



OFFICE OF THE  
SECRETARY

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

January 29, 1997

(17)

AF 53-1

Action: / Morrison, RES

Cys: Thompson  
Jordan  
Norry  
Blaha  
Lieberman, OE  
Meyer, ADM  
Shelton, IRM  
Frattali, RES  
Miraglia, NRR

MEMORANDUM TO: Hugh L. Thompson, Jr.  
Acting Executive Director for Operations

FROM: John C. Hoyle, Secretary

SUBJECT: STAFF REQUIREMENTS - SECY-96-248 - PROPOSED  
RULE ON CHANGES TO NUCLEAR POWER PLANT  
SECURITY REQUIREMENTS, 10 CFR PART 73

The Commission has approved publication of the proposed rulemaking with the changes noted below.

1. The proposed rule should be changed to permit vital area access list reapproval at least quarterly instead of annually. The staff should also include a question in the proposed rule for comment regarding the benefits of separating the update and re-approval requirements.
2. The following sentence should be added to paragraph (A), on page 18 of the Federal Register notice: The licensee shall include on the access list only individuals whose specific duties require access to vital areas during nonemergency conditions.

(EDO) (RES)

(SECY Suspense:

2/28/97)

9500117

cc: Chairman Jackson  
Commissioner Rogers  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
OGC  
OCA  
OIG  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)

SECY NOTE: THIS SRM, SECY-96-248, AND THE COMMISSION VOTING  
RECORD CONTAINING THE VOTE SHEETS OF ALL  
COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 5  
WORKING DAYS FROM THE DATE OF THIS SRM.



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January 29, 1997

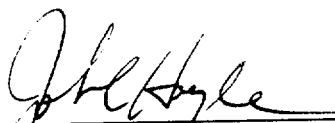
COMMISSION VOTING RECORD

DECISION ITEM: SECY-96-248

TITLE: PROPOSED RULE ON CHANGES TO NUCLEAR  
POWER PLANT SECURITY REQUIREMENTS, 10  
CFR PART 73

The Commission, (with Chairman Jackson and Commissioners Dicus and McGaffigan agreeing) approved in part and disapproved in part, the subject paper. Commissioners Rogers and Diaz approved the entire paper. The result is reflected in the Staff Requirements Memorandum (SRM) of January 29, 1997.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Chairman and Commissioners, and the SRM of January 29, 1997

  
\_\_\_\_\_  
John C. Hoyle  
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets
3. Final SRM

cc: Chairman Jackson  
Commissioner Rogers  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
OGC  
EDO  
PDR  
DCS

## VOTING SUMMARY - SECY-96-248

### RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. JACKSON	X	X			X	1/17/97
COMR. ROGERS	X				X	12/30/96
COMR. DICUS	X	X			X	1/2/97
COMR. DIAZ	X					12/19/96
COMR. McGAFFIGAN	X	X			X	1/8/97

### COMMENT RESOLUTION

In their vote sheets, Chairman Jackson and Commissioners Dicus and McGaffigan approved the proposed rule in part, but disapproved the re-approval period change to annually. Commissioners Rogers and Diaz voted to approve the staff recommendation. Subsequently, the comments of the majority of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on January 29, 1997

N O T A T I O N   V O T E

RESPONSE SHEET

TO:                    John C. Hoyle, Secretary

FROM:                CHAIRMAN JACKSON

SUBJECT:            SECY-96-248 - PROPOSED RULE ON CHANGES TO  
                      NUCLEAR POWER PLANT SECURITY REQUIREMENTS,  
                      10 CFR PART 73

Approved in part            Disapproved in part            Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_            Request Discussion \_\_\_\_\_

COMMENTS:

See attached comments.

  
\_\_\_\_\_  
SIGNATURE

Release Vote    / X /

January 17, 1997  
\_\_\_\_\_  
DATE

Withhold Vote    /    /

Entered on "AS"    Yes \_\_\_\_\_ No \_\_\_\_\_

### Chairman Jackson's Comments on SECY-96-248

I approve the staff's request to publish the proposed rule subject to the following comments.

I agree with Commissioners Dicus and McGaffigan that there is no definitive basis to lengthen the re-approval period of the vital area access list to annually. The staff should modify the proposed rule to require quarterly re-approval. However, it is not clear that separating the update and re-approval requirements and changing the re-approval periodicity necessarily provides any real benefit. It is my understanding that, presently, at least some licensees are accomplishing the update and re-approval as one action. The staff should include a question in the proposed rule for comment regarding the benefits of separating the update and re-approval requirements.

I concur with Commissioner Dicus' comment to add the third sentence of Paragraph 73.55(d)(7)(i)(A).

Overall, these changes represent a good effort to remove regulatory burdens which have marginal safety benefits.

N O T A T I O N   V O T E

RESPONSE SHEET

TO:                    John C. Hoyle, Secretary

FROM:                COMMISSIONER ROGERS

SUBJECT:            SECY-96-248 - PROPOSED RULE ON CHANGES TO  
NUCLEAR POWER PLANT SECURITY REQUIREMENTS,  
10 CFR PART 73

Approved \* Kerz \*            Disapproved \_\_\_\_\_            Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_            Request Discussion \_\_\_\_\_

COMMENTS:

*These proposed changes are quite reasonable  
and reduce regulatory burdens without compromising  
safety. KCH*

Kenneth C. Rogers  
SIGNATURE

Release Vote    /   X   /

December 30, 1986  
DATE

Withhold Vote    /        /

Entered on "AS"    Yes   X      No \_\_\_\_\_

NOTATION VOTE

RESPONSE SHEET

TO: John C. Hoyle  
Secretary of the Commission

FROM: COMMISSIONER DICUS

SUBJECT: SECY-96-248, PROPOSED RULE ON CHANGES TO NUCLEAR  
POWER PLANT SECURITY REQUIREMENTS, 10 CFR  
PART 73

Approved X in part Disapproved X in part Abstain     

Not Participating      Request Discussion     

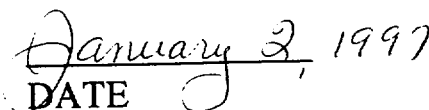
COMMENTS:

Except as noted below, I approve the staff request to publish the proposed rule with the replacement of the deleted rule statement as noted in the attachment to this vote.

I disapprove the staff proposal to change the requirement for access list reapproval from at least once every 31 days to annually. This time period seems too long particularly since operating experience with a change in this requirement has yet to be obtained. I request the staff to consider either a quarterly reapproval of the access list or an annual reapproval during normal operations with a monthly reapproval during outage or shutdown conditions for those facilities that have not permanently ceased operations.

  
SIGNATURE

Release Vote / X /

  
DATE

Withhold Vote /      /

Entered on "AS" Yes      No

N O T A T I O N   V O T E

RESPONSE SHEET

TO:                    John C. Hoyle, Secretary

FROM:                COMMISSIONER DIAZ

SUBJECT:            SECY-96-248 - PROPOSED RULE ON CHANGES TO  
                      NUCLEAR POWER PLANT SECURITY REQUIREMENTS,  
                      10 CFR PART 73

Approved       Disapproved \_\_\_\_\_      Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_      Request Discussion \_\_\_\_\_  
COMMENTS:

  
SIGNATURE

Release Vote ☒

12 19 96  
DATE

Withhold Vote ☐

Entered on "AS"    Yes ☒    No \_\_\_\_\_

N O T A T I O N   V O T E

RESPONSE SHEET

TO:                    John C. Hoyle, Secretary

FROM:                COMMISSIONER MCGAFFIGAN

SUBJECT:            SECY-96-248 - PROPOSED RULE ON CHANGES TO  
                      NUCLEAR POWER PLANT SECURITY REQUIREMENTS,  
                      10 CFR PART 73

Approved *\* in part*      Disapproved *\* in part*      Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_      Request Discussion \_\_\_\_\_

COMMENTS:

I approve the staff request to publish the proposed rule, including the modifications suggested in the attachment to Commissioner Dicus' vote.

I agree with Commissioner Dicus that the proposed rule change to reapprove the access list from at least once every 31 days to at least annually seems too long. I believe the staff should consider modifying the proposed rule to require a quarterly reapproval of the access list for vital areas.

*E. Mc Caffigan Jr.*  
SIGNATURE

Release Vote *1 X 1*

*11/8/97*  
DATE

Withhold Vote *1*

Entered on "AS"    Yes *X*    No \_\_\_\_\_