

DEC 2 4 1975

Docket No. 50-220

Niagara Mohawk Power Corporation  
ATTN: Mr. Gerald K. Rhode  
Vice President - Engineering  
300 Erie Boulevard West  
Syracuse, New York 13202

Gentlemen:

RE: NINE MILE POINT UNIT 1

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The subject of guard responsibilities in protecting special nuclear material from theft and sabotage is being reviewed by the Nuclear Regulatory Commission. The purpose of this letter is to clarify one aspect of these responsibilities so as to assure effective application of regulatory requirements in this important area.

Nuclear reactor facilities are required, under 10 CFR 73.40, to provide physical protection and to implement the security plan submitted to the Commission. A necessary element for approval of the plan of a nuclear power reactor is the provision of guards. We expect that the response requirements for these guards will be the same as called out in 10 CFR 73.50 (g)(2) which requires that guards responding to a possible threat shall determine if a threat exists, assess the extent of the threat, and initiate measures to neutralize the threat, either by acting on their own or by calling for assistance from local law enforcement authorities, or both. It appears that the option for guards taking action on their own or calling for outside assistance may conceivably be subject to misinterpretation. The current regulation contemplates that guards are to be instructed that their first priority is to assess the extent of the threat and convey to the proper law enforcement authorities the nature of the threat. They should then, or simultaneously if possible, take action on their own to counter the threat, deferring action pending the arrival of reinforcements only in those instances in which a guard's life would be placed in needless peril when faced with an overwhelming force. In such instances, guards could be expected to take prudent delaying action whenever possible while awaiting assistance.

Your early response to this letter would be very much appreciated, either affirming that your present practices for implementing the

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Mr. Gerald K. Rhode

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requirements of 10 CFR 73.40 are consistent with this view for the implementation of §73.50 (g)(2) or advising us of any deviation from this approach, and in the latter case, indicating the cause of such deviation.

Sincerely,

Roger S. Boyd, Acting Director  
Division of Reactor Licensing  
Office of Nuclear Reactor Regulation

cc: See next page

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Niagara Mohawk Power Corporation - -

cc:

Arvin E. Upton, Esquire  
LeBoeuf, Lamb, Leiby & MacRae  
1757 N Street, N. W.  
Washington, D. C. 20036

Anthony Z. Roisman, Esquire  
Roisman, Kessler and Cashdan  
1712 N Street, N. W.  
Washington, D. C. 20036

Dr. William Seymour, Staff Coordinator  
New York State Atomic Energy Council  
New York State Department of Commerce  
112 State Street  
Albany, New York 12207

Oswego City Library  
120 E. Second Street  
Oswego, New York 13126

Mr. Robert P. Jones, Supervisor  
Town of Scriba  
R. D. #4  
Oswego, New York 13126

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