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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

(D)

March 24, 1994

MEMORANDUM FOR: Eric S. Beckjord, Director
Office of Nuclear Reactor Research

FROM: William T. Russell, Director
Office of Nuclear Reactor Regulation

SUBJECT: PROPOSED SAFEGUARDS RULEMAKING

We request that your office develop a revision to 10 CFR Part 73.55 to modify parts of the regulation that the staff has determined are marginally effective or out of date and consequently should be revised or deleted. We believe that one of the proposed changes [elimination of 10 CFR 73.55 (d)(8)] would provide significant relief to licensees, and therefore, request that the revocation be processed separately on a fast track. OGC has advised us that a fast track change may be done expeditiously and with or without public comment. Enclosed is the 7-Point Request for Rulemaking.

Specific parts of 10 CFR Part 73.55 recommended for revision are identified in the enclosures to this memorandum. Each of the proposed revisions involves a decrease in the regulatory burden on licensees. Detailed rationale for the regulatory changes are discussed in SECY 92-272, "Re-Examination of Nuclear Power Plant Security Requirements Associated with the Internal Threat," and SECY 93-326, "Reconsideration of Nuclear Power Plant Security Requirements Associated with an Internal Threat." The Commission, in a February 18, 1994, letter from S. Chilk to J. Taylor (copy enclosed), agreed with proceeding with rulemaking.

The staff coordinator for this effort is Robert Skelton (504-3208). Please keep him informed of any actions on this effort.

WT Russell

William T. Russell, Director
Office of Nuclear Reactor Regulation

Enclosures:

1. Request for Rulemaking
2. Regulatory Agenda Input
3. SECY 92-272
4. SECY 93-326
5. SRM dtd. 2/18/94

7-POINT REQUEST FOR RULEMAKING

1. THE ISSUES TO BE ADDRESSED BY THE RULEMAKING

As part of the review of the "insider threat" conducted by the staff and documented in SECY 92-272 (Re-Examination of Nuclear Power Plant Security Requirements Associated with the Internal Threat, 8/4/92), several security requirements were identified as being marginally effective in protecting against the insider threat and, therefore, the staff recommended that these requirements be revised or eliminated from the regulations. Many of these same requirements were discussed during the April 1993 RES-sponsored workshop on the program for elimination of requirements marginal to safety (see NUREG/CP-0129, pages 147 to 154). In response to Commission direction, the staff reconsidered the details of SECY-92-272 and provided the Commission with the results of that evaluation in SECY 93-326 (Reconsideration of Nuclear Power Plant Security Requirements Associated with an Internal Threat, 12/12/93). In that paper, the staff reconfirmed the finding that certain requirements in 10 CFR 73.55 were marginally effective and could be reduced or eliminated with the licensee still meeting the performance objectives of 10 CFR 73.55(a). The staff also identified in SECY 93-326 one other area where advancements in technology provided opportunities for alternative approaches that are equivalent to, if not better than, those specified in the regulations.

Amendments to 10 CFR Part 73.55 are proposed for the following areas:

- a. Revise 73.55(d)(7)(i)(A) to eliminate the requirement to maintain and update at least once every 31 days discrete lists of persons allowed access to each separate vital area. Instead, the regulations should be revised to require a licensee to maintain one current list identifying those persons requiring access to vital areas. That list should be kept current through reviews and updated as needed but not less than annually.
- b. Revise 73.55(d)(7)(i)(D), and other parts of 73.55 as appropriate, to provide an option to the requirement that doors to all unoccupied vital areas be locked. While regulations should continue to require locking devices, access control systems, and alarms for all vital area doors, they should be revised to specify, as an alternative, that doors may remain unlocked as long each door is alarmed and can be locked remotely. A companion requirement to this alternative would be to ensure that licensees would "lock" vital area doors when they receive an alarm that cannot immediately be assessed as non-threatening.
- c. Revise 73.55(d)(9) to relax the requirements for control, change, and rotation of vital area door locks and related vital area metal keys.
- ✓ d. Revise 73.55(d)(8) to delete requirements for controlling the access of personnel and materials into containment from a security standpoint during periods of high traffic, such as refueling and major maintenance. This change applies only to access from vital areas into containment (remains a vital area) and does not negate radiological controls or

other requirements for personnel accountability. (Request that this change be processed expeditiously as a separate action.)

- e. Revise 73.55(d)(1) to allow armed security officers who are on duty and have exited the protected area on official business to be excluded from the requirement to search for firearms (metal detector) upon reentry into the PA.
- f. Revise 73.55(d)(4) to allow, under certain conditions, licensee-owned vehicles driven by licensee employees with unescorted access (after vehicle search) into the protected area without vehicle escort.
- g. Revise 73.55(d)(5) to eliminate certain prescriptive requirements regarding the handling/issuing of badges so that licensees would have more flexibility to use new technologies to meet the performance requirements as contained in 10 CFR 73.55 (a). This change would allow certain types of site identification badges to be retained by individuals with unescorted access and taken off site.

2. THE NECESSITY AND URGENCY OF ADDRESSING THE ISSUES

The issue is unnecessary expenditure of limited licensee resources on requirements that may be resource intensive and provide little, if any, contribution to overall plant security. Reduction or elimination of the proposed requirements will free resources that are not now being effectively used. This effort is in concert with the overall agency effort to make the regulations more effective. One change would delete requirements (see above item 1.d.) related to containment access that are very burdensome to licensees and have little or no benefit. It is recommended that this change be handled separately for more expeditious implementation.

3. ALTERNATIVES TO RULEMAKING.

Licensees in certain circumstances may revise their programs, through exemption requests and license amendments, to eliminate some of the identified requirements. However, in some cases reductions identified herein cannot be made except through changes to the regulations.

4. HOW THE ISSUE WILL BE ADDRESSED THROUGH RULEMAKING.

The rulemaking herein proposed includes no new requirements for the protection of power reactors and would only delete or amend existing regulations.

5. HOW THE PUBLIC, INDUSTRY, AND THE NRC WILL BE AFFECTED BY THE RULEMAKING, INCLUDING BENEFITS, COSTS, OCCUPATIONAL EXPOSURES, AND RESOURCES.

The removal of marginal and ineffective requirements would remove unnecessary measures that may detract attention from other more meaningful security responsibilities and free resources for other uses. The ability to reallocate site resources takes on more significance currently, with the

Commission taking regulatory actions related to the land vehicle threat. The ability of security to more closely focus resources on more effective security elements is not only in the best interest of the industry, but also the public and Commission. One of the recommended changes would allow for the employment of new security technology which would actually provide higher assurances for a particular security function.

The proposed rulemaking would allow industry some reduction in staffing resources. The potential manpower savings are site specific, but estimates contained in SECY 92-292 range from a savings of 3 to 5 persons per site, and a possible saving of up to 10 persons at some sites. Cost savings related to the last issue (technical upgrades) were estimated by the utility making the request to be at least 10 persons per site.

The rule change would likely result in a number of licensee actions to revise their security plans consistent with the regulatory changes. However, since the changes would be consistent with the regulations, staff resources needed to process the changes would be minimal, estimated to be 2 FTE over a period of about 2 years.

The proposed rulemaking would have no impact on occupational exposures on any of the aforementioned groups.

6. NRC RESOURCES AND TIMETABLE (MUST INCLUDE ESTIMATED FINAL ACTION DATE AND INTERMEDIATE MILESTONES).

(Timetable to be provide by RES.)

7. THE PRIORITY OF THE RULEMAKING.

This rulemaking is considered to be a high priority.