

Request for OMB Review

Certified By

PDR

Important

Read instructions before completing form. Do not use the same SF 83 to request both an Executive Order 12291 review and approval under the Paperwork Reduction Act.

Answer all questions in Part I. If this request is for review under E.O. 12291, complete Part II and sign the regulatory certification. If this request is for approval under the Paperwork Reduction Act and 5 CFR 1320, skip Part II, complete Part III and sign the paperwork certification.

Send three copies of this form, the material to be reviewed, and for paperwork—three copies of the supporting statement, to:

Office of Information and Regulatory Affairs
Office of Management and Budget
Attention: Docket Library, Room 3201
Washington, DC 20503

PART I.—Complete This Part for All Requests.

1. Department/agency and Bureau/office originating request

U.S. Nuclear Regulatory Commission

2. Agency code

3 1 5 0

3. Name of person who can best answer questions regarding this request

Priscilla Dwyer

Telephone number

(301) 427-4773

4. Title of information collection or rulemaking

10 CFR 50, Domestic Licensing of Production and Utilization Facilities

5. Legal authority for information collection or rule (cite United States Code, Public Law, or Executive Order)

42 USC 2201(o)

6. Affected public (check all that apply)

1 ☐ Individuals or households

3 ☐ Farms

5 ☐ Federal agencies or employees

2 ☐ State or local governments

4 ☒ Businesses or other for-profit

6 ☐ Non-profit institutions

7 ☐ Small businesses or organizations

PART II.—Complete This Part Only if the Request is for OMB Review Under Executive Order 12291

7. Regulation Identifier Number (RIN)

or, None assigned ☐

8. Type of submission (check one in each category)

Classification

1 ☐ Major

2 ☐ Nonmajor

Stage of development

1 ☐ Proposed or draft

2 ☐ Final or interim final, with prior proposal

3 ☐ Final or interim final, without prior proposal

Type of review requested

1 ☐ Standard

2 ☐ Pending

3 ☐ Emergency

4 ☐ Statutory or judicial deadline

9. CFR section affected

CFR

10. Does this regulation contain reporting or recordkeeping requirements that require OMB approval under the Paperwork Reduction Act and 5 CFR 1320?

☐ Yes ☐ No

11. If a major rule, is there a regulatory impact analysis attached?

If "No," did OMB waive the analysis?

1 ☐ Yes 2 ☐ No

3 ☐ Yes 4 ☐ No

Certification for Regulatory Submissions

In submitting this request for OMB review, the authorized regulatory contact and the program official certify that the requirements of E.O. 12291 and any applicable policy directives have been complied with.

Signature of program official

Date

Signature of authorized regulatory contact

Date

12. (OMB use only)

PART III.—Complete This Part Only if the Request is for Approval of a Collection of Information Under the Paperwork Reduction Act and 5 CFR 1320.

13. Abstract—Describe needs, uses and affected public in 50 words or less "Nuclear powerplant security"

Power reactor licensees and applicants will be required to prepare and submit for NRC approval an Access Authorization Plan in accordance with the criteria contained in 10 CFR 73.56 delineating how the licensee intends to implement the requirements of the Access Authorization Rule.

14. Type of information collection (check only one)

Information collections not contained in rules

1 ☐ Regular submission

2 ☐ Emergency submission (certification attached)

Information collections contained in rules

3 ☐ Existing regulation (no change proposed)

6 Final or interim final without prior NPRM

4 ☐ Notice of proposed rulemaking (NPRM)

A ☐ Regular submission

5 ☒ Final, NPRM was previously published

B ☐ Emergency submission (certification attached)

7. Enter date of expected or actual Federal Register publication at this stage of rulemaking (month, day, year): Dec 1985

15. Type of review requested (check only one)

1 ☐ New collection

2 ☒ Revision of a currently approved collection

3 ☐ Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection

4 ☐ Reinstatement of a previously approved collection for which approval has expired

5 ☐ Existing collection in use without an OMB control number

16. Agency report form number(s) (include standard/optional form number(s))

NA

22. Purpose of information collection (check as many as apply)

1 ☐ Application for benefits

2 ☐ Program evaluation

3 ☐ General purpose statistics

4 ☒ Regulatory or compliance

5 ☐ Program planning or management

6 ☐ Research

7 ☐ Audit

17. Annual reporting or disclosure burden

1 Number of respondents

202

2 Number of responses per respondent

Varies

3 Total annual responses (line 1 times line 2)

2,136

4 Hours per response

Varies

5 Total hours (line 3 times line 4)

2,596,848

18. Annual recordkeeping burden

1 Number of recordkeepers

202

2 Annual hours per recordkeeper

Varies

3 Total recordkeeping hours (line 1 times line 2)

1,283,674

4 Recordkeeping retention period

Life years

19. Total annual burden

1 Requested (line 17-5 plus line 18-3)

3,880,522

2 In current OMB inventory

3,877,852

3 Difference (line 1 less line 2)

+2,670

Explanation of difference

4 Program change

+2,670

5 Adjustment

23. Frequency of recordkeeping or reporting (check all that apply)

1 ☐ Recordkeeping

Reporting

2 ☒ On occasion

3 ☐ Weekly

4 ☐ Monthly

5 ☐ Quarterly

6 ☐ Semi-annually

7 ☐ Annually

8 ☐ Biennially

9 ☒ Other (describe): One time requirement

20. Current (most recent) OMB control number or comment number

3150-0011

24. Respondents' obligation to comply (check the strongest obligation that applies)

1 ☐ Voluntary

2 ☐ Required to obtain or retain a benefit

3 ☒ Mandatory

21. Requested expiration date

9/30/86

25. Are the respondents primarily educational agencies or institutions or is the primary purpose of the collection related to Federal education programs? ☐ Yes ☒ No

26. Does the agency use sampling to select respondents or does the agency recommend or prescribe the use of sampling or statistical analysis by respondents? ☐ Yes ☒ No

27. Regulatory authority for the information collection

10 CFR 50

; or FR

; or, Other (specify):

Paperwork Certification

In submitting this request for OMB approval, the agency head, the senior official or an authorized representative, certifies that the requirements of 5 CFR 1320, the Privacy Act, statistical standards or directives, and any other applicable information policy directives have been complied with.

Signature of program official

Date

Signature of agency head, the senior official or an authorized representative

Date

Patricia G. Norry, Director
Office of Administration

Patricia G. Norry

11-26-85

Request for OMB Review

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2. Agency code

3 1 5 0

3. Name of person who can best answer questions regarding this request

Priscilla Dwyer

4. Telephone number

301 427-4773

4. Title of information collection or rulemaking

10 CFR 73, Physical Protection of Plants and Materials

5. Legal authority for information collection or rule (cite United States Code, Public Law, or Executive Order)

42 USC 2201(o)

6. Affected public (check all that apply)

1 ☐ Individuals or households3 ☐ Farms5 ☐ Federal agencies or employees2 ☐ State or local governments4 ☒ Businesses or other for-profit6 ☐ Non-profit institutions7 ☐ Small businesses or organizations

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CFR

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☐ Yes ☐ No

11. If a major rule, is there a regulatory impact analysis attached?

1 ☐ Yes 2 ☐ No

If "No," did OMB waive the analysis?

3 ☐ Yes 4 ☐ No

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Signature of program official

Date

Signature of authorized regulatory contact

Date

12. (OMB use only)

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13. Abstract—Describe needs, uses and affected public in 50 words or less "Nuclear powerplant security"

Power reactor licensees and applicants will be required to submit an Access Authorization Plan and revisions to the security plan, establish and maintain access authorization files, and take other safeguards measures.

14. Type of information collection (check only one)

Information collections not contained in rules

1 ☐ Regular submission

2 ☐ Emergency submission (certification attached)

Information collections contained in rules

3 ☐ Existing regulation (no change proposed)

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5 ☐ Existing collection in use without an OMB control number

16. Agency report form number(s) (include standard/optional form number(s))

N/A

17. Annual reporting or disclosure burden

1 Number of respondents	61
2 Number of responses per respondent	1
3 Total annual responses (line 1 times line 2)	61
4 Hours per response	280
5 Total hours (line 3 times line 4)	17,080

18. Annual recordkeeping burden

1 Number of recordkeepers	71
2 Annual hours per recordkeeper	3,892.4
3 Total recordkeeping hours (line 1 times line 2)	276,363
4 Recordkeeping retention period	3 years

19. Total annual burden

1 Requested (line 17-5 plus line 18-3)	396,259
2 In current OMB inventory	102,816
3 Difference (line 1 less line 2)	+293,443
Explanation of difference	
4 Program change	+293,443
5 Adjustment	

20. Current (most recent) OMB control number or comment number

3150-0002

21. Requested expiration date

5/31/86

22. Purpose of information collection (check as many as apply)

1 ☐ Application for benefits
2 ☐ Program evaluation
3 ☐ General purpose statistics
4 ☒ Regulatory or compliance
5 ☐ Program planning or management
6 ☐ Research
7 ☐ Audit

23. Frequency of recordkeeping or reporting (check all that apply)

1 ☒ Recordkeeping
Reporting
2 ☒ On occasion
3 ☐ Weekly
4 ☐ Monthly
5 ☐ Quarterly
6 ☐ Semi-annually
7 ☐ Annually
8 ☐ Biennially
9 ☒ Other (describe): One time submittal

24. Respondents' obligation to comply (check the strongest obligation that applies)

1 ☐ Voluntary
2 ☐ Required to obtain or retain a benefit
3 ☒ Mandatory

25. Are the respondents primarily educational agencies or institutions or is the primary purpose of the collection related to Federal education programs? ☐ Yes ☒ No

26. Does the agency use sampling to select respondents or does the agency recommend or prescribe the use of sampling or statistical analysis by respondents? ☐ Yes ☒ No

27. Regulatory authority for the information collection

10 CFR 73

; or FR _____; or, Other (specify): _____

Paperwork Certification

In submitting this request for OMB approval, the agency head, the senior official or an authorized representative, certifies that the requirements of 5 CFR 1320, the Privacy Act, statistical standards or directives, and any other applicable information policy directives have been complied with.

Signature of program official

Date

Signature of agency head, the senior official or an authorized representative

Date

Patricia G. Norry, Director
Office of Administration

Patricia G. Norry

11-24-85

NOV 19 1985

SUPPORTING STATEMENT
FOR
10 CFR PARTS 50 AND 73
INSIDER SAFEGUARDS RULES

INTRODUCTION

The Commission has published three related proposed rules concerning protection against the "insider" threat at nuclear power reactors. The cornerstone of the rule package is the Access Authorization Program which is designed to provide increased assurance of employee reliability and at the same time minimize the burden on the licensee by providing reciprocity of screening programs among licensees. The second rule of the package is the Search Requirements Rule which clarifies requirements for searches of individuals at power reactors. Present requirements for personnel searches have been interim for the past several years pending the codification this rule will provide. The remaining rule of the package is the Miscellaneous Amendments. The intent of this amendment is to provide a more safety-conscious safeguards system while maintaining current levels of protection.

JUSTIFICATION

Access Authorization Rule

History

On March 17, 1977, the Commission published proposed amendments to Title 10 of the Code of Federal Regulations, 42 FR 14880, that sought to establish an unescorted access authorization program for individuals who have access to or control over special nuclear material. Written comments were invited and received. On December 28, 1977, the Commission issued a notice of

public hearing, 42 FR 64703, on the proposed regulations, and subsequently established a Hearing Board to gather additional testimony. As a result of information gathered at the public hearing and its own examination of the proposed access authorization program, the Hearing Board made recommendations to the Commission concerning future personnel screening requirements applicable to nuclear-power reactors. The Hearing Board recommended that the NRC issue a screening rule based on the American National Standard Institute's Standard N18.17, "Industrial Security for Nuclear Power Plants" (ANSI N18.17), to ensure the trustworthiness and suitability of persons granted unescorted access to protected areas and vital areas at nuclear power plants. The Commission adopted this recommendation.

Need for Information Collection

The Commission's pursuit of an access authorization program is based upon the fact that the disoriented person and disgruntled employee, generic adversaries, are of primary safeguards concern because of their inside positions. Commission study has shown that the goal-oriented, technically sophisticated disoriented person, particularly the psychotic, is perhaps one of the most dangerous of the generic adversaries.¹ Both the disoriented person and disgruntled employee may have inside access to restricted areas, files and sensitive security information. They are also privy to shop and loose talk and often have knowledge of critical and vulnerable areas of facility operation. Further, NRC records show that in 1984 out of a total of 111 safeguards events reported by licensees, 43 involved insiders. These events included drug-related incidents, vandalism, hoaxes, firearm incidents and other miscellaneous safeguards events.

In line with ANSI N18.17, the proposed unescorted access authorization rule consists of three major components: background investigation, psychological assessment, and continual behavioral observation. The proposed criteria have been designed to codify and make more uniform what many licensees

¹NUREG 0459, Generic Adversary Characteristics Summary Report, U.S. Nuclear Regulatory Commission, March, 1979.

are doing either in part or in whole to meet industry standard ANSI N18.17. In the fall of 1978, the staff included in its closing statement to the Hearing Board the results of a survey on the personnel screening programs used by 39 power reactor facilities. The results of the survey clearly indicate that ANSI N18.17 did not result in a consistent and uniform program and that a mandatory, more consistent access authorization program was needed. The proposed rule would provide a more consistent and uniform screening program as well as codify much of what the industry is already doing. This is of benefit to the nuclear industry because standardized programs would permit reciprocity among licensees and eliminate the need for "rescreening" of previously screened transient workers as they move from plant to plant.

This information provides a clear need for the promulgation of an access authorization program designed to identify individuals who are untrustworthy or otherwise unsuitable for unescorted access to protected areas and vital areas at nuclear power reactors.

Practical Utility of Information Collection

A 1982 article published in the periodical "Security World"² resulting from a security survey of 2000 individuals indicated that virtually all large companies and organizations in the United States are using some form of screening of employees. Within the Federal government, the Department of Defense nuclear weapon personnel reliability program (PRP) uses background investigations as part of its program "...to ensure the highest possible standards in individual reliability..."³ Federal agencies such as the National Security Agency (NSA), Central Intelligence Agency (CIA), Federal Aviation Administration (FAA), and Coast Guard use psychological testing as an initial screening tool to assess stability and reliability.⁴ Hence, the practical utility of such programs has been established by their wide-spread usage throughout industry and government.

²"What Companies are Doing About Employee Screening and Testing," Security World, pp. 29-40, April, 1985.

³Enclosure B, SECY84-72, Background Information on Proposed Insider Safeguards Rules, February 9, 1984.

⁴Ibid.

Experts in the field of employee screening generally agree that a three component program consisting of background investigations, psychological assessment, and continued behavioral observation is more effective than any one element used alone. This is reiterated by such industry standards as ANSI 18.17, and its update ANS 3.3, Security for Nuclear Power Plants, both of which contain a three component screening program. Comments received from the National Institute of Mental Health (NIMH), Department of Health and Human Services noted that psychological assessment could provide some useful information about the emotional stability of persons given access to a nuclear power plant environment, however, such testing has questionable predictive value. The Commission agrees and for this specific reason has proposed a three component screening program. NIMH views on the NRC proposed rule were further solicited by NRC staff. This discussion yielded the agreement that while no screening program is 100 percent accurate the measures proposed by the NRC, when properly administered, appear to constitute the best approach presently available in detecting emotional instability in individuals. (See Enclosure 1).

Background investigations are used to determine undesirable elements in an individual's history which to a certain extent may be used to predict future behavior. Background investigations however do not give an indication as to an individual's current emotional stability. Current emotional stability is determined through the use of psychological assessment. The utility of psychological assessment was tested in an analogous case to the NRC usage when the use of psychological testing by the FAA was challenged in 1969 before the United States District Court, Central District of California. The court remanded the issue to the Civil Service Commission for a formal hearing, and among other things, directed the Commission to determine the validity of the 16-PF test. On the basis of testimony of expert witnesses, the Commission found that the validity of the test was clearly established. Moreover, the Commission also found that the FAA had acted within its authority by requiring a psychological evaluation of air traffic controllers as part of a "fitness for duty" examination, and that psychological testing is accepted as a legitimate adjunct of a medical examination particularly in areas involving the safety and security of the nation and its people. The Commission also found that psychological testing, and the 16-PF in particular, did not deprive the appellant of any Constitutional

rights and that in the case of FAA procedures, adequate precautions were taken to protect the appellant's right of privacy. (Board of Appeals and Review, U.S. Civil Service Commission; Decision in the matter of Duane E. Legget, Air Traffic Control Specialist (Tower), April 16, 1984.)

Psychological assessment further contributes to an employee screening program by functioning as an initial detector based upon professional judgment. The third component of the access authorization program, behavioral observation, monitors individuals to assure continuing suitability within the nuclear environment. However, this monitoring is done by supervisors trained to observe, not assess. Hence, a continuum relationship exists between psychological assessment and behavioral observation with psychological assessment providing the professional judgment that allows behavioral observation to be effectively conducted by first-line supervisors.

Reporting and Recordkeeping Requirements

In the proposed rule, 10 CFR 50.34(h) and 73.56(a) require that the applicant prepare an Access Authorization Plan in accordance with the criteria contained in 10 CFR 73.56 and submit it to the Commission for review and approval. This plan will delineate how the licensee intends to implement the various requirements of the Access Authorization Rule. A review and approval of the plan by the Commission is needed to assure that a uniform screening program consistent with Commission regulations is implemented throughout the industry.

- a. Section 73.56(b) specifies the performance objective and requirements that must be met by the access authorization plan.
- b. Regulatory Guide 5.64, Standard Format and Content Guide for Access Authorization Plan for Nuclear Power Plants, was developed to explain the intent of the rule and content of the plan. This guide will assist applicants and licensees to prepare an access authorization plan.

Certain records which are enumerated below need to be maintained by the licensee in order:

- a. that the NRC, through inspection against the approved plan, can assure licensee compliance with the requirements of this rule; and
- b. to provide needed records in any review proceedings which may occur due to implementation of this rule.

The records, developed in the course of administering the Access Authorization Program and which the licensee is required to maintain, are as follows:

- a. Section 73.56(c) requires a background investigation for individuals seeking unescorted access to protected areas and vital areas, and specifies that licensees must require individuals subject to this program to report to the licensee any subsequent occurrence or circumstance that may have a bearing on continued access authorization. A record of background investigation, including any derogatory information obtained on an individual during the background investigation will be kept on file as well as any information related to subsequent occurrences that may have a bearing on an individual's access authorization.
- b. Section 73.56(d) requires that a written recommendation be provided to the licensee by the psychiatrist or psychologist as to the individual's behavioral suitability for unescorted access. This requires the establishment and maintenance of a psychological assessment program, and includes the need for the licensee to keep on file the recommendation of a qualified and, if applicable, State-licensed psychologist or psychiatrist on an individual's suitability for employment in a nuclear setting.
- c. Paragraph 73.56(e) requires the establishment and maintenance of a continual behavioral observation program, which includes training supervisors, providing a supervisor's guide and a need for the licensee to keep on file behavioral observation records made by the individual's immediate superior.
- d. Paragraph 73.56(f) indicates a need for the licensee to keep on file the unescorted access authorization certification received from another licensee on a temporary worker or transferring employee. The gaining licensee must request of the original granting licensee a photograph of

the individual or other unique personal data and a written verification of the individual's unescorted access authorization along with a statement which indicates last effective date of unescorted access authorization and reason authorization was suspended. The licensee will keep on file the unescorted access authorization certification received from another licensee on a transferring employee. A record of temporary workers granted access during major outages will be maintained by the licensee.

- e. Section 73.56(g) requires the establishment of an appeals-grievance procedure for employees suspended from or denied access authorization to include; notification of suspension-denial, employee rebuttal, hearing and notification of final decision. The licensee will keep on file any records used as a basis for denying or revoking an individual's unescorted access authorization and subsequent appeal, hearing and decision records.
- f. Section 73.56(h) requires the licensee to establish and maintain protection measures for the individuals access authorization files, audit procedures to ensure compliance with requirements and that an individual's access authorization file be kept a minimum of 3 years after termination of the individual's access authorization.

Search Requirements Rule

History

The Commission was petitioned in 1977 to suspend a requirement for the use of "pat-down" searches as a matter of routine. Interim search requirements were established and action was deferred on the petition pending the development of a rule specifying entry search requirements. A proposed rule on this subject was issued for public comment in 1980. The staff has now revised the rule concerning search requirements in light of the comments and in response to recommendations made by the Safety/Safeguards Review Committee. This Committee, which was formed in response to the Chairman's request of August 16, 1982, had the overall task of studying power reactor safeguards requirements and practices to determine whether actual or potential conflicts exist with plant safety objectives.

The Safety/Safeguards Review Committee recommended that all persons entering the protected areas of a nuclear power plant should be searched using metal detectors and explosive detectors. This recommendation, which the staff endorses, differs from the current interim procedures in that visitors would be subject to routine equipment searches rather than physical "pat-down" searches. "Pat-down" searches would be required only when the licensee has cause to suspect that an individual is attempting to introduce contraband (firearms, explosives, or incendiaries), or when the detection equipment is out of service.

The staff has considered the use of random searches for screened individuals, but the Safety/Safeguards Review Committee found that most licensees have successfully adjusted to 100% equipment searches, and believed that changing to random searches would be disruptive. Due to their interrelationship with other provisions of the Insider Safeguards Rule Package, these revised search requirements are again being published in proposed form.

Need for and Practical Utility of Information Collection

Licensees will be required under this rule to amend their facility's physical protection plan documenting how they will meet the requirements of the rule. This permits NRC approval of the licensee's proposal and, once approved, allows NRC inspection and enforcement. This amendment is anticipated to be of a minor nature because the majority of utilities presently conduct equipment searches of individuals entering a protected area at nuclear reactors. 10 CFR 73.55(g) requires testing and maintenance of security-related equipment, e.g., search equipment, to assure proper operation of the equipment. Any new equipment purchased as a result of this amendment would be required to have documented operational testing. This recordkeeping is considered to be of minimal impact to the licensee because, as previously mentioned, the vast majority of licensees currently have the equipment in place.

Miscellaneous Safeguards Related Amendments

History

The Commission proposes to amend 10 CFR 73.55, "Requirements for Physical Protection of Licensed Activities in Nuclear Power Reactors Against Radiological

Sabotage," to clarify and refine this policy for (1) vital area access controls, (2) authority to suspend safeguards measures during safety emergencies, (3) protection of certain items of security equipment which significantly impact nuclear plant security, and (4) key and local controls. The requirements have been designed to accommodate recommendations of the previously mentioned Safety/Safeguards Review Committee established in response to the Chairman's request of August 16, 1982.

The staff has proposed amendments to 10 CFR 73.55(d)(7) that address both non-emergency and emergency access controls to vital areas. These revisions assure adequate access for safety purposes while maintaining safeguards requirements.

The staff has also proposed a revision to § 73.55(a) to clearly indicate the licensee's authority under § 50.54(x) and (y) to suspend safeguards measures if required to accommodate emergency response. These changes are based upon recommendations made by the Safety/Safeguards Committee that power reactor licensees be given improved flexibility to facilitate response to site emergencies or "unusual events."

The Commission is considering requiring protection of specified onsite physical security equipment (e.g., secondary power supplies for intrusion alarms and nonportable communications equipment) which is required for the proper functioning of the security system. Usually this equipment does not qualify as vital equipment but sabotage of such equipment could seriously impair the security of the plant. Such protection is necessary to achieve the general performance requirements of 10 CFR 73.55(a).

In a matter associated with access control, the Commission is considering amending § 73.55(d)(9) to reduce unnecessary costs associated with key and lock controls. The present requirements call for key, locks, and combination changes when any employee who has access to such devices is terminated.

Staff experience indicates that adequate protection could be obtained by changing or rotating keys, locks, and combinations: (1) routinely on an annual basis, (2) whenever a person's access authorization is revoked for reasons of

lack of trustworthiness, reliability or inadequate performance, and (3) when compromise of locks is suspected.

Need for and Practical Utility of Information Collection

Licensees will be required under this rule to amend their facility's physical protection plan documenting how they will meet the requirements of the rule. This permits NRC approval of the licensee's proposal and, once approved, allows NRC inspection and enforcement. The licensee will also be required to maintain current authorization access lists for each vital area (VA). These lists would be required to be updated at least every 31 days. This action is necessary to ensure that only those individuals requiring VA access to perform their duties are allowed access to the most vital areas of nuclear reactors. Most licensees presently maintain such listings and the impact of this recordkeeping requirement is anticipated to be minimal.

DUPLICATION OF OTHER COLLECTIONS OF INFORMATION

These reporting requirements do not duplicate or overlap other information collections.

CONSULTATIONS OUTSIDE THE NRC

Access Authorization Rule

Both informal and formal consultations were made with some licensees, investigative agencies, psychiatrists, and psychologists to determine impact, receive guidance, and identify and help solve potential problems with the proposed rule. The formal consultations were in the form of NRC contracts made to:

Personnel Decision, Inc. (PDI), Minneapolis, Minnesota for guidance concerning the behavioral observation program. In developing this guidance, PDI also convened a panel of experts from around the country to make recommendations, including certain reactor licensees.

also obtained from the Atomic Industrial Forum. Industry and academic experts in the field of psychological assessment were contacted to determine the utility of psychological assessment and behavioral observation programs.

All suggestions and recommendations were taken under consideration in developing the rule.

Search Requirements Rule

The Safety/Safeguards Review Committee, during their task of studying power reactor safeguards requirements and practices in order to determine whether actual or potential conflicts existed with plant safety objectives, visited several licensee sites to informally discuss search requirements. The suggestions and recommendations of the Committee have been taken into consideration in the proposed revision of the rule.

Miscellaneous Safeguards-Related Amendments

The Safety/Safeguards Review Committee, during their task of studying power reactor safeguards requirements and practices in order to determine whether actual or potential conflicts existed with plant safety objectives, visited several licensee sites and observed plant operating conditions. The suggestions and recommendations of the Committee's findings have been taken into consideration in the proposed revision of the rule.

OTHER SUPPORTING INFORMATION

These proposed rule changes are presented together because of their marked interrelationship. Any major changes to the principal components of the proposed access authorization program could affect the proposal to relax requirements for lock and key controls and other current requirements.

DESCRIPTION OF THE INFORMATION COLLECTION

Number and Type of Respondents

Although the proposed rule applies to all existing and future nuclear power reactor operating licensees, the information collection requirements in the proposed rule will be applied on a reactor site basis and not on the basis of reactor units. Some sites have multiple units; thus, proposed information collection requirements will apply to 61 existing reactor sites, and approximately 10 additional sites over a 3-year period, covered by the OMB clearance, for a total of 71 respondents.

Reasonableness of the Schedule for Collecting Information

The license applicant whose application for an operating license was submitted prior to the publication date of the final rule in the Federal Register will be required to submit to the Commission his Access Authorization Plan and security plan for approval within 120 days of the effective date of the rule. Based upon NRC staff experience in preparation of security and contingency plans and experience in implementing ANSI 18.17, the NRC believes that 120 days is a reasonable period of time for a licensee to compile and submit such a plan. Under rules currently in effect, a licensee may request an extension of time which is normally granted based upon good cause. Within 360 days after the rule becomes effective or 120 days after approval by the Commission, whichever is later, the licensee is required to implement the requirements of his approved plan. The applicant whose application is submitted after the final rule is published in the Federal Register shall include the Access Authorization Plan with the application submittal.

METHOD OF COLLECTING INFORMATION

Access Authorization Plans and amendments to security plans submitted to the Commission will be reviewed, approved, and filed by the Commission. Specific licensee Access Authorization Plans and amendments to security plans will not be published for public review or comment in accordance with 10 CFR 2.790(d).

ADEQUACY OF THE DESCRIPTION OF THE INFORMATION

It should be noted that the burden hours for following the guidance have been included in the estimate of burden hours found in the Estimate of Burden section.

Access Authorization Rule

A draft "Standard Format and Content Guide for the Nuclear Reactor Access Authorization Rule," being published with the proposed requirements, provides a detailed description of the recommended format for the plan. This standard format will be provided to each licensee as a guide for use in developing its plans. The information collection is designed to provide a uniform basis for determining an individual's trustworthiness and reliability through investigation into an individual's past history and background, as well as through a psychological assessment of the individual's personality.

Search Requirements Rule

Regulatory Guide 5.7 provides guidance to the licensee for conducting personnel searches. According to this guidance, the licensee will document the testing of the search equipment before the beginning of each guard shift. Such testing and documentation is necessary to assure that search by metal detectors and explosive detectors is meeting rule requirements.

Miscellaneous Safeguards-Related Amendments

A draft "Miscellaneous Amendments Guide," being published with the proposed requirements, provides guidance to the licensee for meeting the requirements of the Miscellaneous Amendments. The licensee is required to document any revisions to the licensee's physical security plan as a result of these amendments through submittal of revised portions of the licensee's security plan as appropriate.

RECORD RETENTION PERIOD

Access Authorization Rule

Each licensee, contractor or supplier who collects personal information on an employee for the purpose of complying with this section is required to establish and maintain a system of files and procedures for the protection of the personal information. Such personal information collected and maintained will not be disclosed to persons other than the subject individual or those who have a need to have access to the information in performing assigned duties in the process of granting or denying access to protected areas and vital areas. The licensee will also confidentially maintain the records of those audits performed on contractor screening programs. Files of documents relied upon by the licensee will be available, at the licensee's site, for examination by the NRC to determine the licensee's compliance in implementing its approved plan. The Commission requires that the licensee maintain the access authorization file of an individual for the period of access authorization and for an additional 3-year period subsequent to termination of the individual's unescorted access authorization for protected areas and vital areas.

Search Requirement and Miscellaneous Safeguards Related Amendments

Neither of these two reporting amendments contains a new record retention requirement. Records necessary to execute the new requirements are already being kept by the Licensee under OMB Clearance 3150-0002.

EFFORT TO REDUCE SMALL BUSINESS BURDEN

The NRC has determined that the affected entities are not small entities of businesses as those terms are used in the Regulatory Flexibility Act.

CONFIDENTIALITY OF INFORMATION

None, except for proprietary or safeguards information.

SENSITIVE QUESTIONS

None.

REPORTING PERIOD

Submittal of an Access Authorization plan and amendments to the security plan are required from each licensee 120 days after the effective rule is published in the Federal Register, in order to obtain NRC approval. The plans are then maintained by the licensee for the life of the plant and are available for review by the NRC as needed.

COPIES REQUIRED TO BE SUBMITTED

Access Authorization Plan

Licensees are required to submit the original and two copies of each required submittal to the NRC for review and approval.

Amendments to Security Plans

Licensees are required to submit five copies of each required submittal to the NRC for review and approval. One copy of each will be disturbed to:

- o Regulatory Files (Docketing)
- o Office of Nuclear Material Safety and Safeguards
- o Regional Office
- o Advisory Committee on Reactor Safeguards (ACRS)
- o Office of Nuclear Reactor Regulation

The security plans contain safeguards information and, therefore, cannot be duplicated by the Docketing Office where they are initially received and then distributed to the appropriate offices. Since the plans contain large blueprints and various photographs, it is more cost effective for the licensees to reproduce the five needed copies for submittal to the NRC for expedient review and approval as they are currently doing.

ESTIMATE OF BURDEN

Cost to Industry

a. Reporting Requirements

Regulatory Section	Per Site Respondent						Industry Respondents		
	Frequency of Response		Staff Hours Per Response	Burden Hours			Total Annual Site Burden Hours Existing	Future	Number of Respondents
	One time	Annual		One time	3-year Average	Annual			
1. 10 CFR 50.34(h) Access Authorization Plan	1		800	800	267		267		10
2. 10 CFR 73.56(a) Access Authorization Plan	1		800	800	267		267		61
3. 10 CFR 73.55(d)(1) amend Physical Security Plan (Search Requirements)	1		16	16	5		5		61
4. 10 CFR § 73.55 amend Physical Security Plan (Misc. Amendments)	1		24	24	8		8		61
Total Reporting:							280	267	
									17,080
									2,670
							Reporting Total Hours:		19,750

b. Recordkeeping Requirements

Regulatory Section	Per Site Respondent						Industry Respondents				
	Frequency of Response		Staff Hours Per Response	Burden Hours			Total Annual Site Burden Hours		Total Industry Annual Burden Hours		
	One time	Annual		One time	3-year Average	Annual	Existing	Future	Existing ¹ (9 sites)	Existing ² 52 sites	Future (10 sites)
1. 10 CFR 73.56(c)											
Background Investigation	1500	75	5	7500	2500	375	375	2875	3,175	--	29,750
Review and Action	1500	75	4	6000	2000	300	300	2300	2,700	--	23,000
Employee reveals new information and action		5	2			10	10	10	90	--	100
2. 10 CFR 73.56(d)											
Psychological Assessment											
Tests	1500	75	3	4500	1500	225	225	1725	2,025	--	17,250
Interview	500	25	1	500	167	25	25	192	225	--	1,920
Review and Action	1500	100	.5	750	250	50	50	300	450	--	3,000
3. 10 CFR 73.56(e)											
Continual Observation Program											
Employee Evaluations		1500	.5			750	750	750	6,750	39,000	7,500
Referrals		3	.5			15	15	15	135	780	150
Supervisor Training Program	1		320	320	107		107	107	963	5,564	1,070
Maintain		1	12			12	12	12	108	624	120
4. 10 CFR 73.56(f)											
Reciprocity and Temporary Access											
Transfer & Reinstatement		225	.3			675	675	675	6,075	35,100	6,750
Temporary Access		1000	.5			500	500	500	4,500	26,000	5,000
5. 10 CFR 73.56(g)											
Appeal-Grievance											
Establish-amend procedures	1		80	80	27		27	27	243	--	270
Inform Employees	1500	300	.1	150	50	30	80	80	720	--	800
Notice of Suspension	60	9	1	60	20	9	9	28	81	--	280
Rebuttal	60	9	1	60	20	9	9	28	81	--	280
Hearing	60	9	64	3840	1280	576	576	1856	5,184	--	18,560
Decision Notification	60	9	16	960	320	144	144	464	1,296	--	4,640

¹Denotes sites not subject to "grandfathering"

²Denotes sites subject to "grandfathering"

b. Recordkeeping Requirements (Continued)

Regulatory Section	Per Site Respondent						Industry Respondents				
	Frequency of Response		Staff Hours Per Response	Burden Hours			Total Annual Site Burden Hours		Total Industry Annual Burden Hours		Future (10 sites)
	One time	Annual		One time	3-year Average	Annual	Existing	Future	Existing ¹ (9 sites)	Existing ² (52 sites)	
6. 10 CFR 73.56(h) Protection of Information Privacy Protection Program Inform Employees Audit Other burdens are included in previous sections.	1 1500	300 1	80 1 40	80 150	27 50	30 40	27 80 40	27 80 40	243 720 360	1404 4160 2080	270 800 400
7. 10 CFR 73.55(d) Equipment test record		365	5 min			30	30	30	270	1560	30
8. 10 CFR 73.55 Access Authorization List		12	3			36	36	36	325	1872	360
					Subtotal:		213	213	1918	11,076	1860
					Total recordkeeping:		4,102	12,157	36,919	118,144	121,300
					Recordkeeping Total Hours:					276,363	
					GRAND TOTAL						
					Reporting Hours					19,750	
					Recordkeeping Hours					276,363	
					Total Annual Industry Burden:					296,113	

Denotes sites not subject to grandfathering

Denotes sites subject to grandfathering.

c. Estimate Cost Required to Respond to the Collection

	<u>Existing Site</u>	<u>Future Site</u>	<u>Industry*</u>
1. Reporting Requirements	\$ 16,800	\$ 16,020	\$ 1,185,000
2. Recordkeeping Requirements	246,120	729,420	16,581,780
Total	\$ 262,920	\$ 745,440	\$ 17,766,780

*Industry cost consists of 61 existing sites and 10 future sites.

d. Source of Burden Data and Method for Estimating Burden

Number of burden hours x fully loaded salary at \$60 per hour x site.

e. Reasonableness of Burden Estimates

The burden estimates are derived from consultation with the regulated industry and staff experience.

Cost to the Federal Government

a. Access Authorization Rule

10 CFR 50.34(h):

It is estimated that ten new sites will submit plans for review and approval within three years which will cost the NRC about \$67.2K (14 staff-days/plan x 10 new plans x \$480/staff-day) to process and \$58.6K (2 staff-days/plan x \$480/staff-day x 61 plans) to maintain.

10 CFR Part 73:

It is estimated that it will initially cost the NRC \$409.9K (14 staff-days/plan x 480/staff-days) to review and approve all submitted Access Authorization Plans and \$187.2K additional inspection effort (preparation of revised inspection procedures (0.5 man-year) + additional inspection hours (1.0 man-year)).

It is estimated that the ten new sites will cost the NRC about \$124.8K (1.0 man-year efforts @ 124,800/man-years) for additional inspection efforts.

COST SUMMARY TABLE

NRC	Initial	Subsequent Years
Licensing Review	\$ 409.9K	\$ 125.8K
Additional Inspection Effort	\$ 187.2K	\$ 124.8K
Total	\$ 597.1K	\$ 250.6K

b. Search Requirements Rule

It is estimated that it will cost the NRC \$58.6K (2 staff-days/plan x 61 plans x 480/staff-days) to review and approve all submitted security plans.

It is estimated that ten new sites will submit plans for review and approval within three years which will cost the NRC about \$9.6K to process (2 staff-days/plan x 10 plans x 480 staff-day).

c. Miscellaneous Safeguards Related Amendments

It is estimated that it will cost the NRC \$234.2K (8 staff-days/plan x 61 plans x 480 staff-days) to review and approve all submitted revised security plans.

It is estimated that ten new sites will submit plans for review and approval within three years which will cost the NRC about \$38.4K to process (8 staff-days/plan x 10 plans x 480/staff-day).

d. Total Cost: \$ 1,188.5K

NOV 13 1985

Dr. Lyle Bivens, Director
Division of Basic Sciences
National Institute of Mental Health
Department of Health and Human Services
Room 11103 Parklawn Building
5600 Fishers Lane
Rockville, MD 20857

Dear Dr. Bivens:

This is to acknowledge our November 12, 1985 telephone conversation concerning your September 7, 1984 comments on the Nuclear Regulatory Commission's (NRC) proposed Access Authorization Program for nuclear power reactor licensees. We appreciate having had the opportunity to discuss these comments and your additional professional opinions with you.

As noted in our conversation, it was agreed that while no screening program is 100 percent accurate, the measures proposed in the NRC's program (i.e., background investigation, psychological assessment, and behavioral observation) appear to constitute the best approach presently available (when properly administered) to detect emotional instability in an individual.

Your concerns on the use of psychological assessment and behavioral observation are well taken. We agree that psychological assessment cannot and should not be used as a predictive tool but that it is useful in assessing current emotional stability. As discussed in our conversation, it is believed your concerns are addressed in a number of ways in the supporting guidance for this performance-oriented regulation. We are sorry that the guidance was not available to you at the time of your review and comment on the proposed rule in 1984. As indicated to you, among other things, this guidance recommends the use of both the Minnesota Multi-Phasic Inventory (MMPI) and the 16 Personality Factor (16PF) tests and includes a list of relevant criteria to be used as measures of behavioral unreliability in the nuclear work setting. Further, the guidance includes training and qualification criteria recommended for the selection of the professionals who interpret the assessment. These individuals are required to be qualified and, if applicable, state-licensed psychologists or psychiatrists. With respect to behavioral observation, your concerns regarding periodic training for supervisors to identify employee health and mental health problems are also accommodated in our supporting guidance. This guidance sets forth the objective of the program, stressing its nonpunitive nature, recommends the development of an employee assistance program and calls for supervisor "awareness" training on an annual basis.

Enclosure 1

Based on our conversation as synopsisized above, it is my impression that you are in general agreement that your concerns were addressed during our development of this program. Please feel free to contact me at (301) 427-4018 if we have misstated any of your views. Once again, we very much appreciate your views on this matter.

Sincerely,

"Original Signed by G. W. McCorkle"

George W. McCorkle, Chief
Safeguards Reactor and Transportation
Licensing Branch
Division of Safeguards, NRC