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch, NRC, Washington, DC 20555, telephone (301) 415-5780; e-mail AXD3@nrc.gov.

Single copies of this proposed rulemaking may be obtained by written request or telefax ((301) 415-2260) from: Distribution Services, Printing and

Mail Services Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001. Certain documents related to this rulemaking, including comments received, may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. These same documents may also be viewed and downloaded electronically via the Electronic Bulletin Board established by NRC for this rulemaking as indicated above.

FOR FURTHER INFORMATION CONTACT: Dr. Sandra Frattali, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-6261, e-mail sdf@nrc.gov.

SUPPLEMENTARY INFORMATION:

Background

In 1991, the Commission staff re-examined the NRC's nuclear power plant security requirements contained in 10 CFR Part 73, "Physical Protection of Plants and Materials." associated with an internal threat. Requirements were identified that were redundant, out of date, or marginal to safety (SECY-92-272). Following public meetings held to discuss these requirements, the NRC staff recommended changes to § 73.55 (SECY-93-326). One of the recommended changes was the deletion of § 73.55(d)(8), which contains a requirement for separate access control to reactor containments, which is unneeded, and a requirement for locks and alarms, which is contained elsewhere in Part 73. If this paragraph were removed it would provide burden relief to the licensees without compromising the physical protection of the health and

safety of the public against radiological sabotage. The NRC is proposing this rulemaking in response to the above recommendation. The other recommendations will be addressed in other NRC actions.

Discussion

Paragraph (d)(8) in § 73.55 requires physical protection for access into reactor containment. The paragraph contains two requirements, one is a requirement for locks and alarms. The second requires control, by a guard or watchman, of access of personnel and material into containment during periods of high traffic such as refueling and major maintenance outages.

When paragraph (d)(8) was promulgated there were no specific access authorization regulations, thus no additional protection for reactor containment against the insider threat. Subsequent rulemakings have been promulgated directed at protecting against the insider threat, namely § 73.56, "Personnel access authorization requirements for nuclear power plants," and § 73.57, "Requirements for criminal history checks of individuals granted unescorted access to a nuclear power facility or access to Safeguards Information by power reactor licensees." Reactor containment or adjacent areas that provide access to containment are already vital areas. Thus, access of personnel into containment during periods of high traffic, such as refueling and major maintenance outages, is already controlled. In addition having security personnel control access of materials into containment during periods of high traffic provides no substantial benefit since material access into the protected area is already controlled and the containment is located within the protected area. Moreover, even certain "authorized" materials

could be misused once in containment. The requirement that access be controlled by a guard or watchman provides little security since the purpose is to control access, which has already been provided, and not prevent a forced entry. After reactor containment is secured following periods of heavy traffic, existing NRC requirements for walkdown inspections and security searches apply and assure the security of the containment. Hence, the requirement that access into the reactor containment itself be separately controlled provides little or no additional security.

In addition, because a reactor containment is a vital area, it is subject to the vital area requirements for locks and alarms contained in other sections of § 73.55, as well as all other policies and procedures related to vital areas and equipment. Thus, the requirement for locks and alarms in paragraph (d)(8) is redundant.

For these reasons, the NRC believes that deletion of § 73.55(d)(8) would relieve licensees of an unnecessary burden, without degradation of physical security. Moreover, since security personnel would no longer be required to be assigned to a radiation control area, there would be a decrease in occupational exposure. It should be noted that this change would apply only to access from vital areas into reactor containment (which continues to remain a vital area) and does not relieve the licensee of requirements to provide radiological controls or of other requirements for personnel accountability.

Environmental Impact: Categorical Exclusion

The Commission has determined that this proposed rule is the type of action described as a categorical exclusion in 10 CFR 51.22 (c)(2).

Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

Paperwork Reduction Act Statement

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget, approval number 3150-0002.

Regulatory Analysis

Elimination of § 73.55(d)(8) would relieve licensees of the requirement to station security personnel at entrances to containment during periods of high traffic. The potential savings to the licensees from the elimination of this requirement are substantial. Assuming, on the average, 2 security personnel are needed to control access to containment during the time the reactor is open, and assuming that the containment is open 50 days per major outage, with two major outages every 3 years, and a wage of approximately \$30 per hour (loaded) for security personnel, the total savings per reactor per year would be:

$$\begin{aligned} & 2 \text{ guards/reactor} \times 50 \text{ days/outage} \times 2/3 \text{ outages/year} \times \\ & \$30/\text{hr-guard} \times 24 \text{ hrs/day} = \$48,000/\text{year-reactor}. \end{aligned}$$

With 110 operating nuclear power reactors, the total savings for the industry are potentially \$5,280,000/year. Moreover, deletion of paragraph (d)(8) would result in a decrease in occupational exposure because security personnel would no longer be required to be within the radiation controlled area directly adjacent to containment.

Based on the above discussion, the NRC concludes that eliminating § 73.55(d)(8) would provide relief to the licensees, and lower occupational exposure, without compromising physical protection of the public health and safety against radiological sabotage at licensed nuclear power reactors.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect only licensees authorized to operate nuclear power reactors. These licensees do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act, or the Small Business Size Standards set out in regulations issued by the Small Business Administration Act, 13 CFR Part 121.

Backfit Analysis

The Commission has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule because this amendment would not impose new requirements on existing 10 CFR Part 50 licensees. It is voluntary and should

the licensee decide to implement this amendment, it is a reduction in burden to the licensee. Therefore, a backfit analysis has not been prepared for this amendment.

List of Subjects in 10 CFR Part 73

Criminal penalties, Hazardous materials transportation, Export, Import, Nuclear materials, Nuclear power plants and reactors, Reporting and record keeping requirements, Security measures.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is proposing to adopt the following amendments to 10 CFR Part 73.

PART 73 -- PHYSICAL PROTECTION OF PLANTS AND MATERIALS

1. The authority citation for Part 73 continues to read as follows:

AUTHORITY: Secs. 53, 161, 68 Stat. 930, 948, as amended, sec. 147, 94 Stat. 780 (42 U.S.C. 2073, 2167, 2201); sec. 201, as amended, 204, 88 Stat. 1242, as amended, 1245 (42 U.S.C. 5841, 5844).

Section 73.1 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 73.37(f) also issued under sec. 301, Pub. L. 96-295, 94 Stat. 789 (42 U.S.C. 5841 note). Section 73.57 is issued under sec. 606, Pub. L. 99-399, 100 Stat. 876 (42 U.S.C. 2169).

2. In § 73.55, paragraph (d)(8) is removed and paragraph (d)(9) is redesignated as (d)(8).

Dated at Rockville, Maryland, this ____ day of _____, 1995.

For the Nuclear Regulatory Commission.

James M. Taylor,
Executive Director for Operations.

2. In § 73.55, paragraph (d)(8) is removed and paragraph (d)(9) is redesignated as (d)(8).

Dated at Rockville, Maryland, this ____ day of _____, 1995.

For the Nuclear Regulatory Commission.

James M. Taylor,
Executive Director for Operations.

RECORD NOTE: A draft copy of the proposed rule was sent to OIG for information on April 3, 1995.

Distribution: RDB/Rdg/Subj/Central LRiani MBridgers MFato RES930319
TMartin DMorrisson

[Document Name: G:\Frattali\FNL_FRN.FNL]

*see previous concurrences

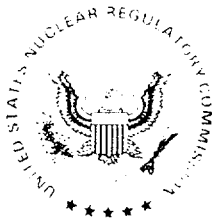
OFFC	RDB:DRA*	RDB:DRA*	D:DRA*	D:RES*			
NAME	SFrattali	SBahadur	BMorris	ESBeckjord			
DATE	03/06/95	03/17/95	04/03/95	04/03/95			
COPY	Yes - No	Yes - No	Yes - No	Yes - No			

OFFC	NRR *	OE*	OGC*	ADM*	IRM*	EDO	
NAME	WTRussell	Lieberman	KCyr	WOLiu	Cranford	JTaylor	
DATE	04/14/95	04/14/95 e-mail	04/13/95	04/11/95	04/11/95	04/ /95	
COPY	Yes - No	Yes - No	Yes - No	Yes - No	Yes - No	Yes - No	

OFFICIAL RECORD COPY

(RES File Code) RES

3



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20545-0001

File # : Enattali
Tse
File #

April 14, 1995

MEMORANDUM TO: Eric S. Beckjord, Director
Office of Nuclear Reactor Research

FROM: William Russell, Director *W. Russell*
Office of Nuclear Reactor Regulation

SUBJECT: CONCURRENCE ON PROPOSED RULEMAKING "CHANGES TO NUCLEAR POWER
PLANT SECURITY REQUIREMENTS ASSOCIATED WITH CONTAINMENT ACCESS
CONTROL" (10 CFR PART 73)

This is to advise you of NRR's concurrence on the subject rulemaking package. I understand that minor changes to the Discussion section to make it more accurate were discussed with your staff and will be incorporated into the final Federal Register Notice.

2. In § 73.55(d), paragraph (C) is removed and subsequent paragraphs are renumbered.

Dated at Rockville, Maryland, this _____ day of _____, 1995.

For the Nuclear Regulatory Commission.

James M. Taylor,
Executive Director for Operations.

[Document Name: G:\Frattali FNL FRN.FNL]
*see previous cocurrences

OFFC	RDB:DRA*	RDB:DRA*	D:DRA*	D:RES*			
NAME	SFrattali	SBahadur	BMorris	ESBeckjord			
DATE	03/06/95	03/17/95	04/03/95	04/03/95			
COPY	Yes - No	Yes - No	Yes - No	Yes - No			

OFFC	NRR	OE	OGC	ADM	IRM	EDO	
NAME	WTRussell	Lieberman	KC <i>no copy</i>	MLesar	Cranford	JTaylor	
DATE	04/ /95	04/ /95	04/13/95	04/ /95	04/ /95	04/ /95	
COPY	Yes - No	Yes - No	Yes - <u>No</u>	Yes - No	Yes - No	Yes - No	

OFFICIAL RECORD COPY

(RES File Code) RES 3



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

cc: Martin
Tse
Frattali
file (

April 11, 1995

MEMORANDUM TO: Eric S. Beckjord, Director
Office of Nuclear Regulatory Research

FROM: Walter E. Oliu, Acting Chief *Walter E. Oliu*
Rules Review and Directives Branch
Division of Freedom of Information
and Publications Services
Office of Administration

SUBJECT: OFFICE CONCURRENCE ON PROPOSED RULE ENTITLED
"CHANGES TO NUCLEAR POWER PLANT SECURITY
REQUIREMENTS ASSOCIATED WITH CONTAINMENT
ACCESS CONTROL"

The Office of Administration (ADM) concurs on the proposed rule that amends Part 73. We have attached a marked copy of the proposed rule that presents our editorial comments.

Please note that the proposed rule may not be submitted for signature and publication until the Office of Information and Resources Management informs ADM that any issues affecting compliance with the Paperwork Reduction Act are resolved.

When the document is forwarded for publication, please include a 3.5-inch diskette that contains a copy of the document in WordPerfect 5.0 or 5.1 as part of the transmittal package. The diskette will be forwarded to the Office of the Federal Register and the Government Printing Office for their use in typesetting the document.

If you have any questions, please contact Alice Katoski, 415-6862, or Michael Lesar, 415-7163, Division of Freedom of Information and Publications Services.

Attachment: As stated

From: Richard P. Rosano (RPR)
To: SDF
Date: Friday, April 14, 1995 11:16 am
Subject: Part 73 Rulemaking

I discussed this with JLieberman and OE has no comments. I left you a telephone message earlier, and I will assume that this is sufficient concurrence unless you call (and want a written concurrence). Thanks.

- R



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

cc:

Tse
Frattali
File

April 11, 1995

dm

MEMORANDUM TO: Eric S. Beckjord, Director
Office of Nuclear Regulatory Research

FROM: Gerald F. Cranford, Director
Office of Information Resources Management

SUBJECT: OFFICE REVIEW AND CONCURRENCE ON PROPOSED RULEMAKING
"CHANGES TO NUCLEAR POWER PLANT SECURITY REQUIREMENTS
ASSOCIATED WITH CONTAINMENT ACCESS CONTROL" (10 CFR PART 73)

The Office of Information Resources Management has reviewed the subject rulemaking and concurs in its publication. However, there is one minor change that must be made before the rule can be published. This change has been communicated to the Office of Administration with a copy to the Office of Nuclear Regulatory Research's contact for the rule. If you have any questions, please contact Brenda Shelton at 415-7233, e-mail BJS1.

cc: S. Frattali, RES
M. Lesar, ADM



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, D. C. 20555

April 13, 1995

MEMORANDUM TO: James M. Taylor
Executive Director for Operations

FROM: John T. Larkins, *John T. Larkins* Executive Director
Advisory Committee on Reactor Safeguards

SUBJECT: PROPOSED AMENDMENTS TO 10 CFR PART 73
CONCERNING SECURITY REQUIREMENTS ASSOCIATED
WITH CONTAINMENT ACCESS CONTROL

During the 420th meeting of the Advisory Committee on Reactor Safeguards, April 6-7, 1995, the Committee decided not to comment on the proposed rule.

Reference:
Memorandum dated April 3, 1995, from Eric Beckjord, Director, RES, to William Russell, Director NRR, and others, Subject: Office Review and Concurrence on Proposed Rulemaking Changes to Nuclear Power Plant Security Requirements Associated with Containment Access Control (10 CFR Part 73)

cc: J. Hoyle, SECY
J. Blaha, OEDO
M. Taylor, OEDO
E. Beckjord, RES
B. Morris, RES
S. Bahadur, RES
A. Tse, RES
S. Frattali, RES
G. Sege, RES

Approved For Publication

The Commission delegated to the EDO (10 CFR 1.31(c)) the authority to develop and promulgate rules as defined in the APA (5 U.S.C. 551 (4)) subject to the limitations in the NRC Management Directive 9.17, Organization and Functions, Office of the Executive Director for Operations, paragraphs 0213, 038, 039, and 310.

The enclosed proposed rule, entitled "Changes in Nuclear Power Plant Security Requirements Associated with Containment Access Control," would amend Part 73 by eliminating certain redundant requirements for controlling the access of personnel and materials into containment.

This proposed rule does not constitute a significant question of policy, nor does it amend regulations contained in 10 CFR Parts 7, 8, or 9 Subpart C concerning matters of policy. I, therefore, find that this proposed is within the scope of my rulemaking authority and am proceeding to issue it.

Date

James M. Taylor,
Executive Director for Operations

Attachment 2
Weekly Report

WEEKLY REPORT TO THE COMMISSION
OFFICE OF NUCLEAR REGULATORY RESEARCH

Proposed Rule Signed by EDO

On _____, 1995, the Executive Director for Operations approved a proposed rule that would amend 10 CFR Part 73, "Physical Protection of Plants and Materials," by deleting § 73.55(d)(8) which requires access control of personnel and materials into containment at power reactors during periods of high traffic. This requirement has been made unnecessary by the implementation of the rules for protection against the insider threat.

This constitutes notice to the Commission that, in accordance with the rulemaking authority delegated to the EDO, the EDO has signed this proposed rule for publication in the Federal Register.

Attachment 3
Congressional Letters



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

The Honorable Dan Schaefer, Chairman
Subcommittee on Energy and Power
Committee on Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed for the information of the subcommittee is a copy of the proposed amendment to 10 CFR Part 73 to be published for public comment in the Federal Register.

The proposed amendment would relieve nuclear power plant licensees of the requirement to separately control access to reactor containments during periods of high traffic, such as refueling outages. Deletion of this requirement would decrease the regulatory burden of the licensees without degradation of physical security. Moreover, since the assignment of security personnel to a radiation control area would no longer be required, there would be a decrease in occupational exposure. In addition, duplicate requirements for locks and alarms on points of containment entry would be deleted.

Sincerely,

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Representative Frank Pallone

The Honorable Dan Schaefer, Chairman
Subcommittee on Energy and Power
Committee on Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed for the information of the subcommittee is a copy of the proposed amendment to 10 CFR Part 73 to be published for public comment in the Federal Register.

The proposed amendment would relieve nuclear power plant licensees of the requirement to separately control access to reactor containments during periods of high traffic, such as refueling outages. Deletion of this requirement would decrease the regulatory burden of the licensees without degradation of physical security. Moreover, since the assignment of security personnel to a radiation control area would no longer be required, there would be a decrease in occupational exposure. In addition, duplicate requirements for locks and alarms on points of containment entry would be deleted.

Sincerely,

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Representative Frank Pallone

Distribution:
Subj-central
RDB R/F
JMTaylor
DRathbun

Document Name: G:FRATTALI\CONG.LTR

Offc:	RDB:DRA:RES	RDB:DRA:RES	D:DRA:RES
Name:	SFrattali	TMartin	BMorris
Date:	4/12/95	4/12/95	4/12/95
Copy:	Yes/No	Yes/No	Yes/No

D:RES
ESBeckford
4/12/95
Yes/No

GPA:CA
DRathbun
/ /95
Yes/No



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

The Honorable Lauch Faircloth, Chairman
Subcommittee on Clean Air, Wetlands, Private
Property and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Enclosed for the information of the subcommittee is a copy of the proposed amendment to 10 CFR Part 73 to be published for public comment in the Federal Register.

The proposed amendment would relieve nuclear power plant licensees of the requirement to separately control access to reactor containments during periods of high traffic, such as refueling outages. Deletion of this requirement would decrease the regulatory burden of the licensees without degradation of physical security. Moreover, since the assignment of security personnel to a radiation control area would no longer be required, there would be a decrease in occupational exposure. In addition, duplicate requirements for locks and alarms on points of containment entry would be deleted.

Sincerely,

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Senator Bob Graham

The Honorable Lauch Faircloth, Chairman
Subcommittee on Clean Air, Wetlands, Private
Property and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Enclosed for the information of the subcommittee is a copy of the proposed amendment to 10 CFR Part 73 to be published for public comment in the Federal Register.

The proposed amendment would relieve nuclear power plant licensees of the requirement to separately control access to reactor containments during periods of high traffic, such as refueling outages. Deletion of this requirement would decrease the regulatory burden of the licensees without degradation of physical security. Moreover, since the assignment of security personnel to a radiation control area would no longer be required, there would be a decrease in occupational exposure. In addition, duplicate requirements for locks and alarms on points of containment entry would be deleted.

Sincerely,

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Senator Bob Graham

Document Name:G:FRATTALI\CONG.LTR

Offc: RDB:DRA:RES	RDB:DRA:RES	D:DRA:RES	D:RES	D:OCA
Name: SFrattali	TMartin	BMorris	ESBeckjord	DRathbun
Date: 4/20/95	4/20/95	4/20/95	4/27/95	1/ /95
Copy: Yes/No	Yes/No	Yes/No	Yes/No	Yes/No

OFFICIAL RECORD COPY

Attachment 4
Public Announcement

NRC CONSIDERS AMENDMENTS REGARDING
PHYSICAL SECURITY AT NUCLEAR POWER PLANTS

The Nuclear Regulatory Commission is considering amending its regulations to delete the requirement for a guard or watchman to control access of personnel and materials into nuclear reactor containment during periods of high traffic, such as refueling and major maintenance. The action is part of NRC's reconsideration of nuclear power plant physical security requirements to identify those that are marginal to safety, redundant, or out of date.

The Commission believes the proposed revision would reduce the regulatory burden on licensees without compromising public health and safety, since access to the containment or area surrounding the containment is already controlled by guards or watchmen.

The additional requirement to control containment access during periods of high traffic was issued when there was no extra protection against insiders who might work at the plant. However, more recent regulations have provided other means of protecting against a malevolent insider.

For example, nuclear power plant licensees now must establish special requirements for persons authorized to have unescorted access to protected and vital areas of the plant. (A "protected area" is one that is encompassed by physical barriers and that has controlled access. A "vital area" is one containing any equipment, system, device or material whose failure, destruction or release could endanger the public health and

safety by exposure to radiation. It also includes equipment or systems that would be required to function to protect public health and safety following such a failure, destruction or release.)

The licensee's access authorization program must include a background investigation, psychological assessment and behavioral observation--all developed to provide high assurance that individuals granted unescorted access are trustworthy and reliable.

The NRC also issued a requirement for criminal history background checks of individuals granted unescorted access.

Other measures that are in place as part of the comprehensive nuclear power plant security system required by the NRC provide additional physical protection of the reactor containment.

Interested persons are invited to submit comments on the proposed changes by _____ (30 days after publication of a Federal Register notice on this subject on _____). Written comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments may also be submitted electronically, as explained in the Federal Register notice.