



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

November 28, 1977

50-155  
DISTRIBUTION  
Dockets (See list attached)  
NRC PDR

TO ALL POWER REACTOR LICENSEES  
AND ALL APPLICANTS WITH APPLICATIONS  
FOR A LICENSE TO OPERATE A POWER REACTOR

Local PDR  
ORB #2 Reading  
Lead PM (SShepard)  
RMDiggs  
DKDavis  
VStello  
DEisenhut  
KRGoller

Gentlemen:

RE: AMENDMENT TO 10 CFR 73.55

ACRS (has copy)  
JBAbernathy (has copy)  
JRBuchanan (has copy)  
JMiller  
OI&F (has copy)  
JELD (has copy)  
JIC (has copy)

This letter is being sent to all licensees authorized to operate a nuclear power reactor and to all applicants with applications for a license to operate a power reactor to advise you that the Nuclear Regulatory Commission has published in the FEDERAL REGISTER (Vol. 42, No. 189, September 29, 1977) an effective amendment to its regulation 10 CFR 73.55, "Requirements for Physical Protection of Licensed Activities in Nuclear Power Reactors Against Industrial Sabotage." A copy of the FEDERAL REGISTER notice is enclosed. The amendment delays implementation of the physical search requirement of paragraph (d)(1) for regular employees of a licensee at the site at which the licensee is authorized to operate a nuclear power reactor until August 24, 1978 unless the Commission directs otherwise prior to that date.

In keeping with the above, the NRR staff position as to acceptable methods of implementing the attached effective rule has been changed. Guidance (dated September 30, 1977) for complying with the performance requirement of paragraph (d)(1) for searching of all individuals entering the protected area is enclosed. For any further information on the implementation of the search requirement, please contact James R. Miller, Assistant Director for Reactor Safeguards at 301-492-7014.

Sincerely,

Edson G. Case, Acting Director  
Office of Nuclear Reactor Regulation

Enclosures:

1. Effective Rule
2. Position on Personnel Search Requirements

cc: See next page(s)

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THIS DOCUMENT CONTAINS  
POOR QUALITY PAGES

Rec'd 3

Consumers Power Company  
(50-155)

- 2 -

November 28, 1977

cc w/enclosures:  
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107 Clinton Street  
Charlevoix, Michigan 49720

[7550-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

Requirements for the Physical Protection of Nuclear Power Plants

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Effective rule.

SUMMARY: As a result of a number of objections raised with respect primarily to pat-down searches of licensee employees prior to admittance to the protected area of a nuclear power reactor, and the Commission's further consideration of the matter, the Nuclear Regulatory Commission is amending its regulations to delay implementation of the physical search requirement for regular employees of a licensee at nuclear power reactor sites.

EFFECTIVE DATE: September 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. R. J. Jones, Chief, Materials Protection Standards Branch, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (202-463-6873).

SUPPLEMENTARY INFORMATION: On February 24, 1977, the Nuclear Regulatory Commission published in the *Federal Register* (42 FR 10836) effective amendments to its regulations in 10 CFR Part 73, "Physical Protection of Plants and Materials." One requirement included in these amendments was to search individuals for firearms, explosives, and incendiary devices. The regulation specified that the search function would be conducted by a physical search or by use of equipment capable of detecting such devices. The requirements involving procedural measures were scheduled for implementation by May 26, 1977, and those involving use of equipment were scheduled for implementation by August 24, 1978, or earlier if the equipment were installed. Since equipment now available is not capable of detecting all types of explosives and incendiary devices, the search requirement calls for additional measures, such as random physical searches, to provide high assurance of protecting against industrial sabotage.

The Commission is reassessing the implications of physical "pat-down" searches of licensee employees and their value as a part of a total physical system considering their relation to other features of the security systems required by the new amendments. The issue is quite complex and involves ramifications of employee morale and the effectiveness of the search per se and in the context of the total security system. The Commission believes that the question of pat-down searches warrants more deliberate and thorough review, with extensive solicitation of public review and comments,

before the utility licenses are required to use such searches for their employees. The Commission, therefore, is amending its regulations to delay the implementation of physical searches of utility licensee employees until August 24, 1978, the date when implementation of all of the requirements of § 73.55 is required, to provide time for reexamination of the impact and value of such searches.

Public comment on the issue has been solicited in connection with a petition for rule making noticed in the *Federal Register* of September 15, 1977 (42 FR 46431; NRC docket PHM-73-2). The Commission has determined that this action is consistent with the common defense and security and protection of public health and safety. The Commission has further found that, in view of the opportunity for comment already afforded prior to publication of the rules on February 24, 1977, and the fact that the amendment set forth below serves to relieve a restriction, notice and public procedure on the amendment are unnecessary, and that the amendment may be made effective upon publication in the *Federal Register*.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 73 is published as a document subject to codification.

1. Section 73.55 of 10 CFR Part 73 is amended by adding the following sentences to the unnumbered prefatory paragraph:

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

\* \* \* Except for individuals for whom the licensee has a well-founded suspicion that such individuals are carrying firearms, explosives or incendiary devices, a licensee need not implement the physical search requirement of paragraph (d)(1) of this section for individuals who are regular employees of the licensee at the site at which the licensee is authorized to operate a nuclear power reactor pursuant to Part 50 of this Chapter until August 24, 1978, unless the Commission directs otherwise prior to that date. Until that date and pending its further review of this subject, the Commission has determined that the search requirement of paragraph (d)(1) of this section, implemented using only equipment capable of detecting firearms, explosives and incendiary devices, satisfies the performance requirements of this section as they apply to searches of regular employees of the licensee at the site entering the protected area of the nuclear power reactor.

Effective date: September 29, 1977.

(Sec. 1611, Pub. L. 83-403, 68 Stat. 948; Pub. L. 93-377, 88 Stat. 475; sec. 201, Pub. L. 93-438, 86 Stat. 1242-1243; Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 2201, 5841)).

Dated at Washington, D.C., this 24th day of September 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILDS,

Secretary of the Commission.

[FR Doc. 77-28901 Filed 9-26-77; 9:10 am]

[4910-14]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[COD 71-126]

PART 25—REQUIREMENTS

PART 25—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

PART 25—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

International Regulations for Preventing Collisions at Sea, 1972; Corrections

AGENCY: Coast Guard, DOT.

ACTION: Correction to final rule.

SUMMARY: This document makes corrections to a docket which appeared in the *Federal Register* of July 11, 1977. The docket contains amendments updating existing references in Coast Guard regulations to the international rules for preventing collisions at sea and amendments interpreting section 3 of the Motor Boat Act of April 25, 1940.

EFFECTIVE DATE: September 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Gruber, Marine Safety Council (G-CMC 81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW, Washington, D.C. 20366 (202-426-1477).

SUPPLEMENTARY INFORMATION: In FR Doc. 77-19344, appearing at page 35756 in the *Federal Register* of July 11, 1977, the following corrections are made:

1. On page 35756, third column, the ninth line of the first full paragraph is corrected to read, "1945, as amended. (With respect to navigation lights, the waters subject".

2. On page 35797, the sixth line of § 25.05-1, the sixth line of § 25.20-1, and the sixth line of § 195.20-1 should each be corrected to read "and shapes, whistles, bells."

Dated: September 22, 1977.

O. W. SILER,

Admiral, U.S. Coast Guard

Commandant.

[FR Doc. 77-28725 Filed 9-26-77 8:45 am]

[4910-14]

[COD 75-104]

PART 31—INSPECTION AND CERTIFICATION

Stability Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final rule.