

AUG 8 1977

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 NUCLEAR STATION UNIT NO. 1

We are currently reviewing the amended security plan which you submitted in accordance with 10 CFR 73.55. To keep you informed of our positions on and interpretations of 10 CFR 73.55, we have enclosed the following:

1. Our position regarding plant access for NRC personnel.
2. The interpretation by the NRC General Counsel of 10 CFR 73.55, "Illumination and Physical Search Requirements."

This information should be incorporated into the Modified Amended Security Plan which is to be submitted after the site visits by our security review teams.

If you have any questions regarding the enclosed information or site visits, you should contact the Project Manager assigned to your facility.

Sincerely,

Original signed by
George Lear, Chief
Operating Reactors Branch #3
Division of Operating Reactors

Enclosures:

1. NRC position regarding plant access for NRC personnel
2. NRC Interpretation by General Counsel of 10 CFR 73.55

cc w/enc1:

OFFICE>	See next page	ORB #3	ORB #3	ORB #1	ORB #3	
SURNAME>		CParrish	SNOWICKI	DNeighbors	GLear	
DATE>		8/3/77	8/3/77	8/5/77	8/8/77	

VII BONTAS 1961

Niagara Mohawk Power Corporation

- 2 -

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
1025 15th Street, N. W.
5th Floor
Washington, D. C. 20005

Oswego City Library
46 E. Bridge Street
Oswego, New York 13126



NRC POSITION REGARDING PLANT ACCESS
FOR NRC PERSONNEL

NRC PERSONNEL

NRC personnel are visitors to the plant and will generally fall into one of two categories. These categories and the access control procedures for each are described below:

1. NRC personnel who are identified by the Director of the NRC Regional Office as likely to inspect the plant. Such individuals will be provided permanent non-employee, no-escort-required picture badges as authorized by 10 CFR 73.55(d)(5), and added to the authorized personnel list. These badges will be kept at the protected area access control point (gate house) and will be issued to NRC personnel in conjunction with normal identification and search functions.
2. Other NRC personnel. Individuals who fall into category 2 will be treated as normal plant visitors. Plant visits by other NRC personnel will be prearranged. If other NRC personnel, not accompanied by an NRC inspector (category 1), request entry into the plant without prior arrangements, the NRC Regional Office will be consulted immediately.

The NRC Regional Office or other NRC Office, if appropriate, will identify each individual described above with the following information: Name, NRC badge or credential identification number, Social Security Number, date of birth, and clearance (if appropriate). It should be noted that such individuals could include NRC contractors or consultants and in that case, a suitable substitute identification number will be provided.

Individuals falling into category 1 are authorized to serve as escorts for individuals of category 2, consistent with normal plant escort requirements.

Title 10 - Energy

CHAPTER I -- NUCLEAR REGULATORY COMMISSION

PART 8 - INTERPRETATIONS

Interpretation by the General Counsel
of 10 CFR 73.55. Illumination and
Physical Search Requirements

AGENCY: Nuclear Regulatory Commission

ACTION: Final Rule

SUMMARY: The Nuclear Regulatory Commission's regulation "Interpretations" is amended by adding an interpretation by the General Counsel of the requirements for physical protection of licensed activities in nuclear power reactors against industrial sabotage set out in the Commission's regulation "Physical Protection of Plants and Materials." The interpretation clarifies the illumination and physical search requirements of the regulation.

EFFECTIVE DATE: This rule becomes effective on JUN 30 1977

FOR FURTHER INFORMATION CONTACT: Mr. C. W. Reamer
Office of the General Counsel
Nuclear Regulatory Commission
Washington, D. C. 20555
Tel. (301) 492-8155.

SUPPLEMENTARY INFORMATION:

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment of Title 10,

Chapter I, Code of Federal Regulations, Part 8, is published as a document subject to codification.

A new section 8.5 is added to read as follows:

§ 8.5 Interpretation by the General Counsel of Sec. 73.55 of this Chapter. Illumination and Physical Search Requirements.

(a) A request has been received to interpret 10 CFR 73.55(c)(5) and 73.55(d)(1).

10 CFR 73.55(c)(5) provides:

Isolation zones and all exterior areas within the protected area shall be provided with illumination sufficient for the monitoring and observation requirements of paragraphs (c)(3), (c)(4), and (h)(4) of this section, but not less than 0.2 footcandle measured horizontally at ground level.

(b) The requester contends that the regulation is satisfied if 0.2 footcandle is provided only at the protected area boundary and the isolation zone. The language of the regulation is clearly to the contrary. It requires not less than 0.2 footcandle for "all exterior areas within the protected area." This regulation helps effectuate the monitoring and observation requirements of 10 CFR 73.55. For example, 10 CFR 73.55(c)(4) states that "[a]ll exterior areas within the protected area shall be periodically checked to detect the presence of unauthorized persons, vehicles, or materials." In the absence of illumination, such checking could not be fully effective.

(c) The requester also asks whether the illumination requirement

extends to the tops and sides of buildings within the protected area.

To effectuate the monitoring and observation requirements cited above, illumination must be maintained for the tops and sides of all accessible structures within the protected area. This interpretation is consistent with that given by the Commission's staff to affected licensees and applicants at a series of regional meetings held in March of 1977 and will be reflected in forthcoming revisions to NUREG 0220, Draft Interim Acceptance Criteria for a Physical Security Plan for Nuclear Power Plants (March 1977).

(d) 10 CFR 73.55(d)(1) provides in pertinent part:

The search function for detection of firearms, explosives, and incendiary devices shall be conducted either by a physical search or by use of equipment capable of detecting such devices.

(e) The requestor contends that until "equipment capable of detecting such devices" is in place, a licensee need not comply with the search requirement, but can utilize instead previous security programs. This contention is based on the first sentence of 10 CFR 73.55 which provides in pertinent part that the requirements of paragraph (d) of that section shall be met by May 25, 1977, "except for any requirement involving construction and installation of equipment not already in place expressed in [paragraph](d)(1)" Under this sentence only those requirements of paragraph (d) which involve "construction and installation of equipment" do not take effect on May 25, 1977. Because a "physical search" does not require "construction and installation of equipment",

implementation of such searches is required on May 25, 1977. The regulation provides alternatives: "the search function . . . shall be conducted either by a physical search or by use of equipment. . . ." Thus when appropriate equipment is in place, the search function need not involve a physical search.

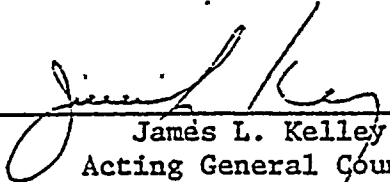
(f) The paragraphs above set forth interpretation of regulations; they do not apply those regulations to particular factual settings. For example, no effort is made to state what lighting system might be used for a given facility; all that is stated is that a system must provide not less than 0.2 footcandle for all exterior areas within the protected area. Similarly, no effort is made to define what is an adequate "physical search"; all that is stated is that, in the absence of appropriate equipment, such searches must begin on May 25, 1977.

Effective Date: This amendment becomes effective on. JUN 30 1977

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201).

Dated at Washington, D.C. this 17th day of June 1977.

For the Nuclear Regulatory Commission


James L. Kelley
Acting General Counsel

