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NRC AMENDS PHYSICAL PROTECTION REQUIREMENTS FOR FIXED SITES

The Nuclear Regulatory Commission is amending its regulations governing physical protection at fixed sites to:

(1) make it clear that the regulations do not require protection against both radiological sabotage and theft of special nuclear material at all facilities; and

(2) add a requirement that licensees who operate nonpower reactors at power levels of two megawatts thermal or above protect against radiological sabotage when deemed necessary.

The clarifying amendment was needed because a NRC Atomic Safety and Licensing Board ruled, in a licensing hearing, that the general physical protection requirements of Part 73 of the Commission's regulations require all fixed site licensees to protect against both radiological sabotage and theft of special nuclear material.

At present, detailed physical protection requirements are provided in other sections of Part 73 for each class of licensed facility, material or activity, including the transportation of both unirradiated and irradiated special nuclear material. The specific requirements of Part 73 do not necessarily require protection against both radiological sabotage and theft of special nuclear material.

Because the Licensing Board interpretation could unnecessarily require some licensees to provide physical protection measures not warranted by their particular licensed facility, material or activity, a clarification of Part 73 was necessary.

Previously, the Commission's regulations pertaining to nonpower reactors contained requirements only for protection against theft and diversion of special nuclear material. The Commission believes that, while the possibility of sabotage leading to a release of radioactive material is remote, it should not be discounted and that such a requirement for physical protection against such an act should be included in its

regulations. Currently, those nonpower reactor facilities licensed to operate at or above two megawatts thermal, which have been identified as possibly being vulnerable to radiological sabotage, are voluntarily implementing additional measures to provide physical protection against such events.

The amendments to Part 73 of the Commission's regulations will become effective on April 14, 1993.

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