CARL LEVIN
MICHIGAN

United States Senate
WASHINGTON, D.C. 20510

May 9, 1979

Mr. Joseph M. Hendrie
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Hendrie:

I want to encourage the Nuclear Regulatory Commission to hold a public hearing on Indiana and Michigan Power Company's application to increase nuclear waste storage capacity at its Cook plant in western Michigan. Our nation is in a period in which many people have lost faith in their government's resolve to do the right thing, particularly regarding nuclear power. And we should do anything we can to help restore public confidence in government and give people the opportunity to voice their opinions.

Because persons with objections to the Cook plans inadvertently were not notified by the NRC, they did not have the opportunity to call for a hearing at an earlier stage. I am told, however, that persons with specific objections can ask for a public hearing within 45 days after the plans are reviewed and approved by the NRC. I think you should extend the opportunity that was missed earlier and make every effort to hear and consider all sides in this decision. No one should be able to fairly say that the regulatory process was a sham in this case.

As you may know, I have called for a moratorium on nuclear power plant construction not already underway. I am concerned about nuclear power plant accidents, low-level radiation and waste. I have serious doubt about our long-term ability to deal with the dangerous waste generated by the nuclear power plants. But I have not called for a shutdown of operating nuclear power plants or plants under construction, and I realize we have to store the waste being generated by these plants. I understand the need to expand waste facilities. The only alternative would seem to be transportation of the waste to another storage site, and that would be dangerous for a number of reasons.

It does seem to me that requests for more storage space confirm my doubts about the nuclear power plant industry's ability to solve the waste problem. Consumers Power, for example, is asking for more waste storage space for its Midland, Michigan, power plant that is still under construction.

My doubts aside, I think the Cook situation calls for an extra effort, by the government to be responsive to its citizens.

Sincerely,

Carl Levin

Carl Levin
U.S. Senator

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CARL LEVIN
MICHIGAN

5/9/79
DOCKET NUMBER
PROD. & UTIL. FAC. 50-315,316

United States Senate
WASHINGTON, D.C. 20510

May 9, 1979

DOCKETED USNRC
MAY 18 1979
Office of the Secretary Docketing & Service Section

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Nuclear Regulatory Commission
Washington, D.C. 20555

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Sincerely,

Carl Levin

Carl Levin
U.S. Senator

OCT 0 4 1978

The Honorable Robert P. Griffin
United States Senate
Washington, D.C. 20510

Dear Senator Griffin:

As requested by your referral of September 15, 1978, enclosed is a copy of a letter to Mr. James C. McGahey responding to his letter of September 8, 1978 to Dr. Clifford V. Smith, Director of the Office of Nuclear Material Safety and Safeguards at NRC.

Sincerely,

(Signed)
William J. Dircks
Deputy Executive Director
for Operations

Enclosure:
As stated

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OCT 3 1978

Mr. James C. McGahey, President
United Plant Guard Workers of America
25510 Kelly Road
Roseville, Michigan 48066

Dear Mr. McGahey:

In your letter of September 8, 1978 to Dr. Clifford V. Smith, Director of the Office of Nuclear Material Safety and Safeguards, you raised several questions about the employment of security guards at the Donald C. Cook nuclear power plant in Bridgman, Michigan. Of particular concern to you is the fact that the utility is obtaining a new security force contractor by bidding. You suggest NRC can through some application of "federal policy" prevent the change.

I know this answer will disappoint you, but the truth is that as a general matter NRC has no authority to intervene in the hiring practices of a utility for guards. NRC has recently, through rulemaking, established some guard qualification, training, and equipment requirements but these requirements may be met by either proprietary or contract guard force. (The new regulation was published in the Federal Register on August 23, 1978 and will be effective on October 23, 1978 - a copy is enclosed). Accordingly, NRC is in no position to institute "remedial action" as requested in your letter.

We would be happy to discuss this subject with you further, if you think this would be useful. We certainly would be concerned if, for example, it appeared that a switch from a proprietary to a contract guard force did, contrary to our expectations, impact significantly on the effectiveness of the guard force.

Sincerely,

(Signed)
William J. Dircks
Deputy Executive Director
for Operations

Enclosure:
Federal Register Notice

See previous yellow for concurrences

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(Signed)
William J. Birdsley
Deputy Executive Director
for Operations

Mr. James C. McGahey, President
United Plant Guard Workers of America
25510 Kelly Road
Roseville, Michigan 48066

Dear Mr. McGahey:

In you letter of September 8, 1978 to Dr. Clifford V. Smith, Director of the Office of Nuclear Material Safety and Safeguards, you raised several questions about the employment of security guards at the Donald C. Cook nuclear power plant in Bridgman, Michigan. Of particular concern to you is the fact that the utility is obtaining a new security force contractor by bidding. You suggest NRC can through some application of "federal policy" prevent the change.

I know this answer will disappoint you, but the truth is that NRC has no authority to intervene in the hiring practices of a utility for guards. NRC has recently, through rulemaking, established some guard qualification, training, and equipment requirements but these requirements may be met by either proprietary or contract guard force. (The new regulation was published in the Federal Register on August 23, 1978 and will be effective on October 23, 1978 - a copy is enclosed). Our attorneys advise me, however, that while NRC may under the Atomic Energy Act of 1954, as amended, prescribe guard qualification, training, and equipment for the physical protection of a licensed facility, the Act gives NRC no authority in the area of utility--union relationships. Accordingly, NRC is in no position to institute "remedial action" as requested in your letter.

Sincerely yours,

Enclosure

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DATE	9/28/78					

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itself. The same reasons that support a bar on such filings with the Commission also support a prohibition against filings with the subordinate adjudicatory bodies in the Commission. The Commission has decided to amend its regulations accordingly.

EFFECTIVE DATE: August 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Stephen S. Ostrach, Esq., Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 202-634-3224.

SUPPLEMENTARY INFORMATION: Because this amendment relates to matters of internal agency practice, general notice of proposed rulemaking is unnecessary.

Pursuant to section 161 of the Atomic Energy Act of 1954, 42 U.S.C. 2201 and to 5 U.S.C. 552b(g) and 5 U.S.C. 553, the next to last sentence of 10 CFR 9.103 is amended to read:

§ 9.103 General provisions.

* * * Such statements may not be pleaded, cited, or relied upon before the Commission or in any proceeding under part 2 of these regulations (10 CFR part 2) except as the Commission may direct.

Dated at Washington, D.C., this 17th day of August 1978.

For the Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-23588 Filed 8-22-78; 8:45 am]

[7590-01]

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

Application Form for Materials License—Medical

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Final rule.

SUMMARY: NRC is amending its regulations to require use of a new form NRC-313M, "Applications for Materials License—Medical". The new form is easier to fill out than the one it replaces, and, on a trial basis, has resulted in reduced correspondence between NRC and the applicants regarding deficiencies in their applications.

EFFECTIVE DATE: November 6, 1978.

NOTE.—The Nuclear Regulatory Commission has submitted this rule to the Comptroller General for such review as may be appropriate under the Federal Reports Act, as amended, 44 U.S.C. 3512. The date on which the reporting (recordkeeping) requirement of this rule becomes effective, unless advised to the contrary, accordingly reflects inclusion of the 45-day period which that statute allows for such review (44 U.S.C. 3512(c)(2)).

FOR FURTHER INFORMATION CONTACT:

Edward Podolak, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301-443-5946.

SUPPLEMENTARY INFORMATION: Presently, applications for the medical use of byproduct material are filed on the general application form AEC-313 with the aid of a medical licensing guide (NUREG-0338, Rev. 1) which requests information necessary for and specific to the medical application. Form AEC-313 does not have enough space and does not specifically address much of the information requested in the medical licensing guide. A new form NRC-313M has been developed specifically for the medical application. Form NRC-313M does not change the substantive requirements that must be met by applicants for medical licenses. The information required on the new form is the same as that currently identified in the medical licensing guide. However, because the new form NRC-313M is tailored to the medical licensing guide, it is easier for the licensee to use and, on a trial basis, has resulted in less correspondence between NRC and the applicants regarding deficiencies in their applications.

Form NRC-313M and the medical licensing guide are available from the Radioisotopes Licensing Branch, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Because this notice relates to matters of agency management and procedure, general notice of proposed rulemaking and public procedure thereon are unnecessary and the amendment can be effective 75 days after publication.

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 amendments to Title 10, Chapter I, Code of Federal Regulations, Part 35 are published as a document subject to codification.

A new section § 35.4 is added which reads as follows:

§ 35.4 Application forms for specific licenses.

Applications for specific licenses for human use under §§ 35.11, 35.12, and 35.13 shall be filed on form NRC-313M, "Application for Materials License—Medical."

(Secs. 81, 161b, Pub. L. 83-703, as amended, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201); sec. 201, Pub. L. 93-438, as amended, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Bethesda, Md., this 8th day of August 1978.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc. 78-23340 Filed 8-22-78; 8:45 am]

[7590-01]

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

Security Personnel Qualification Training and Equipment Requirements

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: On July 5, 1977, the Commission published for public comment proposed amendments to the Commission's regulations to impose upgraded guard qualification, training, and equipping requirements for security personnel protecting against theft of special nuclear materials and industrial sabotage of nuclear facilities or nuclear shipments.

In response to public comments, the training and qualifications section of the proposed amendments has been extensively revised to specify performance oriented requirements instead of the detailed training requirements as originally proposed on July 5, 1977. The performance oriented requirements give licensees flexibility in selecting and developing the most cost-effective training programs to meet site specific needs. The Nuclear Regulatory Commission now is publishing these revised amendments in final form.

Concurrent with publication of these amendments, the NRC is issuing for public comment guidance documents to assist the licensee in the development of security personnel training and qualifications plans required by the amendments. The effective date of the revised requirements has been set to permit public comment on the guidance and its issuance in final form at the time the requirements become effective.

EFFECTIVE DATE: October 23, 1978.

NOTE.—The Nuclear Regulatory Commission has submitted this rule to the Comptroller General for review of its reporting requirements under the Federal Reports Act, as amended, 44 U.S.C. 3512. The date on which the reporting requirement of the rule becomes effective, unless advised to the contrary, includes a 45-day period which

that statute allows for Comptroller General review (44 U.S.C. 3512(c)(2)).

FOR FURTHER INFORMATION CONTACT:

Mr. R. J. Jones, Chief Materials Protection Standards Branch, Division of Siting, Health and Safeguards Standards, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-443-5907.

SUPPLEMENTARY INFORMATION: In 1975, the security agency study (NUREG-0015, ES) concluded that "Creation of a Federal guard force for maintaining security in the nuclear industry would not result in a higher degree of guard force effectiveness than can be achieved by the use of private guards properly qualified, trained and certified (by the NRC)." In 1976, a joint ERDA-NRC task force was formed to propose a plan of action for improving the controls and protection of nuclear materials at NRC licensed fuel cycle facilities. The task force addressed the current status and future direction of physical security protection at NRC licensed fuel cycle facilities now in possession of certain quantities of special nuclear materials. The task force report issued in July 1976 included conclusions and recommendations which provide a basis for rulemaking. The Nuclear Regulatory Commission has determined, as a result of the security agency study conclusions, the joint task force findings and other subsequent deliberations, that security personnel qualification and training requirements should be upgraded through public rulemaking. On July 5, 1977, the Nuclear Regulatory Commission published in the FEDERAL REGISTER (42 FR 34321) proposed amendments to 10 CFR part 73 of its regulations. Interested persons were invited to submit written comments and suggestions on the proposed amendments within 45 days after publication in the FEDERAL REGISTER. The comment period was subsequently extended 30 days. Based on the public comments and other considerations, the Commission has adopted the proposed amendments, with modifications as set forth below.

In adopting these amendments the Commission decided that the requirements should not be made effective until guidance had been published to assist the licensees in developing their security personnel training and qualifications plans. Concurrent with the publication of these amendments, three guidance documents are being published for public comment. These are:

1. NUREG-0464, "Site Security Personnel Training Manual,"

2. NUREG-0465, "Transportation Security Personnel Training Manual," and

3. Regulatory Guide 5.52, "Standard Format and Content for the Physical Protection Section of a License Application (For Facilities Other Than Nuclear Power Plants)," Revised Chapter 4, "Security Organization," and Chapter 18, "Security Personnel."

Copies of these three guidance documents are being sent to persons who have expressed an interest in this matter. Comments are being requested by September 22, 1978 so that final guidance can be published by the time the rule becomes effective October 23, 1978.

A fourth document specific for nuclear power plants, "Nuclear Security Personel for Power Plants, NUREG-0219, Draft 2," was published for comment in April 1978. This document has been revised and published in final form. Copies of these doucments also will be placed in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Single copies of these four guidance documents may be obtained by writing to the U.S. Nuclear Regulatory Commission, Attention: Bernadine Scharf, Distribution Services Branch, Washington, D.C. 20555.

Significant differences from the proposed rule published for comment on July 5, 1977 are: (1) titles and definitions used in appendix B have been clarified and moved to 10 CFR 73.2 to be consolidated with other definitions applicable to 10 CFR part 73; (2) employment suitability criteria have been revised to be less restrictive on the hiring of unarmed security personnel, and more specific on the hiring of armed security personnel; (3) physical qualification criteria have been revised to require physical examinations for central alarm station operators and armed security personnel; (4) the criteria for vision and hearing capability have been revised for clarification purposes, and to permit the use of hearing aids to qualifty to the hearing criteria; (5) mental qualifications criteria have been revised to delete the requirement for psychological testing of unarmed security personnel, except for central alarm station operators, and to allow for some flexibility in the licensee psychological evaluation program; (6) physical fitness qualifications criteria have been revised to permit each licensee to develop physical fitness requirements to meet site specific needs; (7) contract security personnel criterion has been revised to be job related; (8) training and qualifications criteria have been completely revised to delete specified training courses and instead rewritten to require the licensee to develop a plan that he will use to meet the proposed criteria, in order to assure that security personnel possess the required skill, knowledge and ability to perform assigned security job duties; (9) the criteria which specify certain requirements for security management and security supervisors have been deleted; (10) the criteria for weapons training have been revised and the number of training hours has been deleted; (11) weapons qualification criteria have been simplified and clarified; (12) the phrases "* * * not limited to * * *", and "* * * as appropriate * * *" have been deleted; (13) the period of time allotted for submittal of a licensee plan to implement these proposed requirements has been lengthened from 30 to 120 days for fuel cycle facilities and tranportation and 300 days for power reactors; and (14) fuel cycle facility and transportation licensees plans would be followed by 180 days after the effective date of the rule or 60 days after NRC approval of the plan, whichever is later, and power reactor licensees plans would be followed by 500 days after the effective date of the rule or 60 days after the approval of the plan, whichever is later.

The following discussion pertains to Items (1) through (14) above.

(1) *Titles and definitions.* Commenters stated that titles and definitions contained in appendix B should be limited and clarified and suggested that all definitions applicable to 10 CFR part 73 and appendix B should be located in 10 CFR 73.2.

In response to these comments the Commission has decided to limit the number of titles used, to clarify such titles, and to remove titles and definitions from appendix B. Accordingly, titles and definitions of job duties, essential to the effective operation of a licensee security system, have been clarified, the term "armed escort" has been added and defined, and titles and definitions have been included in 10 CFR 73.2.

(2) *Suitability criteria.* Some commenters recommended that criteria for suitability and physical qualification be deleted. Some commenters stated that in view of the fact that the age of majority for voting, joining the armed services and entering into legal transactions is 18 years, a minimum age of 21 years for hiring security personnel would present legal problems if challenged under equal employment laws. Other commenters stated that the criteria for a high school diploma or equivalent and the prohibition against felony convictions should be clarified to avoid any complications that might arise because of employment opportunity laws.

In response to these comments the Commission has decided: (a) to permit licensees to employ unarmed security personnel under 21 years of age; (b) to

elaborate on the meaning of high school equivalent; and (c) to be more explicit regarding types of felony convictions to be considered. The rule has been changed to clarify the meaning of high school equivalent, in terms of job connection, and in requiring no felony convictions to show a direct relationship between a felony conviction and the specific job assignment being sought. However, the Commission believes that because of the high level of responsibility associated with the job duties of armed personnel, suitability criteria are necessary. Accordingly, the minimum age requirement of 21 years has been retained for armed security personnel.

(3) *Physical qualifications criteria.* Some commenters stated that the rigidity of physical qualifications would severely limit the number of candidates available to fill security job functions and that the criteria specified would result in a violation of Federal age and sex discrimination laws.

In response to these comments the Commission has decided to delete the criteria requiring a physical examination for unarmed security personnel except for central alarm station operators and instead will require such personnel to be physically capable of performing assigned security job duties. The criteria specifying the requirement for physical examinations have been revised to apply only to armed security personnel and central alarm station operators.

(4) *Vision and hearing criteria.* Commenters made the following statements about the proposed vision and hearing criteria; (a) they are overly restrictive; (b) unarmed security personnel should not be required to meet the criteria; (c) the requirement for recognizing basic colors should be clarified; (d) the use of a hearing aid should be allowed to correct hearing impairment; (e) that additional clarification of these requirements is essential; and (f) that it would be preferable to specify minimum requirements in terms of the better ear.

In response to these comments the Commission has decided that: (a) unarmed security personnel should be exempt from vision and hearing requirements unless required by assigned security related task identified in the licensee's plan; (b) the criteria need to be clarified; and (c) a hearing aid to correct hearing impairment should be permitted. Accordingly, the criteria which specify vision and hearing requirements have been revised to: (a) Apply explicitly to armed personnel; (b) clarify the requirements; and (c) permit the use of a hearing aid to meet hearing requirements.

(5) *Mental qualifications criteria.* Some commenters stated that the requirement for each security force member to be examined by a licensed clinical psychologist or psychiatrist is unnecessary and overly restrictive, and that adequate psychological screening is within the capabilities of a general physician who has experience in such matters. Other commenters stated that an option to the mental examination should be available, and suggest that individuals employed by the same firm for more than 2 years with no sign of emotional instability should be excused from taking the mental examination.

In response to these comments the Commission has determined that: (a) psychological evaluations should be administered by a licensed psychologist, or psychiatrist, or physician or other person professionally trained to identify emotional instability; (b) persons other than armed personnel and central alarm station operators need not undergo psychological evaluation; and (c) the granting og exemptions or exceptions to NRC requirements, properly supported and documented, will continue to be a licensing responsibility. Accordingly, mental qualifications criteria have been revised to require only armed personnel and central station operators to undergo psychological examination, and to permit subsequent identification of possible emotional instability for these and all other security personel by normal supervisory personnel, subject to verification by an appropriately licensed and trained person.

(6) *Contract security personnel.* Commenters stated that requirements for contract security personnel should be job duty related.

In response to these comments the Commission agreed that contract security personnel should be required to meet the same criteria for specific security job tasks and duties that would be required for a licensee proprietary guard force. Accordingly, contract security personnel criteria have been revised to be job related just as for in-house security personnel.

(7) *Training and qualifications.* Some commenters stated that the proposed training and qualifications criteria attempt to be too broad and all inclusive in scope while sacrificing quality, indepth education and training. Most commenters stated that the overall concept of specifying in fine detail each course of instruction, the number of hours of instruction for each course, the individuals who would be required to attend each course, the documenting of names of instructors and places of instruction for each course, specific training requirements for licensee management and security supervisory personnel, etc., would not neccessarily achieve the desired objective of uniformly upgrading the quality of security personnel at licensed facilities and in transportation because training in itself would not measure an individual's capability to perform assigned security job duties. In addition, commenters stated that there appeared to be much duplication among the proposed training programs, and that training programs and facilities would more properly be designed and implemented on a site specific basis.

In response to these comments the Commission has decided that, because of site specific requirements as they relate to security hardware, physical barriers, material access and vital areas, alarm systems, and procedures required to implement a licensee's physical security and contingency plans, the training and qualifications criteria should be revised to give the licensee greater latitude to design and develop site specific training requirements and programs to meet site specific needs. In order to accomplish this, the training and qualifications criteria have been revised to require each licensee to submit a training and qualifications plan which outlines the processes by which guards, watchmen, armed response persons, armed escorts and other members of the security organization will be selected, trained, equipped, tested, and qualified to assure these individuals meet the requirements.

(8) *Security management.* Commenters stated that the criterion which specifies a training program and hours of instruction for managers does not clearly define up to what level of management would be required to receive such training. One commenter stated that rather than requiring specific training for management, the NRC should specify minimum qualifications for the various functions within management and that the NRC should provide any additional security training that the NRC deems necessary.

In response to these comments the Commission has decided to delete the requirement for security management training. The revised criteria for training and qualifications described in (7) above will assure the Commission that the proper level of management will be involved in the decision making and implementation process in the qualification and training of guards.

(9) *Weapons training.* Most commenters stated that weapons training requirements: (a) were excessive with respect to number of hours of instruction required; (b) were not clear as to who should undergo the training; (c) specified unnecessary training time, since performance requirements are later specified in section IV of appendix B; and (d) did not take into account individuals with previous weapons experience.

In response to these comments the Commission has decided that the weapons training criteria should be stated in terms that would permit flexibility with respect to hours of instruction required based on an individual's experience and to permit the licensee to identify by security related job tasks or duties, which individuals would be required to qualify with weapons and the weapon with which they would qualify. To effect this change the weapons training criteria have been revised to delete the number of hours of training required to give the licensee the requisite flexibility in determining by job assignment who will receive training and the extent of training required to qualify with the assigned weapon.

(10) *Weapons qualification.* Commenters stated that: (a) It would be difficult to establish and operate the firing ranges needed for weapons qualification because of training facility limitations; (b) the requirements for both day and night range firing is not necessary to achieve and maintain firing proficiency; (c) lighting presently required at nuclear facilities would preempt any need for night firing; and (d) firing ranges are not equipped to duplicate lighting at nuclear facilities. This can only be done using military type battlefield illumination sources which are beyond the scope of private licensees.

In response to these comments the Commission has decided: (a) That weapons qualification requirements should be relaxed to give the licensees flexibility in designing their weapons qualifications programs and to permit licensee armed personnel to either fire the course specified or to select an equivalent course of fire; and (b) that it is necessary to require armed individuals to perform nighttime or simulated nighttime firing for familiarization only, because of the varying psychological effects on persons not accustomed to night firing. Accordingly, weapons qualification criteria have been revised to permit the licensee to either select the course of fire specified or to choose an equivalent course of fire to qualify armed personnel. In addition, the criteria requires individuals to qualify only with assigned weapons as identified in the licensee's plan.

(11) *Suggestive phrases.* Commenters noted that phrases such as "* * * but not limited to * * *," and "* * * as appropriate * * *," were suggestive, not definitive, and implicitly require more to be done.

The criteria in appendix B have been changed to eliminate these phrases. As revised, the requirements are stated broadly in terms of capability and performance to permit flexibility in the design of training and qualifications programs. The Commission believes that the revised rule will assure the upgraded quality of licensee security personnel so that open-ended, suggestive wording is unnecessary.

(12) and (13) *Licensee plan submittal and implementation.* Commenters stated that the Commission did not provide for adequate time to develop a plan in response to the proposed requirements, or provide sufficient time to implement the plan after it has been approved.

The Commission agrees that adequate time must be allowed for proper planning and implementation to assure effective programs. The rule has been changed to allow more time for planning and implementation.

In addition to the comments that resulted in changes in the proposed amendments, a number of other issues were commented on which did not result in changes to the proposed amendments, but which warrant discussion and explanation.

(1) *Security personnel training manual.* One commenter stated that the training manual should not be published as a NUREG document if the manual is intended to demonstrate one acceptable approach to satisfying the requirements of the proposed regulation.

The Commission had intended for the training manual to represent a general course outline for training security personnel and not to provide specific parallel guidance to meet each of the requirements of appendix B. It was not intended as a regulatory guide. The utility of the training manual will be enhanced, as a general document, in light of the revised amendments.

(2) *Environmental impact statement.* A few commenters stated that as a practical matter the drastic increase in security personnel training requirements proposed by the amendments would undoubtedly require additional security, administrative, and recordkeeping staff, therefore affecting other persons rather than dealing only with the training of existing security personnel; involve the potential employment rights and opportunities of numerous existing and future security personnel; and involve the potential issuance of advanced weaponry to private security forces. They believed that the Commission has too narrowly construed the term "environment" contrary to Commission policy as stated in 10 CFR 51.1(a), concluding that an environmental impact statement is required to satisfy NRC's obligations under NEPA and CEQ guidelines.

The Commission has reviewed the criteria provided in 10 CFR Part 51, the Council on Environmental Quality (CEQ) and National Environmental Policy Act (NEPA) guidelines in light of the comments received and continues to believe that an environmental impact statement for the proposed amendments to 10 CFR Part 73 is not required. The main effect of the rule is to require training and qualification of security personnel and is basically procedural, with no environmental effect worth noting.

(3) *Guard upgrading.* One commenter stated that the entire upgrading of guard qualification, training and equipping was unwarranted because his facility maintains liaison with local law enforcement authorities and that the local authorities have superior manpower, training and equipment to deal with security contingencies beyond the control of the site security organization.

Based on the Joint ERDA-NRC Task Force on Safeguards and the Security Agency Study (SAS) reports, the Commission decided that the upgrading of licensee guard quality was necessary. In support of this decision, the Commission also compared the content and scope of training programs submitted by each licensee to meet the present requirements with the guidance the NRC provided through regulatory guide 5.20. The results of this comparison revealed that present training programs for new guards would not produce the quality needed to assure the effective protection of special nuclear materials, facilities, or shipments. The fact that licensees maintain liaison with local law enforcement authorities was considered in the decision to require upgraded guard quality, accepting that proximity to, response time by, and the number of responding local authorities could bear on the degree of upgrading that would be required in onsite response force numbers and tactical training requirements.

(4) *Tear gas or mace.* Numerous comments were made that the use of tear gas or mace would violate certain State laws which prohibit the use of such substances by private citizens. Tear gas or other nonlethal gases will continue to be required, and where State law prohibits such possession and use by private citizens, adequately supported requests for exemption may be granted or equivalent alternative protection measures may be proposed in conjunction with a request for exception from the specific requirement.

(5) *Costs.* There were a few comments made relative to costs to implement the proposed requirements. One commenter did provide a cost estimate for training his existing guard force plus annual cost for training new hires. No basis was given to support these or the other estimates. The cost effectiveness of alternative training

programs will be investigated as part of the logistical management study identified in paragraph 1. Staff has prepared a value-impact assessment which has been placed in the public document room which provides a breakdown of the cost estimates including statements of benefit whenever possible. The important aspect of the proposed regulation, as now written, is that the job related performance orientation will give the licensee greater flexibility in developing the most cost-effective training program for his plant and transport system.

(6) A few comments were received in response to the Commission's request for comments, recommendations, and cost tradeoffs on the alternate approaches available for training personnel, and the alternative of certifying training programs vs. certifying of individuals, to assist the Commission in arriving at a consensus as to the most cost-effective approach for conducting security personnel training. These comments can be categorized generally as follows:

(i) Central and regional training versus local training.

(ii) Certification of training programs versus certification of individuals.

(iii) Training costs.

The following discussion pertains to items (i) through (iii) above.

(i) Comments received were both in favor of and opposed to the need for establishing central or regional training facilities. Persons favoring the establishment of central or regional training facilities stated that such facilities could be established by or under contract to the NRC, possibly using existing Federal installations. Since there would be only a few instructors available with the expertise necessary to teach some of the courses required, the staffing of central or regional facilities would not be difficult, while the simultaneous staffing of localized training facilities may not be achievable. Such commenters also stated that with central or regional training facilities, changes in the Commission's regulations could be implemented directly, and that the skill levels of graduates would be consistent throughout the industry. No cost figures were provided by commenters advocating the establishment of central or regional facilities.

Commenters opposing central or regional training facilities stated that the expenses for transporting, feeding, and housing individuals at a central or regional facilities would add substantially to the cost for training. Under either of these training arrangements, it would be difficult to provide site specific training sufficient to meet the needs of each licensee. Additionally, regional centers or a central facility would necessitate pooling of security personnel from various licensees for each class of students, which would increase the probability of unauthorized disclosure of sensitive and proprietary licensee physical security system information. No cost comparison estimates were provided to support the position of commenters opposed to central or regional training of security personnel.

(ii) Commenters stated that the alternative of certifying training programs for a specific training center versus certification of security personnel would only be acceptable from a cost-effective standpoint if each licensee or the employer of the personnel could operate its own certified training centers. One commenter stated that the requirements should be defined, methods for certification identified, and actual training programs be made available prior to implementation of the proposed rule.

(iii) A few commenters provided generalized and unsupported costs for implementing the proposed amendments. They also expressed concern that they were limited in attracting younger personnel who might meet the requirements, and historically, they have experienced a high turnover rate in security personnel which would drive the costs for training and retraining even higher.

The Commission agrees that there are economic advantages and disadvantages and other problems associated with the alternative means available for training licensee security personel. The revised amendments take into consideration the Commission's objective to assure that security personnel quality be uniformly upgraded at licensee facilities and in transportation. This can be achieved by either close coordination with all training programs, or by a means for assuring that each person assigned to perform security tasks is properly equipped and qualified to do so. The revised amendments follow the latter approach and do not specifically address training details. Nevertheless, the Commission is still concerned that some level of uniformity of performance should be established for all affected licensees. As stated in July 1977, the Commission will study alternative approaches to training personnel and the alternative of certifying training programs or individuals. There is underway a logistical management study which should assist the Commission in deciding on the most cost-effective approach available for certification, and will provide the licensees information on the cost effectiveness of each of the training alternatives to meet NRC requirements. In addition, the results of the study should provide information on the availability of instructors with the expertise necessary to train security personnel. The results of this study should be available around November 15, 1978. These results, along with the experience gained from implementation of the effective rule, will be used in the decision making process by the Commission to determine whether a more structured system of training of security personnel should be recommended to licensees.

The Commission has determined under Council of Environmental Quality guidelines and the criteria in 10 CFR Part 51.5(d)(3), that neither an environmental impact statement nor environmental impact appraisal to support a negative declaration for the proposed amendments to 10 CFR Part 73 is required because the amendments deal primarily with the qualification and training of existing security personnel and do not directly or indirectly affect the environment.

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, notice is hereby given that the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 73 are published as a document subject to codification.

1. Section 73.2 of 10 CFR Part 73 is amended to add paragraphs (t) through (w).

§ 73.2 Definitions.

As used in this part:

* * * * *

(t) "Armed response personnel" means persons, not necessarily uniformed, whose primary duty in the event of attempted theft of special nuclear material or industrial sabotage shall be to respond, armed and equipped, to prevent or delay such actions.

(u) "Armed escort" means an armed person, not necessarily uniformed, whose primary duty is to accompany shipments of special nuclear material for the protection of such shipments against theft or industrial sabotage.

(v) "Security management" means persons responsible for security at the policy and general management level.

(w) "Security supervision" means persons, not necessarily uniformed or armed, whose primary duties are supervision and direction of security at the day-to-day operating level.

2. Paragraphs 73.30(d) and 73.30(e) of 10 CFR Part 73 are revised to read as follows:

§ 73.30 General requirements.

* * * * *

(d) When armed escorts are used pursuant to §§ 73.31(c)(1), 73.31(c)(2), 73.33, and 73.35, the licensee shall not permit an individual to act as an armed escort unless such individual has been trained, equipped, and qualified to perform each assigned security job duty in accordance with Appendix B, "General Criteria for Security Personnel," of this part. Upon the request of an authorized representative of the Commission the licensee shall demonstrate the ability of the physical security personnel to carry out their assigned duties and responsibilities. Armed escorts shall requalify in accordance with appendix B of this part at least every 12 months. Such requalification shall be documented.

(e) Prior to transporting special nuclear material subject to the physical protection requirements of this part, each licensee shall submit a plan outlining the procedures that will be used to meet the requirements of §§ 73.30 through 73.36 and 73.70(g). By (120 days after the rule becomes effective) each licensee shall submit a training and qualifications plan outlining the processes by which armed escorts will be selected, trained, equipped, tested, and qualified to assure these individuals meet the requirements of paragraph (d) of this section.

The training and qualifications plan shall include a schedule to show how all armed escorts will be qualified by (within 2 years after the rule becomes effective) or within 2 years after the submitted plan is approved, whichever is later. The training and qualifications plan shall be followed by the licensee after (180 days after the rule becomes effective) or 60 days after the submitted plan is approved by the NRC, whichever is later.

* * * * *

3. Paragraph 73.50(a)(4) and 73.50(h) of 10 CFR Part 73 are revised to read as follows:

§ 73.50 Requirements for physical protection of licensed activities.

* * * * *

(a) * * * (4) The licensee shall not permit an individual to act as a guard, watchman, armed response person, or other member of the security organization unless such individual has been trained, equipped, and qualified to perform each assigned security job duty in accordance with Appendix B, "General Criteria for Security Personnel," of this part. Upon the request of an authorized representative of the Commission the licensee shall demonstrate the ability of the physical security personnel to carry out their assigned duties and responsibilities. Each guard, watchman, armed response person, and other member of the security organization shall requalify in accordance with appendix B of this part at least every 12 months. Such requalification shall be documented.

* * * * *

(h) By (120 days after the rule becomes effective) each licensee shall submit a training and qualifications plan outlining the processes by which guards, watchmen, armed response persons and other members of the security organization will be selected, trained, equipped, tested, and qualified to assure these individuals meet the requirements of paragraph (a)(4) of this section. The training and qualifications plan shall include a schedule to show how all security personnel will be qualified by (within 2 years after the rule becomes effective) or within two years after the submitted plan is approved, whichever is later. The training and qualifications plan shall be followed by the licensee after (180 days after the rule becomes effective) or 60 days after the submitted plan is approved by the NRC, whichever is later.

* * * * *

4. Paragraph 73.55(b)(4) of 10 CFR Part 73 is revised to read as follows:

§ 73.55 Requirements for physical protection of licensed activities in nuclear power reactors against industrial sabotage.

* * * * *

(b)(4) The licensee shall not permit an individual to act as a guard, watchman, armed response person, or other member of the security organization unless such individual has been trained, equipped, and qualified to perform each assigned security job duty in accordance with Appendix B, "General Criteria for Security Personnel," of this part. Upon the request of an authorized representative of the Commission the licensee shall demonstrate the ability of the physical security personnel to carry out their assigned duties and responsibilities. Each guard, watchman, armed response person, and other member of the security organization shall requalify in accordance with appendix B of this part at least every 12 months. Such requalification shall be documented. By (300 days after the rule becomes effective) each licensee shall submit a training and qualifications plan outlining the processes by which guards, watchmen, armed response persons, and other members of the security organization will be selected, trained, equipped, tested, and qualified to assure these individuals meet the requirements of this paragraph. The training and qualifications plan shall include a schedule to show how all security personnel will be qualified by (within 2 years after the rule becomes effective) or within 2 years after the submitted plan is approved, whichever is later. The training and qualifications plan shall be followed by the licensee after (500 days after the rule becomes effective) or 60 days after the submitted plan is approved by the NRC, whichever is later.

5. A new Appendix B entitled "General Criteria for Security Personnel" is added to 10 CFR Part 73 to read as follows:

APPENDIX B—GENERAL CRITERIA FOR SECURITY PERSONNEL

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INTRODUCTION

Pursuant to the provisions of 73.50 and 73.55 of 10 CFR part 73, Requirements for Physical Protection of Plants and Materials, each licensee who is authorized to conduct certain activities with specified quantities of special nuclear material pursuant to 10 CFR Part 70 and each licensee who is authorized to operate a production or utilization facility pursuant to 10 CFR part 50, respectively, is required to establish a security organization, including trained and equipped guards to physically protect special nuclear material in their possession and their facilities against theft and industrial sabotage.

Further, pursuant to the provisions of 73.30 through 73.36 of 10 CFR part 73, certain shipments of special nuclear material are required to be accompanied by armed escorts.

Security personnel who are responsible for the protection of special nuclear material onsite and in transit and for the protection of the facility or shipment vehicle against industrial sabotage should, like other elements of the physical security system, be required to meet minimum criteria to assure that they will effectively perform their assigned security related job duties. In order to assure that those individuals responsible for security are properly equipped and qualified to execute the job

duties prescribed for them, the NRC has developed general criteria which specifies security personnel qualification requirements.

These general criteria establish requirements for the selection, training, equipping, testing, and qualification of individuals who will be responsible for protecting special nuclear materials, nuclear facilities, and nuclear shipments.

DEFINITIONS

Terms defined in parts 50, 70, and 73 of this chapter have the same meaning when used in this appendix.

CRITERIA

I. Employment suitability and qualification.

A. Suitability: 1. Prior to employment, or assignment to the security organization, an individual shall meet the following suitability criteria:

a. Educational development—Possess a high school diploma or pass an equivalent performance examination designed to measure basic job-related mathematical, language, and reasoning skills, ability, and knowledge, required to perform security job duties.

b. Felony convictions—Have no felony convictions involving the use of a weapon and no felony convictions that reflect on the individual's reliability.

2. Prior to employment or assignment to the security organization in an armed capacity, the individual, in addition to (a) and (b) above, must be 21 years of age or older.

B. Physical and mental qualifications. 1. Physical qualifications:

a. Individuals whose security tasks and job duties are directly associated with the effective implementation of the licensee physical security and contingency plans shall have no physical weaknesses or abnormalities that would adversely affect their performance of assigned security job duties.

b. In addition to a. above, guards, armed response personnel, armed escorts, and central alarm station operators shall successfully pass a physical examination administered by a licensed physician. The examination shall be designed to measure the individual's physical ability to perform assigned security job duties as identified in the licensee physical security and contingency plans. Armed personnel shall meet the following additional physical requirements:

(1) Vision: (a) For each individual, distant visual acuity in each eye shall be correctable to 20/30 (Snellen or equivalent) in the better eye and 20/40 in the other eye with eyeglasses or contact lenses. If uncorrected distance vision is not at least 20/40 in the better eye, the individual shall carry an extra pair of corrective lenses. Near visual acuity, corrected or uncorrected, shall be at least 20/40 in the better eye. Field of vision must be at least 70° horizontal meridian in each eye. The ability to distinguish red, green, and yellow colors is required. Loss of vision in one eye is disqualifying. Glaucoma shall be disqualifying, unless controlled by acceptable medical or surgical means, provided such medications as may be used for controlling glaucoma do not cause undesirable side effects which adversely affect the individual's ability to perform assigned security job duties, and provided the visual acuity and field of vision requirements stated above are met. On-the-job evaluation shall be used for individuals who exhibit a mild color vision defect.

(b) Where corrective eyeglasses are required, they shall be of the safety glass type.

(c) The use of corrective eyeglasses or contact lenses shall not interfere with an individual's ability to effectively perform assigned security job duties during normal or emergency operations.

(2) Hearing: (a) Individuals shall have no hearing loss in the better ear greater than 30 decibels average at 500 hz, 1,000 Hz, and 2,000 Hz, with no level greater than 40 decibels at any one frequency (by ISO 1964 or ANSI 1969 audiometry).

(b) A hearing aid is accepable provided suitable testing procedures demonstrate auditory acuity equivalent to the above stated requirement.

(c) The use of a hearing aid shall not decrease the effective performance of the individual's assigned security job duties during normal or emergency operations.

(3) Diseases—Individuals shall have no established medical history or medical diagnosis of epilepsy or diabetes, or, where such a condition exists, the individual shall provide medical evidence that the condition can be controlled with proper medication so that the individual will not lapse into a coma or unconscious state while performing assigned security job duties.

(4) Addiction-Individuals shall have no established medical history or medical diagnosis of habitual alcoholism or drug addiction, or, where such a condition has existed, the individual shall provide certified documentation of having completed a rehabilitation program which would give a reasonable degree of confidence that the individual would be capable of performing assigned security job duties.

(5) Other physical requirements—An individual who has been incapacitated due to a serious illness, injury, disease, or operation, which could interfere with the effective performance of assigned security job duties shall, prior to resumption of such duties, provide medical evidence of recovery and ability to perform such security job duties.

2. Mental qualifications: a. Individuals whose security tasks and job duties are directly associated with the effective implementation of the licensee physical security and contingency plans shall demonstrate mental alertness and the capability to exercise good judgment, implement instructions, assimilate assigned security tasks, and possess the acuity of senses and ability of expression sufficient to permit accurate communication by written, spoken, audible, visible, or other signals required by assigned job duties.

b. Armed individuals, and central alarm station operators, in addition to meeting the requirement stated in paragraph a. above, shall have no emotional instability that would interfere with the effective performance of assigned security job duties. The determination shall be made by a licensed psychologist or psychiatrist, or physician, or other person professionally trained to identify emotional instability.

c. The licensee shall arrange for continued observation of security personnel and for appropriate corrective measures by responsible supervisors for indications of emotional instability of individuals in the course of performing assigned security job duties. Identification of emotional instability by responsible supervisors shall be subject to verification by a licensed, trained person.

C. Physical fitness qualifications—Subject to a medical examination conducted within the preceding 30 days and to a determination and written certification by a licensed physician that there are no medical contraindications to participation by the individual as disclosed by the medical examination, guards, armed response personnel and armed escorts shall demonstrate physical fitness for assigned security job duties by performing a practical physical exercise program within a specific time period. The exercise program performance objectives shall be described in the licensee training and qualifications plan, and shall consider such job related functions as strenuous activity, physical exertion, levels of stress, and exposure to the elements as they pertain to each individual's assigned security job duties for both normal and emergency operations. The physical fitness qualification of each guard, armed response person, and armed escort shall be documented and attested by a licensee security supervisor.

D. Contract security personnel—Contract security personnel shall be required to meet the suitability, physical, and mental requirements as appropriate to their assigned security job duties in accordance with section I of this appendix.

E. Physical requalification—At least every 12 months, central alarm station operators shall be required to meet the physical requirements of B.1.b of this section and guards, armed response personnel and armed escorts, shall be required to meet the physical requirements of paragraphs B.1.b (1) and (2), and C of this section.

F. Documentation—The results of suitability, physical, and mental qualifications data and test results shall be documented by the licensee or his agent.

G. Nothing herein authorizes or requires a licensee to investigate into or judge the reading habits, political or religious beliefs, or attitudes on social, economic, or political issues of any person.

II. Training and qualifications.

A. Training requirements—Each individual who requires training to perform assigned security related job tasks or job duties as identified in the licensee physical security or contingency plans, shall prior to assignment, be trained to perform such tasks and duties in accordance with the licensee or his agent's documented training and qualifications plan.

B. Qualification requirements—Each person who performs security related job tasks or job duties required to implement the licensee physical security or contingency plan shall, prior to being assigned to such tasks or duties, be qualified in accordance with the licensee's NRC approved training and qualifications plan. The qualifications of each individual shall be documented and attested by a licensee security supervisor.

C. Contract personnel—Contract personnel shall be trained, equipped, and qualified as appropriate to their assigned security related job tasks or job duties, in accordance with sections II, III, IV, and V of this appendix. The qualifications of each individual shall be documented and attested by a licensee security supervisor.

D. Security knowledge, skills, and abilities—Each individual assigned to perform the security related task identified in the licensee physical security or contingency plan shall demonstrate the required knowledge, skill, and ability in accordance with the specified standards for each task as stated

in the NRC approved licensee training and qualifications plan. The areas of knowledge, skills, and abilities that shall be considered in the licensee's training and qualifications plan are as follows:

1. Protection of nuclear facilities, transport vehicles, and special nuclear material.
2. NRC requirements and guidance for physical security at nuclear facilities and for transportation.
3. The private security guard's role in providing physical protection for the nuclear industry.
4. The authority of private guards.
5. The use of nonlethal weapons.
6. The use of deadly force.
7. Power of arrest and authority to detain individuals.
8. Authority to search individuals and seize property.
9. Adversary group operations.
10. Motivation and objectives of adversary groups.
11. Tactics and force that might be used by adversary groups to achieve their objectives.
12. Recognition of sabotage related devices and equipment that might be used against the licensee's facility or shipment vehicle.
13. Facility security organization and operation.
14. Types of physical barriers.
15. Weapons, lock and key control system operation.
16. Location of SNM and/or vital areas within a facility.
17. Protected area security and vulnerability.
18. Types of alarm systems used.
19. Response and assessment to alarm annunciations and other indications of intrusion.
20. Familiarization with types of special nuclear material processed.
21. General concepts of fixed site security systems.
22. Vulnerabilities and consequences of theft of special nuclear material or industrial sabotage of a facility.
23. Protection of security system information.
24. Personal equipment use and operation for normal and contingency operations.
25. Surveillance and assessment systems and techniques.
26. Communications systems operation, fixed site.
27. Access control systems and operation for individuals, packages, and vehicles.
28. Contraband detection systems and techniques.
29. Barriers and other delay systems around material access or vital areas.
30. Exterior and interior alarm systems operation.
31. Duress alarm operation.
32. Alarm stations operation.
33. Response force organization.
34. Response force mission.
35. Response force operation.
36. Response force engagement.
37. Security command and control system during normal operation.
38. Security command and control system during contingency operation.
39. Transportation systems security organization and operation.
40. Types of SNM transport vehicles.
41. Types of SNM escort vehicles.
42. Modes of transportation for SNM.
43. Road transport security system command and control structure.
44. Use of weapons.
45. Communications systems operation for transportation, shipment to control center and intraconvoy.
46. Vulnerabilities and consequences of theft of special nuclear material or industrial sabotage of a transport vehicle.
47. Protection of transport system security information.
48. Control of area around transport vehicle.
49. Normal convoy techniques and operations.
50. Familiarization with types of special nuclear materials shipped.
51. Fixed post station operations.
52. Access control system operation.
53. Search techniques and systems for individuals, packages and vehicles.
54. Escort and patrol responsibilities and operation.
55. Contengency response to confirmed intrusion or attempted intrusion.
56. Security system operation after component failure.
57. Fixed site security information protection.
58. Security coordination with local law enforcement agencies.
59. Security and situation reporting, documentation and report writing.
60. Contingency duties.
61. Self defense.
62. Use of and defenses against incapacitating agents.
63. Security equipment testing.
64. Contingency procedures.
65. Night vision devices and systems.
66. Mechanics of detention.
67. Basic armed and unarmed defensive tactics.
68. Response force deployment.
69. Security alert procedures.
70. Security briefing procedures.
71. Response force tactical movement.
72. Response force withdrawal.
73. Reponse force use of support fire.
74. Response to bomb and attack threats.
75. Response to civil disturbances (e.g., strikes, demonstrators).
76. Response to confirmed attempted theft of special nuclear material and/or industrial sabotage of facilities.
77. Response to hostage situations.
78. Site specific armed tactical procedures and operation.
79. Security response to emergency situations other than security incidents.
80. Basic transportation defensive response tactics.
81. Armed escort deployment.
82. Armed escort adversary engagement.
83. Armed escort formations.
84. Armed escort use of weapons fire (tactical and combat).
85. Armed escort and shipment movement under fire.
86. Tactical convoying techniques and operations.
87. Armed escort tactical exercises.
88. Armed escort response to bomb and attack threats.
89. Verification of shipment documentation and contents.
90. Continuous surveillance of shipment vehicle.
91. Normal and contingency operation for shipment mode transfer.
92. Armed personnel procedures and operation during temporary storage between mode transfers of shipments.
93. Armed escort threat assessment and response.
94. System for and operation of shipment vehicle lock and key control.
95. Techniques and procedures for isolation of shipment vehicle during a contingency situation.
96. Transportation coordination with local law enforcement agencies.
97. Procedures for verification of shipment locks and seals.
98. Transportation security and situation reporting, documentation, and report writing.
99. Procedures for shipment delivery and pickup.
100. Transportation security system for escort by road, rail, air and sea.

E. Requalification—Security personnel shall be requalified at least every 12 months to perform assigned security related job tasks and duties for both normal and contingency operations. Requalification shall be in accordance with the NRC approved licensee training and qualifications plan. The results of requalification shall be documented and attested by a licensee security supervisor.

III. Weapons training.

A. Guards, armed response personnel and armed escorts requiring weapons training to perform assigned security related job tasks or job duties shall be trained in accordance with the licensees' documented weapons training programs. Each individual shall be proficient in the use of his assigned weapon(s) and shall meet prescribed standards in the following areas:

1. Mechanical assembly, dissasembly, range penetration capabilitity of weapon, and bullseye firing.
2. Weapons cleaning and storage.
3. Combat firing, day and night.
4. Safe weapons handling.
5. Clearing, loading, unloading, and reloading.
6. When to draw and point a weapon.
7. Rapid fire techniques.
8. Close quarter firing.
10. Zeroing assigned weapon(s).

IV. Weapons qualification and requalification program.

Qualification firing for the handgun and the rifle shall be for daylight firing, and each individual shall perform night firing for familiarization with assigned weapons(s). The results of weapons qualification and requalification shall be documented by the licensee or his agent.

A. Handgun—Guards, armed escorts and armed response personnel shall qualify with a revolver or semiautomatic pistol firing the national police course, or an equivalent nationally recognized course. Qualifying score shall be an accumulated total of 70 percent of the maximum obtainable score.

B. Semiautomatic Rifle—Guards, armed escorts and armed response personnel, assigned to use the semiautomatic rifle by the licensee training and qualifications plan, shall qualify with a semiautomatic rifle by firing the 100-yard course of fire specified in section 17.5(1) of the National Rifle Association, High Power Rifle Rules book (effective March 15, 1976),[1] or a nationally recog-

[1] Copies of the "NRA High Power Rifle Rules" may be examined at, or obtained from, the National Rifle Association, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

nized equivalent course of fire. Targets used shall be as stated in section 17.5 for the 100-yard course. Time limits for individuals shall be as specified in section 8.2 of the NRA rule book, regardless of the course fired. Qualifying score shall be an accumulated total of 80 percent of the maximum obtainable score.

C. Shotgun—Guards, armed escorts, and armed response personnel assigned to use the 12 gauge shotgun by the licensee training and qualifications plan shall qualify with a full choke or improved modified choke 12 gauge shotgun firing the following course:

Range	Position	No. Rounds[1]	Target[2]
15 yds.....	Hip fire point.	4	B-27
25 yds.....	Shoulder....	4	B-27

[1]The 4 rounds shall be fired at 4 separate targets within 10 seconds using 00 gauge (9 pellet) shotgun shells.

[2]As set forth by the National Rifle Association (NRA) in its official rules and regulations, "NRA Target Manufacturers Index," December 1976.

To qualify the individual shall be required to place 50 percent of all pellets (36 pellets) within the black silhouette.

D. Requalification—Individuals shall be weapons requalified at least every 12 months in accordance with the NRC approved licensee training and qualifications plan, and in accordance with the requirements stated in A, B, and C of this section.

V. Guard, armed response personnel, and armed escort equipment.

A. Fixed Site—Fixed site guards and armed response personnel shall either be equipped with or have available the following security equipment appropriate to the individual's assigned contingency security related tasks or job duties as described in the licensee physical security and contingency plans:

1. Semiautomatic rifles with following nominal minimum specifications:
(a) .223 caliber.
(b) Muzzle velocity, 1980 ft/sec.
(c) Muzzle energy, 955 foot-pounds.
(d) Magazine or clip load of 10 rounds.
(e) Magazine reload, 0 10 seconds.
(f) Operable in any environment in which it will be used.

2. 12 gauge shotguns with the following capabilities:
(a) 4 round pump or semiautomatic.
(b) Operable in any environment in which it will be used.
(c) Full or modified choke.

3. Semiautomatic pistols or revolvers with the following nominal minimum specifications:
(a) .354 caliber.
(b) Muzzle energy, 250 foot-pounds.
(c) Full magazine or cylinder reload capability 0 6 seconds.
(d) Muzzle velocity, 850 ft/sec.
(e) Full cylinder or magazine capacity, 6 rounds.
(f) Operable in any environment in which it will be used.

4. Ammunition:
(a) For each assigned weapon as appropriate to the individual's assigned contingency security job duties and as readily available as the weapon:
(1) 18 rounds per handgun.
(2) 100 rounds per semiautomatic rifle.
(3) 12 rounds each per shotgun (00 gauge and slug).
(b) Ammunition available on site—two (2) times the amount stated in (a) above for each weapon.

5. Personal equipment to be readily available for individuals whose assigned contingency security job duties, as described in the licensee physical security and contingency plans, warrant such equipment:
(a) Helmet, combat.
(b) Gas mask, full face.
(c) Body armor (bullet-resistant vest).
(d) Flashlights and batteries.
(e) Baton.
(f) Handcuffs.
(g) Ammunition/equipment belt.

6. Binoculars.

7. Night vision aids, i.e., hand-fired illumination flares or equivalent.

8. Tear gas or other nonlethal gas.

9. Duress alarms.

10. Two-way portable radios (handi-talkie) 2 channels minimum, 1 operating and 1 emergency.

B. Transportation—Armed escorts shall either be equipped with or have readily available the following security equipment appropriate to the individual's assigned contingency security related tasks or job duties, as described in the licensee physical security and contingency plans:

1. Semiautomatic rifles with the following nominal minimum specifications:
(a) .223 caliber.
(b) Muzzle velocity, 1,980 ft/sec.
(c) Muzzle energy, 955 foot-pounds.
(d) Magazine or clip of 10 rounds.
(e) Reload capability, 0 10 seconds.
(f) Operable in any environment in which it will be used.

2. 12 gauge shotguns.
(a) 4 round pump or semiautomatic.
(b) Operable in any environment in which it will be used.
(c) Full or modified choke.

3. Semiautomatic pistols or revolvers with the following nominal minimum specifications:
(a) .354 caliber.
(b) Muzzle energy, 250 foot-pounds.
(c) Full magazine or cylinder reload capability 0 6 seconds.
(d) Muzzle velocity, 850 ft/sec.
(e) Full cylinder or magazine capacity, 6 rounds.
(f) Operable in any environment in which it will be used.

4. Ammunition for each shipment.
(a) For each assigned weapon as appropriate to the individual's assigned contingency security job duties and as readily available as the weapon:
(1) 36 rounds per handgun.
(2) 120 rounds per semiautomatic rifle.
(3) 12 rounds each per shotgun (00 gauge and slug).

5. Escort vehicles, bullet resisting, equipped with communications systems, red flares, first aid kit, emergency tool kit, tire changing equipment, battery chargers, for radios (where appropriate, for recharging portable radio batteries).

6. Personal equipment to be readily available for individuals whose assigned contingency security job duties, as described in the licensee physical security and contingency plans, warrant such equipment:
(a) Helmet, combat.
(b) Gas mask, full face.
(c) Body armor (bullet-resistant vest).
(d) Flashlights and batteries.
(e) Baton.
(f) Ammunition/equipment belt.
(g) Pager/duress alarms.

7. Binoculars.

8. Night vision aids, i.e., hand-fired illumination flares or equivalent.

9. Tear gas or other nonlethal gas.

Effective date: October 23, 1978.

(Sec. 161i, Pub. L. 83-703, 68 Stat. 948, Pub. L. 93-377, 88 Stat. 475; Sec. 201, Pub. L. 93-438, 88 Stat. 1242-1243, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 2201, 5841).)

Dated at Washington, D.C., this 16th day of August 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-23605 Filed 8-22-78; 8:45 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER 1—FEDERAL TRADE COMMISSION

[Docket 8920]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Retail Credit Co.

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: This order, among other things, requires an Atlanta, Ga. collector and seller of consumer credit information to divest itself completely, within 1 year, of the Credit Bureau of Salem, Oreg. (CB West Coast), and the Credit Bureau of Washington, D.C., subject to Commission approval; and provide purchaser, for 3 years, with copies of its current files in a form that will permit acquirer to prepare and sell credit reports. The order additionally bars the firm, for 10 years, from entering into management contracts with divested corporations, and from acquiring, without prior Commission sanction, any concern engaged in the business of collecting and reporting consumer credit information.

DATES: Complaint issued March 9, 1973. Final order issued July 7, 1978.[1]

FOR FURTHER INFORMATION CONTACT:

Alfred F. Dougherty, Jr., Director, Bureau of Competition, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580, 202-523-3601.

SUPPLEMENTARY INFORMATION: In the matter of retail credit company,

[1]Copies of the complaint, initial decision, opinion and final order filed with the original document.

9718

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

September 29, 1978

NOTE TO: Marty Malsch

Marty:

McGahey said in his letter that he knew we were going to say that we did not have authority to step into this problem area; but he also went on the say that we should be concerned about the issue. Shouldn't we leave the door open a bit for McGahey to feel free to come in and discuss the problem further with us?

Bill

William J. Dircks

Bill: Here's a rewrite. I'm not sure about the last sentence - it should be checked with NRR (we can check it out is it looks OK to you)

Marty M.

FROM:	ACTION CONTROL	DATES	CONTROL NO. 04555
[illegible]	COMPL DEADLINE	[illegible]	
	ACKNOWLEDGMENT		DATE OF DOCUMENT
	INTERIM REPLY		[illegible]
TO:			PREPARE FOR SIGNATURE OF: ☐ CHAIRMAN ☐ EXECUTIVE DIRECTOR
[illegible]	FINAL REPLY		OTHER: [illegible]
	FILE LOCATION	[illegible]	

DESCRIPTION ☐ LETTER ☐ MEMO ☐ REPORT ☐ OTHER

[illegible] reply to ltr from [illegible] C. [illegible] International Union [illegible] to Chairman [illegible] [illegible] security guard situation at the [illegible] C. [illegible] plant

SPECIAL INSTRUCTIONS OR REMARKS

CLASSIFIED DATA			
DOCUMENT/COPY NO.		CLASSIFICATION	
NUMBER OF PAGES		CATEGORY ☐ NSI ☐ RD ☐ FRD	
POSTAL REGISTRY NO.			

ASSIGNED TO:	DATE	INFORMATION ROUTING
[illegible]	[illegible]	

LEGAL REVIEW		☐ FINAL ☐ COPY
ASSIGNED TO:	DATE	NO LEGAL OBJECTIONS NOTIFY: ☐ EDO ADMIN & CORRES BR _____ EXT. _____
		COMMENTS, NOTIFY: _____ EXT. _____
JCAE NOTIFICATION RECOMMENDED:		☐ YES ☐ NO

NRC FORM 232
(11-75)

*EXECUTIVE DIRECTOR FOR OPERATIONS

*DO NOT REMOVE THIS COPY

PRINCIPAL CORRESPONDENCE CONTROL

No. 78-1353 Logging Date 9-19-78

NRC SECRETARIAT

TO:
- [ ] Commissioner _____ Date _____
- [x] Exec. Dir./Oper.
- [ ] Cong. Liaison
- [ ] Public Affairs
- [ ] Gen. Counsel
- [ ] Solicitor
- [ ] Secretary
- [ ] _____

Incoming: Robert P. Griffin, USS

From: _____

To: Congressional Date 9-15-78

Subject: Donald C. Cook nuclear power plant

[x] Prepare reply for signature of:

- [ ] Chairman
- [ ] Commissioner _____
- [x] EDO, GC, CL, SOL, PA, SECY Date due Sept. 29
- [ ] Signature block omitted
- [ ] _____
- [ ] Return original of incoming with response

- [ ] For direct reply*
- [ ] For appropriate action
- [ ] For information
- [ ] For recommendation

Remarks: Cys to: D&SS, OCA to Acknowledge

For the Commission: DAVIS

*Send three (3) copies of reply to Secy Mail Facility

NRC-62 ACTION SLIP

United States Senate

Washington, D. C., September 15, *19* 78

Respectfully referred to

Congressional Liaison
Nuclear Regulatory Com.

Please send me a copy of the reply to the attached letter.

Thanks,

Robert P. Griffin
U. S. Senator

RPG:nf

U. S. S.

Form No. 3 16—45102-3 GPO

INTERNATIONAL UNION
UNITED PLANT GUARD WORKERS OF AMERICA (UPGWA)
International Headquarters: 25510 Kelly Road, Roseville, Michigan 48066

JAMES C. McGAHEY
PRESIDENT

FRANCIS E. FITZPATRICK
SECRETARY-TREASURER

TELEPHONE
(313) 772-7250

September 8, 1978

Dr. Clifford V. Smith
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Dr. Smith:

I wish to direct your attention to a developing situation at the Donald C. Cook Nuclear Plant in Bridgman, Michigan. The details of the problem are set forth in a letter dated August 24, 1978, to the U. S. Department of Energy, a copy of which is enclosed.

In the event that R. R. S. Security, Inc. and/or Indiana Michigan Power Company do not retain the current security force of competent and experienced employees, the consequences set forth in my letter to the Department of Energy will be realized. It is inconceivable that a federal regulatory agency should directly or indirectly foster, support or condone any action which is contrary to "federal policy" generally. I would like to assume that government policies in the areas of labor relations, full employment, equal rights and others are coordinated among the federal agencies.

It begs the question for any federal agency to assert that they have no authority to correct a pending problem and/or to refer that problem to another agency. Whether or not a federal agency has specific statutory authority or jurisdiction in a given area, it is nonetheless in a position to institute remedial action by the sheer application of "federal policy". The time has come, and the Donald C. Cook Nuclear Plant illustrates the problem, for the federal government to be both concerned and involved where private companies contravene various federal policies while operating under federal control and approval.

Unchecked bidding on federally regulated projects has numerous adverse consequences. First, there is unnecessary cost to the taxpayer in terms of new security clearances, recruitment and training of employees, unemployment and welfare costs, and overall financial loss to a community in tax and consumer dollars. Second, there is peril to the security of a facility in that continuity of operations is broken and former employees who have an intimate knowledge of the facility tend to remain in the community. Third, the situation is productive of labor unrest contrary to the mandate of the National Labor Relations Act to promote and preserve industrial stability. And, finally, the loss and hardship suffered by employees and their families is incalculable.

..../

- COPY -

The problem I have described is not limited to the Cook Nuclear Plant at Bridgman, Michigan. It is mushrooming throughout the Country. Security guards who have given many years of dedicated and competent service to a federally owned and/or privately owned but federally regulated facility are suddenly advised that their employment is terminated. They neither influence nor control that decision and are powerless to reverse it. They are simply victims of a bidding system which various federal agencies have failed to regulate in the best interest of a security performance, employee job security and taxpayer welfare. Only the contractor and sub-contractor benefit by system which abrogates collective bargaining agreements and employee job security, and perpetuates sub-standard wages and benefits. It is no wonder that guard agency operations are marked by high employee turnover and reduced security performance. Yet when employees through collective action raise their wages, benefits, and job security to a decent level, the principal contractor relets the bid to an unorganized guard agency.

Unfortunately, the Service Contract Act and other legislation is not adequate to correct the situation. There is both a compelling need for specific legislation and, most particularly, for a new attitude and means of communication and cooperation among federal regulatory agencies. For many years our Union had similar problems at NASA facilities throughout the Country. In large measure these problems were solved by the Service Contract Act and the cooperation of NASA administrators. Such a program and attitude is now urgently needed at both federally owned and privately owned, but federally regulated, nuclear power plants. The future of one hundred security guards and their families and the fortunes of a small community in Western Michigan are at stake in this matter. The situation demands corrective action which can be of future application to emerging situations at nuclear plants throughout the Country.

On behalf of the International Union (UPGWA), and its members throughout the Country, I urgently request that you give this matter your immediate attention. It is imperative that every concerned legislator and agency official coordinate their efforts and become involved to the extent possible to correct the ever recurring problem that has now arisen at the Donald C. Cook Nuclear Plant.

Very truly yours,

James C. McGahey

JAMES C. McGAHEY, President
International Union - UPGWA

JCM/gf
opeiu42
Encl.
cc: President Jimmy Carter
Secretary of Labor, F. Ray Marshall
Senator Harrison A. Williams
Congressman Frank Thompson, Jr.
Stuart Broad, Department of Energy

SEE ATTACHED LIST OF ADDITIONAL COPIES MAILED

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

OFFICE OF
NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

9/12/76 Ref MPA 2356

Millie,

Please have the distribution list on the response include:

CV Smith, NMSS

G McCorkle, NMSS

Thanks,

Elva

Please include this in answer -

INTERNATIONAL UNION
UNITED PLANT GUARD WORKERS OF AMERICA (UPGWA)
International Headquarters: 25510 Kelly Road, Roseville, Michigan 48066

JAMES C. McGAHEY
PRESIDENT

FRANCIS E. FITZPATRICK
SECRETARY-TREASURER

TELEPHONE
(313) 772-7250

September 8, 1978

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JAMES C. McGAHEY, President
International Union - UPGWA

JCM/gf
opeiu42
Encl.
cc: President Jimmy Carter
Secretary of Labor, F. Ray Marshall
Senator Harrison A. Williams
Congressman Frank Thompson, Jr.
Stuart Broad, Department of Energy

COPY

INTERNATIONAL UNION
UNITED PLANT GUARD WORKERS OF AMERICA (UPGWA)

International Headquarters: 25510 Kelly Road, Roseville, Michigan 48066

JAMES C. McGAHEY
PRESIDENT

FRANCIS E. FITZPATRICK
SECRETARY-TREASURER

TELEPHONE
(313) 772-7250

August 24, 1978

Mr. Stewart Broad, Director
Office of Contractor's Industrial Relations
U. S. Department of Energy
Mail Station Al-4025
Washington, D. C. 20545

Dear Mr. Broad:

RE: DONALD C. COOK NUCLEAR PLANT
BRIDGMAN, MICHIGAN

Since the inception of the Donald C. Cook Nuclear plant in Bridgman, Michigan, security services have been provided by the Wackenhut Corporation under contract with the Indiana Michigan Power Company.

In January 1972, the International Union, United Plant Guard Workers of America (UPGWA) was certified as the exclusive bargaining representative of all guards and security officers. Our Union has entered into successive collective bargaining agreements with Wackenhut, the last of which will not expire until May 18, 1979.

Recently, the Indiana Michigan Power Company let bids for security services. It is significant to note that the bid was let approximately six weeks after the UPGWA had negotiated increased wages and benefits for security officers under a wage reopener. The bid was awarded to R.R.S., Incorporated of South Bend, Indiana, a non-union guard agency. No date has been set for R.R.S. to take-over security services from Wackenhut.

On August 23, 1978, I sent a certified letter to R.R.S. requesting that it retain the security force and honor the existent collective bargaining agreement. A copy of that letter is enclosed.

I am writing to enlist your support in preventing a situation at Donald C.Cook which could be detrimental to employees and their families, contrary to federal labor policy, inconsistent with nuclear power plant security, and costly to the taxpayer. What rules, regulations and policies does the Department of Energy have to regulate the transfer of subcontracts and to prevent the unfair and discriminatory dislocation of employees?

It must be presumed that individual employees of Wackenhut have performed efficiently and well. Otherwise they would have been subjected to prior discharge or discipline. Thus the employees should not be pawns in a contracting game over which they have no voice or control.

...../

Should R.R.S. attempt to avoid its obligation to incumbent employees and their chosen bargaining representative, several adverse results will occur as follows:

1. The UPGWA will, of course, take appropriate action under federal labor law to protect the employees and the collective bargaining agreement.

2. Displaced employees would join the swelling ranks of the unemployed and therefore increase unemployment and welfare costs.

3. Any new employees would have to be security cleared trained and otherwise processed at great and unnecessary expense to the taxpayer.

4. Displaced employees would remain in the small community of Bridgman and therefore pose an additional and unnecessary problem to site security. I understand that there is a current concern with high employee turnover and the threat it poses to security.

5. It is impossible to measure the human misery and hardship caused to incumbent employees, their families, and the community.

This is an urgent problem which I trust will receive the immediate attention of the Department of Energy. It is inconceivable that the U. S. Government would stand idly by while federal policy is violated at a federally regulated nuclear site. By "federal policy" I have reference to full employment, saving costs, encouraging stability in labor relations, preventing age, sex, race and handicap discrimination, and a host of others. The problem at Donald C. Cook epitomizes the often adverse consequences of unregulated bidding for federal services.

May I please hear from you immediately.

Sincerely yours,

JAMES C. McGAHEY, President
International Union
U.P.G.W.A.

JCM/gf
opeiu42
Encl.
cc: Indiana Michigan Power Company
The Wackenhut Corporation
Henry E. Applen
Charles E. Lamb
Gordon Gregory

ROUTING AND TRANSMITTAL SLIP

Date 9/13/75

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Dick Black ELD		
2.		
3.		
4.		
5.		

	Action		File		Note and Return
	Approval		For Clearance		Per Conversation
	As Requested		For Correction		Prepare Reply
	Circulate		For Your Information		See Me
	Comment		Investigate		Signature
	Coordination		Justify		

REMARKS

Per our phone call the attached correspondence is forwarded for response. Frank Arsenault is the D.C. Cook Security Supervisor 8(616)465-5901. He say's that Wackenhut will continue on a day by day basis until RES guards are ready then there will be a total switch, probably early Nov.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
	Phone No. 28460

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

☆ GPO : 1977 O - 241-530 (3450)

Date

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1.		
2.		
3.		
4.		
5.		

	Action		File		Note and Return
	Approval		For Clearance		Per Conversation
	As Requested		For Correction		Prepare Reply
	Circulate		For Your Information		See Me
	Comment		Investigate		Signature
	Coordination		Justify		

REMARKS

C. Smith wants letter addressed to him (9/8) (attached) referred in outgoing letter. Also - please put Smith + McCorkle on distribution

RSLB/DOR

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
	Phone No.

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

☆ U.S.GPO:1977-0-241-530/3228

ROUTING AND TRANSMITTAL SLIP

Date 9/5/78

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Jim Miller		
2. A/D-RS		
3.		
4.		
5.		

	Action		File		Note and Return
	Approval		For Clearance		Per Conversation
	As Requested		For Correction		Prepare Reply
	Circulate		For Your Information		See Me
	Comment		Investigate		Signature
	Coordination		Justify		

REMARKS

Attached forwarded per o'donnell by telecon this date. Thx

Millie
I think
Tickled.

Jim Miller
9/6/78

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
George Beveridge NMSS	5S-958
	Phone No. 74072

5041-102
☆ U.S. G.P.O. 1977-241-530/3090

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

MEMO ROUTE SLIP
Form ERDA-93 (1-75) ERDAM 0240

See me about this.	For concurrence.	For action.
Note and return.	For signature.	For information.

TO (Name and unit)	INITIALS / DATE	REMARKS
Dr. Clifford V. Smith Director, Ofc. of Nuclear Materials Safety & Safeguards, NRC		
TO (Name and unit)	INITIALS / DATE	REMARKS
TO (Name and unit)	INITIALS / DATE	REMARKS

FROM (Name and unit)	REMARKS
Stuart Broad Stuart Broad, Dir. Ofc. of Contractor Industrial Relations DOE	I am forwarding the attached since your office might have an interest in the security aspects of this complaint. Attachment: Ltr to Broad fm McGahey, UPGWA, dtd 8/24/78, w/Encl
PHONE NO. 353-5084 / DATE 8/30/78	

USE OTHER SIDE FOR ADDITIONAL REMARKS

☆U.S. G.P.O. 1977-726-668/742

Department of Energy
Washington, D.C. 20545

AUG 30 1978

Mr. James C. McGahey, President
United Plant Guard Workers of
America (UPGWA)
25510 Kelly Road
Roseville, Michigan 48066

Dear Mr. McGahey:

I am responding to your letter of August 24, 1978, regarding certain guard union problems at the Donald C. Cook Nuclear Plant in Bridgman, Michigan. Regretably, this office is unable to respond to your request since the Department of Energy does not have industrial relations responsibility at commercial nuclear power plants. I note, however, that you have indicated concerns regarding security at this plant.

Accordingly, I have forwarded your letter to the Nuclear Regulatory Commission (NRC). I am sure that NRC will review the security concerns outlined in your letter.

Sincerely,

/s/ Stuart Broad

Stuart Broad
Director, Office of Contractor
Industrial Relations

cc: Dr. Clifford V. Smith, NRC

INTERNATIONAL UNION
UNITED PLANT GUARD WORKERS OF AMERICA (UPGWA)
International Headquarters: 25510 Kelly Road, Roseville, Michigan 48066

JAMES C. McGAHEY
PRESIDENT

FRANCIS E. FITZPATRICK
SECRETARY-TREASURER

TELEPHONE
(313) 772-7250
17

August 24, 1978

Mr. Stewart Broad, Director
Office of Contractor's Industrial Relations
U. S. Department of Energy
Mail Station A1-4025
Washington, D. C. 20545

Dear Mr. Broad:

RE: DONALD C. COOK NUCLEAR PLANT
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6129

...../

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James C. McGahey

JAMES C. McGAHEY, President
International Union
U.P.G.W.A.

JCM/gf
opeiu42
Encl.
cc: Indiana Michigan Power Company
The Wackenhut Corporation
Henry E. Applen
Charles E. Lamb
Gordon Gregory

COPY

INTERNATIONAL UNION
UNITED PLANT GUARD WORKERS OF AMERICA (UPGWA)
International Headquarters: 25510 Kelly Road, Roseville, Michigan 48066

JAMES C. McGAHEY
PRESIDENT

FRANCIS E. FITZPATRICK
SECRETARY-TREASURER

TELEPHONE
(313) 772-7250

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

August 23, 1978

Mr. Donald Quad, Area Manager
R.R.S., Incorporated
403 Dixie Way North
South Bend, Indiana 46637

Dear Mr. Quad:

It has been brought to the attention of this International Union that your Company is the successful bidder to provide security services at the Donald C. Cook Nuclear Power Site in Bridgman, Michigan. This International, and its Amalgamated Local No. 37, has been the exclusive bargaining agent for all Patrolmen and Sergeants at that site since 1972. Currently, there is a Labor Agreement in effect between the Wackenhut Corporation and the International Union, United Plant Guard Workers of America (UPGWA) and its Amalgamated Local No. 37. That Agreement expires at 0700 hours on May 18, 1979.

Please accept this letter as our request for a meeting with your Company for the purpose of working out a smooth transition wherein your Company accepts the employees and the Contract now in effect. The Union is willing to make modifications such as the change in the Company's name and in other areas if not applicable to your Company.

We request your immediate reply because we feel that this transition is of a serious nature; and it is important that we get it resolved as early as possible.

Very truly yours,

JAMES C. McGAHEY
President
International Union
U.P.G.W.A.

JCM/esb
opeiu42

cc: James Six, R.R.S., Inc.
William Stewart, President, Local 37 - UPGWA
Charles E. Lamb, Director, Region 2 - UPGWA

6129

(4)

United States Senate

Washington, D. C., September 15, *19* 78

Respectfully referred to

Congressional Liaison
Nuclear Regulatory Com.

Please send me a copy of the reply to the attached letter.

Thanks,

Robert P. Griffin
U. S. Senator

RPG:nf

9/15/78

DOCKET NUMBER
PROD. & UTIL. FAC. 50-315, 316

DOCKETED USNRC
SEP 20 1978
Office of the Secretary, Docketing & Service Section

U.S.S.

Form No. 3 16—45102-3 GPO

INTERNATIONAL UNION
UNITED PLANT GUARD WORKERS OF AMERICA (UPGWA)
International Headquarters: 25510 Kelly Road, Roseville, Michigan 48066

JAMES C. McGAHEY
PRESIDENT

FRANCIS E. FITZPATRICK
SECRETARY-TREASURER

TELEPHONE
(313) 772-7250

September 8, 1978

DOCKETED USNRC
SEP 20 1978
Office of the Secretary, Docketing & Service Section

Dr. Clifford V. Smith
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Dr. Smith:

I wish to direct your attention to a developing situation at the Donald C. Cook Nuclear Plant in Bridgman, Michigan. The details of the problem are set forth in a letter dated August 24, 1978, to the U. S. Department of Energy, a copy of which is enclosed.

In the event that R. R. S. Security, Inc. and/or Indiana Michigan Power Company do not retain the current security force of competent and experienced employees, the consequences set forth in my letter to the Department of Energy will be realized. It is inconceivable that a federal regulatory agency should directly or indirectly foster, support or condone any action which is contrary to "federal policy" generally. I would like to assume that government policies in the areas of labor relations, full employment, equal rights and others are coordinated among the federal agencies.

It begs the question for any federal agency to assert that they have no authority to correct a pending problem and/or to refer that problem to another agency. Whether or not a federal agency has specific statutory authority or jurisdiction in a given area, it is nonetheless in a position to institute remedial action by the sheer application of "federal policy". The time has come, and the Donald C. Cook Nuclear Plant illustrates the problem, for the federal government to be both concerned and involved where private companies contravene various federal policies while operatin under federal control and approval.

Unchecked bidding on federally regulated projects has numerous adverse consequences. First, there is unnecessary cost to the taxpayer in terms of new security clearances, recruitment and training of employees, unemployment and welfare costs, and overall financial loss to a community in tax and consumer dollars. Second, there is peril to the security of a facility in that continuity of operations is broken and former employees who have an intimate knowledge of the facility tend to remain in the community. Third, the situation is productive of labor unrest contrary to the mandate of the National Labor Relations Act to promote and preserve industrial stability. And, finally, the loss and hardship suffered by employees and their families is incalculable.

..../

- COPY -

The problem I have described is not limited to the Cook Nuclear Plant at Bridgman, Michigan. It is mushrooming throughout the Country. Security guards who have given many years of dedicated and competent service to a federally owned and/or privately owned but federally regulated facility are suddenly advised that their employment is terminated. They neither influence nor control that decision and are powerless to reverse it. They are simply victims of a bidding system which various federal agencies have failed to regulate in the best interest of a security performance, employee job security and taxpayer welfare. Only the contractor and sub-contractor benefit by system which abrogates collective bargaining agreements and employee job security, and perpetuates sub-standard wages and benefits. It is no wonder that guard agency operations are marked by high employee turnover and reduced security performance. Yet when employees through collective action raise their wages, benefits, and job security to a decent level, the principal contractor relets the bid to an unorganized guard agency.

Unfortunately, the Service Contract Act and other legislation is not adequate to correct the situation. There is both a compelling need for specific legislation and, most particularly, for a new attitude and means of communication and cooperation among federal regulatory agencies. For many years our Union had similar problems at NASA facilities throughout the Country. In large measure these problems were solved by the Service Contract Act and the cooperation of NASA administrators. Such a program and attitude is now urgently needed at both federally owned and privately owned, but federally regulated, nuclear power plants. The future of one hundred security guards and their families and the fortunes of a small community in Western Michigan are at stake in this matter. The situation demands corrective action which can be of future application to emerging situations at nuclear plants throughout the Country.

On behalf of the International Union (UPGWA), and its members throughout the Country, I urgently request that you give this matter your immediate attention. It is imperative that every concerned legislator and agency official coordinate their efforts and become involved to the extent possible to correct the ever recurring problem that has now arisen at the Donald C. Cook Nuclear Plant.

Very truly yours,

James C. McGahey

JAMES C. McGAHEY, President
International Union - UPGWA

JCM/gf
opeiu42
Encl.
cc: President Jimmy Carter
Secretary of Labor, F. Ray Marshall
Senator Harrison A. Williams
Congressman Frank Thompson, Jr.
Stuart Broad, Department of Energy

SEE ATTACHED LIST OF ADDITIONAL COPIES MAILED

~~Central File~~
Docket Files
(50-515)

June 14, 1976

The Honorable Edward Hutchinson
United States House of Representatives
Washington, D. C. 20515

Dear Congressman Hutchinson:

This is in response to your letter of May 21, 1976 to the NRC Office of Congressional Affairs requesting a reply to various concerns of your constituent, Miss Mitzi Johnston.

Miss Johnston raises several questions related to the safe operation of nuclear power plants, and these will be discussed below. Some of her questions are, as you know, addressed directly to you, and we will try to provide some background on the subjects involved, where appropriate.

Though it is not Miss Johnston's first question, it seems best to begin by identifying NRC. The Nuclear Regulatory Commission came into being by enactment of the Energy Reorganization Act of 1974 and began official operation on January 19, 1975. Prior to that time, the Atomic Energy Commission was responsible for both developmental and regulatory activities associated with nuclear energy, including power plants, under the Atomic Energy Act of 1954. The AEC was dissolved by the Energy Reorganization Act of 1974 which placed its regulatory functions under the NRC and its developmental functions under the Energy Research and Development Administration. The NRC is also governed by provisions of the National Environmental Policy Act of 1969. As set forth in these statutes, the primary mission of the NRC is to assure that civilian nuclear activities are conducted in a manner which will protect public health and safety, national security and environmental quality. This is done through a system of licensing and regulation which involves standards setting, safety reviews and studies, inspection of licensed operation and enforcement of NRC rules, and confirmatory research to verify the adequacy of regulations and reveal any need to augment, replace or improve them.

I am enclosing for Miss Johnston's information a copy of NRC's 1975 Annual Report which contains a comprehensive presentation of this agency's functions and current activities in regulating nuclear energy uses, including nuclear power plants, on behalf of the public.

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SURNAME ➤						
DATE ➤						

The particular incident to which Miss Johnston refers was a minor event that occurred at the Donald C. Cook nuclear facility in Berrien County, Michigan. The facility consists of two separate reactor units, one in operation and the other under construction. On May 10, 1976, a slight increase above the very low level of radioactivity normally present in the air was detected in the auxiliary building for the facility. This building is separate from the reactor containment buildings and houses such apparatus as water-treatment systems, electrical systems, and the "Emergency Core Cooling System" (a back-up system to supply cooling water in the event of loss of the normal reactor coolant). The cause of the rise in radioactivity was leakage from a valve which had not been completely closed following a scheduled shutdown of the reactor for routine inspection and maintenance. The officials at the plant thought it prudent to evacuate the auxiliary building at once, due to the increase in the level of airborne radioactivity. Construction workers in the reactor building under construction heard the public-address announcement intended to apply only to those in the auxiliary building. The workers evacuated the reactor building, some of them leaving the job site entirely. It was that action, apparently, that attracted media attention and led to the newspaper item cited by Miss Johnston.

Plant personnel were able to enter the auxiliary building right away, with protective clothing, and the situation was resolved in a matter of a few hours. No personnel exposure in excess of regulatory limits resulted from the increase in airborne radioactivity, and no off-site release of radioactivity in excess of regulatory limits occurred. Thus, the incident was not of the type that must be reported to the NRC. Nevertheless, because of public interest evoked by the media coverage, NRC was notified. On May 11, the next day, an NRC inspector and an NRC radiation protection specialist visited the auxiliary building and confirmed that conditions were normal and that there had been no danger to the public. Plant officials have taken steps to assure that all valves will be secured and checked after maintenance and to improve communication with the construction crews at work on the new unit.

Your constituent asks what is to prevent an occurrence of greater consequence, if these kinds of incidents are allowed to occur. It is an understandable and valid question, of course, though I would point out again that this particular occurrence was actually of no consequence to safety and the licensee would have liked to prevent it on the basis of economic operation alone. The NRC's primary concern is protection of public health and safety against serious accidents, and a "defense-in-depth" concept is required and employed in the

OFFICE➤						
SURNAME➤						
DATE➤						

design, construction and operation of each nuclear plant. This involves three successive and mutually reinforcing echelons of defense. The first emphasizes accident prevention by requiring sound and conservative design in accord with stringent quality standards and engineering practices, with a high degree of freedom from faults and errors. The second echelon of defense -- and this is perhaps most pertinent to Miss Johnston's concern -- assumes that failures or operating errors that potentially could lead to safety problems will occur during the service life of a nuclear power plant despite all the care taken to prevent them. Accordingly, NRC requires the provision of redundant safety systems to detect off-normal conditions and prevent escalation of minor incidents into major ones. The third echelon of defense supplements the first two through features that provide additional margins of safety to protect the public against unlikely accidents. Your constituent will find detailed descriptions of the NRC's safety measures concerning power reactors in Chapter 2 of the enclosed Annual Report.

Since the NRC's functions relate primarily to protection of public health and safety, national security and environmental quality, we can offer only general comment concerning Miss Johnston's questions about the future of nuclear power and the cost of nuclear plants.

The Energy Research and Development Administration, which is charged with developing all promising modes of energy to meet national needs, has identified coal and nuclear energy as the most realistic alternatives to oil among energy sources presently available and technically usable. Nuclear energy also is prominent in recent forecasts of the Federal Energy Administration for the next two decades. Details as to the expenditure of public funds on development of nuclear plants and forecasts for all forms of energy can be obtained from these two agencies.

Construction of nuclear power plants has, of course, required billions of dollars of investment by electric utilities. Nevertheless, their choices of generating sources have been dictated by economics, and they have indicated that high capital costs have been offset by savings in nuclear fuel costs. More information on factors influencing this private investment may be obtained from the Edison Electric Institute, 90 Park Avenue, New York, New York 10016.

In conclusion, I would note that the NRC neither promotes nor opposes nuclear power per se, and that we share the concern of the Congress, other Federal agencies and the vast majority of scientists and engineers

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SURNAME➤						
DATE➤						

that members of the public, such as Miss Johnston, be given the most comprehensive and accurate information available as they make their judgments concerning the future of nuclear energy.

Sincerely,

William J. Dircks
Assistant Executive Director
for Operations

Enclosure:
NRC's 1975 Annual Report

DISTRIBUTION:
W. J. Maher, EDO:SPB
W. G. Dooly, EDO:SPB
J. H. Cook, EDO:SPB
EDO Reading File (00428)
E. Volgenau, IE
B. Warnick, IE
CA(3)
Edward L. Jordan, IE, Region III
799 Roosevelt Road
Glen Ellyn, Illinois 60137
Docket Files (50-315 and 50-316)
PDR (50-315 and 50-316)
Local PDR (50-315 and 50-316)

OFFICE	EDO:SPB	EDO:SPB	ELD	EDO	CA	
SURNAME	WJMaher:pmk	WGDooly				
DATE	6/7/76	6/9/76	6/ /76	6/11/76	6/11/76	

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

Docket Files (50-316)

JUN 14 1976

The Honorable Edward Hutchinson
United States House of Representatives
Washington, D. C. 20515

Dear Congressman Hutchinson:

This is in response to your letter of May 21, 1976 to the NRC Office of Congressional Affairs requesting a reply to various concerns of your constituent, Miss Mitzi Johnston.

Miss Johnston raises several questions related to the safe operation of nuclear power plants, and these will be discussed below. Some of her questions are, as you know, addressed directly to you, and we will try to provide some background on the subjects involved, where appropriate.

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In conclusion, I would note that the NRC neither promotes nor opposes nuclear power per se, and that we share the concern of the Congress, other Federal agencies and the vast majority of scientists and engineers

that members of the public, such as Miss Johnston, be given the most comprehensive and accurate information available as they make their judgments concerning the future of nuclear energy.

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Assistant Executive Director
for Operations

Enclosure:
NRC's 1975 Annual Report

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OFFICE ➤	EDO:SPB	EDO:SPB	ELD	EDO		
SURNAME ➤	WJMaher:pmk	WGDooly				
DATE ➤	6/7/76	6/ /76	6/ /76	6/ /76		

EDWARD HUTCHINSON
REPRESENTATIVE IN CONGRESS
4TH DISTRICT, MICHIGAN

Congress of the United States
House of Representatives
Washington, D.C. 20515

2336 HOUSE OFFICE BUILDING
PHONE: (202) 225-3761

COMMITTEES:
RANKING MINORITY MEMBER,
COMMITTEE ON THE JUDICIARY
STANDARDS OF OFFICIAL CONDUCT

MRS. A. G. SCHULTZ
ADMINISTRATIVE ASSISTANT

May 21, 1976

Congressional Liaison Office
Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

Gentlemen:

Prompted by the reporting of a small radioactive leak at the Donald C. Cook nuclear energy plant at Bridgman, Michigan, I have received the attached letter from Miss Mitzi Johnston of Stevensville, Michigan raising a number of questions about the future and safety of nuclear plants.

I would appreciate as thorough a response to the questions she has raised as you can give in a letter I may forward her in reply.

Thank you for your cooperation.

Sincerely,

Edward Hutchinson

Encl.

5/25/76
4-10

DISTRICT OFFICES: 201 FEDERAL BUILDING 175 TERRITORIAL RD. BENTON HARBOR, MICHIGAN PHONE: (616) 925-7962 MRS. LLOYD PHILLIPS, SECRETARY
107 FEDERAL BUILDING E. MAUMEE AND BROAD ST. ADRIAN, MICHIGAN PHONE: (517) 263-1630 MRS. FAUN PLATT, SECRETARY

Mitzi Johnston
2236 Pawnee Path
Stevensville, MI 49127

MAY 20 1976

May 14, 1976

Honorable Edward Hutchinson
House of Representatives
2336 Rayburn Office Building
Washington, D.C. 20515

Dear Sir:

As a concerned resident of Michigan, I am writing to you about an issue that has recently been given a considerable amount of adverse publicity. The issue I am referring to is that of nuclear power plant safety.

Because I am living in Stevensville, I have a particular interest in the Donald C. Cook Nuclear facility near Bridgman. An article that appeared in the "Herald-Palladium" on Tuesday, May 11th indicated there had been a small radioactive release in a part of the Cook Plant. If an incident such as this is allowed to happen, what is to prevent an occurrence of greater consequence?

Are there any organizations or federal commissions set up to monitor and safeguard against any possible nuclear accidents?. If so, do they strictly regulate the activities at nuclear plants involving safety requirements? Do you favor stricter regulations for nuclear plants?

Do you feel the outcome of the nuclear initiative due to go before California voters on June 8th will have any effect on other states, in particular our state of Michigan? Also, has there been any recent legislation before congress on nuclear power plants; and if so, what has your stand been?

Do you see a definite future for atomic power as compared to conventional types of power? Can you see any justification for the billions of dollars being spent on present plants and the development of future plants?

Any information you can give me on this subject would be greatly appreciated.

Sincerely yours,

Mitzi Johnston

Mitzi Johnston

FROM:	ACTION CONTROL	DATES	CONTROL NO.
Rep. Edward Hutchinson	COMPL DEADLINE	6/10/76	00428
	ACKNOWLEDGMENT	5/25/76	DATE OF DOCUMENT
	INTERIM REPLY		5/21/76
TO:			PREPARE FOR SIGNATURE OF:
NRC	FINAL REPLY	5/Tinko 6/14/76	☐ CHAIRMAN
	FILE LOCATION		☐ EXECUTIVE DIRECTOR
			OTHER: Cmitted

DESCRIPTION ☒ LETTER ☐ MEMO ☐ REPORT ☐ OTHER

Incl ltr fr Vital Johnston expressing concern re reported radioactive leak at Donald C. Cook, & req response to questions re the future & safety of nuclear power plants

SPECIAL INSTRUCTIONS OR REMARKS

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		COMMENTS, NOTIFY:
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JCAE NOTIFICATION RECOMMENDED:		☐ YES ☐ NO

NRC FORM 232
(11-75)

EXECUTIVE DIRECTOR FOR OPERATIONS

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PRINCIPAL CORRESPONDENCE CONTROL

EDWARD HUTCHINSON
REPRESENTATIVE IN CONGRESS
4TH DISTRICT, MICHIGAN

Congress of the United States
House of Representatives
Washington, D.C. 20515

2336 HOUSE OFFICE BUILDING
PHONE: (202) 225-3761

COMMITTEES:
RANKING MINORITY MEMBER,
COMMITTEE ON THE JUDICIARY
STANDARDS OF OFFICIAL CONDUCT

MRS. A. G. SCHULTZ
ADMINISTRATIVE ASSISTANT

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Nuclear Regulatory Commission
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Rec'd on. Dist.
Date 5/25/76
Type 4-10

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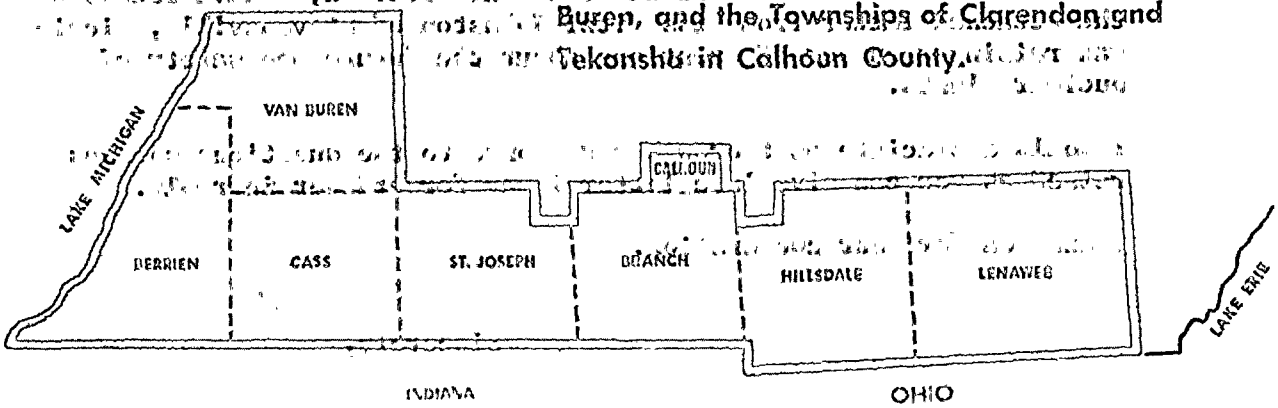
107 FEDERAL BUILDING E. MAUMEE AND BROAD ST. ADRIAN, MICHIGAN PHONE: (517) 263-1630 MRS. FAUN PLATT, SECRETARY

Michigan's Fourth District includes the Counties of Berrien, Branch, Cass, Hillsdale (except Litchfield City and Township), Lenawee, St. Joseph (except Leonidas Township), Van Buren, and the Townships of Clarendon and Tekonsha in Calhoun County.



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May 14, 1976

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Sincerely yours,

Mitzi Johnston

Mitzi Johnston

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

OFFICE OF THE
SECRETARY

July 1, 1976

Director
Office of the Federal Register
National Archives and Records Service
Washington, D. C. 20408

Dear Sir:

Enclosed for publication in the Federal Register are an original and two certified copies of a document entitled:

INDIANA AND MICHIGAN ELECTRIC COMPANY, ET AL

Docket No. 50-315

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

Publication of the above document at the earliest possible date would be appreciated.

Sincerely,

Samuel J. Chilk
Secretary of the Commission

Enclosures:
Original and 2 certified copies

bcc: Central Files
Information Services
Legal Director
Office of Congressional Affairs
OGC
SECY Files

UNITED STATES NUCLEAR REGULATORY COMMISSION

DOCKET NO. 50-315

INDIANA AND MICHIGAN ELECTRIC COMPANY
INDIANA AND MICHIGAN POWER COMPANY

DONALD C. COOK NUCLEAR PLANT UNIT 1

NOTICE OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE

Notice is hereby given that the U. S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR-58 issued to Indiana and Michigan Electric Company and Indiana and Michigan Power Company. The amendment revises the Technical Specifications for operation of the Donald C. Cook Nuclear Plant Unit 1 located in Berrien County, Michigan, and is effective as of the date of its issuance.

The amendment changes certain Technical Specifications to extend the time interval within which the first demonstration of diesel generator operability following initial criticality may be performed.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter I. These findings are set forth in the license amendment. Prior public notice of this amendment is not required because the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that, pursuant

to 10 CFR § 51.5(d)(4), an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the June 11, 1976 and June 24, 1976 letters of application for amendment, (2) Amendment No. 16 to License No. DPR-58, (3) the Commission's letter to the licensee dated June 25, 1976, and (4) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D. C., and at the St. Joseph Public Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 25th day of June 1976.

FOR THE NUCLEAR REGULATORY COMMISSION:

Karl Kniel

Karl Kniel, Chief
Light Water Reactors
Branch No. 2
Division of Project Management

UNITED STATES NUCLEAR REGULATORY COMMISSION

DOCKET NO. 50-315

INDIANA AND MICHIGAN ELECTRIC COMPANY
INDIANA AND MICHIGAN POWER COMPANY

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For further details with respect to this action, see (1) the June 11, 1976 and June 24, 1976 letters of application for amendment, (2) Amendment No. 16 to License No. DPR-58, (3) the Commission's letter to the licensee dated June 25, 1976, and (4) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D. C., and at the St. Joseph Public Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 25th day of June 1976.

FOR THE NUCLEAR REGULATORY COMMISSION:

Karl Kniel, Chief
Light Water Reactors
Branch No. 2
Division of Project Management

Docket file

Docket Nos. 50-315
50-316

APR 2 1975

Honorable Birch Bayh
United States Senate

Dear Senator Bayh:

In their letter of March 3, 1975 to the President, which you forwarded to the Commission, Thomas Davis and Linda Sue Jacobs have asked for an explanation of why construction work has stopped at the Donald C. Cook Nuclear Plant near Bridgman, Michigan. Explanation of the problem is simple, but the solution to the problem is not.

The operator of the D.C. Cook Plant, Indiana and Michigan Electric Company, has told us that the company does not have enough money now to continue construction work on the second unit at the site.

The Cook plant consists of two nuclear units. Unit 1 is now in the later stages of operational testing and, if the testing continues as smoothly as it has so far, Unit 1 should be fully operational later this spring. Construction of Unit 2 was about 60% complete when construction work was stopped in late 1974. We do not know when construction will be resumed.

The financial problems of the Cook plant are not unique. Construction of several other nuclear power plants has been delayed by other electric utility companies for the same reason: lack of funds. High interest rates on borrowed money and higher construction costs due to inflation are two of the major factors that have affected utilities' ability to raise the money needed to build new plants.

Although the Nuclear Regulatory Commission is aware of this problem, it is, as you know, not in a position to foster a solution. The financial problems of the utilities are entwined in the economic problems that are national in scope.

I hope that this letter will be helpful to you in replying to Mr. Davis' and Ms. Jacobs' inquiry.

Sincerely,

Original Signed By,

A. Giambusso

A. Giambusso, Director
Division of Reactor Licensing
Office of Nuclear Reactor Licensing

H
(2)

See previous yellow for concurrence

OFFICE ➤	LWR 2-2 RAB	D:RL	OCL			
SURNAME ➤	RABenedict;as	AGiambusso				
DATE ➤	4/1/75	4/ /75	4/ /75			

Form AEC-318 (Rev. 9-53) AECM 0240 ☆ U. S. GOVERNMENT PRINTING OFFICE: 1974-526-166

Enclosure:
Ltr. to President
from Thomas G. Davis and
Linda Sue Jacobs dtd. 3/3/75

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FROM
Sen. Birch Bayh (Ind.)

CONTROL NUMBER
8417

FILE LOCATION

DATE OF DOCUMENT
Undated (rcvd 3/27/75)

ACTION COMPLETION DEADLINE
4/4/75

TO
ERDA

ACTION PROCESSING DATES
Acknowledged 3/28/75
Interim Reply
Final S/Gia Russo 4/2/75

PREPARE FOR SIGNATURE OF:
_____ Chairman
_____ Director of Regulation
X Giambusso

DESCRIPTION Ltr ☒ Original ☐ Copy ☐ Other

Encl cy ltr fm Thomas G. Davis & Linda Sue Jacobs to the President inquiring re status of the Donald C. Cook plant

REMARKS DR-8343

Return enclosure with reply

Mark envelope to Attn: Gregg McManus

LPDR? NO

REFERRED TO	DATE
Giambusso f/action	3/28/75

IS NOTIFICATION TO THE JCAE RECOMMENDED? _____

Cys:
Case
Docket Files) 50-315
PDR) 50-316

DIRECTOR OF REGULATION
COMMUNICATIONS CONTROL

Form HQ-32 (1-73)
USAEC

United States Senate

MEMORANDUM

Please note the attached letter from a constituent which I am forwarding for your consideration. It would be greatly appreciated if you would check into this matter. Upon completion of your investigation, please advise me of the status of this case in duplicate and return the original letter in an envelope addressed to the attention of Gregg McManus.

Thank you for your assistance.

Sincerely,

Birch Bayh

Birch Bayh
United States Senator

8417

U.S. ENERGY RESEARCH & DEVELOPMENT ADM.
OFC. OF ADMINISTRATOR

1611 West Clinton
Goshen, IN 46526
March 3, 1975 MAR 26 AM 9 08

The President of the United States
1600 Pennsylvania Avenue
Washington, D. C.

Mr. President:

In order to become more informed about one of the steps being taken to bring about a national independence of energy, we went today to the site of the Cook Nuclear Power Station on Lake Michigan. When we arrived at the site we were informed that tours and information sessions were not being given and that all work on the project was at a standstill.

As you can understand, we were appalled. We have been bombarded from every source with the assurance that we had a problem with an energy shortage, but that every possible step was being taken to insure the rapid transition of international sources to national independence.

We do not know how much money has been expended at this site to date, but to drop it now is a waste. Each month our light bill rises to account for increases in a fuel adjustment. Every evening we read new statistics on unemployment. It would seem that this wasting project could be a source of cure for both energy and unemployment problems.

May we please have an explanation as to why work has been stopped on this project and what we may expect in the project's future.

Sincerely,

Thomas G. Davis & Linda Sue Jacobs

cc: Vance Hartke
Birch Bayh
John Bradamas

Rec'd Off. Dir.
Date 3/27/75
Time 4:30

FROM	CONTROL NUMBER	FILE LOCATION
Sen. Birch Bayh (Ind.)	8417	
	DATE OF DOCUMENT: Undated (recd 3/27/75)	ACTION COMPLETION DEADLINE: 4/4/75
TO: ERDA	ACTION PROCESSING DATES: Acknowledged 3/28/75; Interim Reply ____; Final ____	PREPARE FOR SIGNATURE OF: ____ Chairman; ____ Director of Regulation; X Giambusso

DESCRIPTION Ltr ☒ Original ☐ Copy ☐ Other

Encl cy ltr fm Thomas C. Davis & Linda Sue Jacobs to the President inquiring re status of the Donald C. Cook plant

REMARKS *Dr-8343

Return enclosure with reply

Mark envelope to Attn: Gregg McManus

LPDR? ____

REFERRED TO	DATE
Giambusso f/action	3/28/75

IS NOTIFICATION TO THE JCAE RECOMMENDED? ____ ____

Cys: Case
Docket Files) 50-315
PDR) 50-316

Copy sent

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COMMUNICATIONS CONTROL

Form HQ-32 (1-73)
USAEC

United States Senate

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United States Senator

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OFC. OF ADMINISTRATOR

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Goshen, IN 46526
March 3, 1975

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Birch Bayh
John Bradamas

Rec'd Off. Dir.
Date 3/27/75
Time 4:30

Docket file

Docket Nos. 50-315
50-316

MAR 2 5 1975

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House of Representatives

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I hope that this letter will be helpful to you in replying to Mr. Davis' and Ms. Jacobs' inquiry.

Sincerely,
Original Signed By
A. Giambusso

A. Giambusso, Director
Division of Reactor Licensing
Office of Nuclear Reactor Regulation

#
(2)

OFFICE	LWR 2-2	LWR 2-2	AD:LWR 2	DDRL	OCL	
SURNAME	RABenedict:as	KKniel	VAMoore	AGiambusso		
DATE	3/21/75	3/21/75	3/21/75	3/24/75		

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FROM	CONTROL NUMBER	FILE LOCATION
Rep. John Brademas (Ind.)	8343	
	DATE OF DOCUMENT 3/10/75	ACTION COMPLETION DEADLINE 3/24/75
TO	ACTION PROCESSING DATES	PREPARE FOR SIGNATURE OF:
NRC	Acknowledged 3/14/75	____ Chairman
	Interim Reply ____	____ Director of Regulation
	Final 3/25/75	X Giambusso

DESCRIPTION Ltr ☒ Original ☐ Copy ☐ Other

Encl ltr fm Thomas G. Davis & Linda Sue Jacobs inquiring re the status of the Donald C. Cook plant

REMARKS

Mark envelope to Attn: Linda Hoffman

LPDR? No

REFERRED TO	DATE
Giambusso f/action	3/17/75
Knuth	3/17/75

IS NOTIFICATION TO THE JCAE RECOMMENDED? No

Cys: Case
Docket Files) 50-315
PDR 50-316

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DIRECTOR OF REGULATION
COMMUNICATIONS CONTROL

Form HQ-32 (1-73)
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FROM	CONTROL NUMBER	FILE LOCATION
Rep. John Brademas (Ind.)	8343	
	DATE OF DOCUMENT 3/10/75	ACTION COMPLETION DEADLINE 3/24/75
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NRC	Acknowledged 3/14/75	_____ Chairman
	Interim Reply _____	_____ Director of Regulation
	Final 3/25/75	X Giambusso

DESCRIPTION Ltr ☒ Original ☐ Copy ☐ Other

Encl ltr fm Thomas G. Davis & Linda Sue Jacobs inquiring re the status of the Donald C. Cook plant

REMARKS

Mark envelope to Attn: Linda Hoffman

LPDR? No

REFERRED TO	DATE
Giambusso f/action	3/17/75
Knuel	3/17/75

IS NOTIFICATION TO THE JCAE RECOMMENDED? No

Cys: Case
Docket Files) 50-315
PDR 50-316

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DIRECTOR OF REGULATION
COMMUNICATIONS CONTROL

Form HQ-32 (1-73)
USAEC

Congress of the United States

House of Representatives

Washington, D.C.

March 10, 19 75

Nuclear Regulatory Commission

Sir:

The attached communication is sent for your consideration. Please investigate the statements contained therein and forward me the necessary information for reply, re~~turning the enclosed correspondence with your answer~~.

Yours truly,

John Brademas, M. C.
3rd D., Ind.

Attn: Linda Hoffman

MAR 10 1975

1611 West Clinton
Goshen, IN 46526
March 3, 1975

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1600 Pennsylvania Avenue
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Thomas G. Davis & Linda Sue Jacobs

cc: Vance Hartke
Birch Bayh
John Bradamas

NRK 3/17/75
11:00am

Rec'd Off. Dir.
Date 3/14/75
Time 11:30

Congress of the United States

House of Representatives

Washington, D.C.

March 10, 19 75

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cc: Vance Hartke
Birch Bayh
John Bradamas

Rec'd Off. Dir.
Date 3/14/75
Time 11:30

FROM: Rep. John Brademas, (Ind.)

CONTROL NUMBER: 8343

FILE LOCATION:

DATE OF DOCUMENT: 3/10/75

ACTION COMPLETION DEADLINE: 3/24/75

TO: NRC

ACTION PROCESSING DATES
Acknowledged 3/14/75
Interim Reply
Final

PREPARE FOR SIGNATURE OF:
_____ Chairman
_____ Director of Regulation
X Giambusso

DESCRIPTION: Ltr [X] Original [ ] Copy [ ] Other

Encl ltr fm Thomas G. & Linda Sue Jacobs inquiring re the status of the Donald C. Cook plant

REMARKS

Mark envelope to the Attn: Linda Hoffman

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DIRECTOR OF REGULATION
COMMUNICATIONS CONTROL

Form HQ-32 (1-73)
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Congress of the United States

House of Representatives

Washington, D.C.

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H-2

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