



OFFICE OF THE SECRETARY

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

January 29, 1997

17

AF 53-1

Action: Morrison, RES

Cys: Thompson Jordan Norry Blaha Lieberman, OE Meyer, ADM Shelton, IRM Frattali, RES Miraglia, NRR

MEMORANDUM TO: Hugh L. Thompson, Jr. Acting Executive Director for Operations FROM: John C. Hoyle, Secretary SUBJECT: STAFF REQUIREMENTS - SECY-96-248 - PROPOSED RULE ON CHANGES TO NUCLEAR POWER PLANT SECURITY REQUIREMENTS, 10 CFR PART 73

The Commission has approved publication of the proposed rulemaking with the changes noted below.

- 1. The proposed rule should be changed to permit vital area access list reapproval at least quarterly instead of annually. The staff should also include a question in the proposed rule for comment regarding the benefits of separating the update and re-approval requirements. 2. The following sentence should be added to paragraph (A), on page 18 of the Federal Register notice: The licensee shall include on the access list only individuals whose specific duties require access to vital areas during nonemergency conditions.

(EDO) (RES) (SECY Suspense: 2/28/97) 9500117

cc: Chairman Jackson Commissioner Rogers Commissioner Dicus Commissioner Diaz Commissioner McGaffigan OGC OCA OIG Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)

SECY NOTE: THIS SRM, SECY-96-248, AND THE COMMISSION VOTING RECORD CONTAINING THE VOTE SHEETS OF ALL COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 5 WORKING DAYS FROM THE DATE OF THIS SRM.



OFFICE OF THE
SECRETARY

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

January 29, 1997

COMMISSION VOTING RECORD

DECISION ITEM: SECY-96-248

TITLE: PROPOSED RULE ON CHANGES TO NUCLEAR
POWER PLANT SECURITY REQUIREMENTS, 10
CFR PART 73

The Commission, (with Chairman Jackson and Commissioners Dicus and McGaffigan agreeing) approved in part and disapproved in part, the subject paper. Commissioners Rogers and Diaz approved the entire paper. The result is reflected in the Staff Requirements Memorandum (SRM) of January 29, 1997.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Chairman and Commissioners, and the SRM of January 29, 1997



John C. Hoyle
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets
3. Final SRM

cc: Chairman Jackson
Commissioner Rogers
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
OGC
EDO
PDR
DCS

VOTING SUMMARY - SECY-96-248

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. JACKSON	X	X			X	1/17/97
COMR. ROGERS	X				X	12/30/96
COMR. DICUS	X	X			X	1/2/97
COMR. DIAZ	X					12/19/96
COMR. MCGAFFIGAN	X	X			X	1/8/97

COMMENT RESOLUTION

In their vote sheets, Chairman Jackson and Commissioners Dicus and McGaffigan approved the proposed rule in part, but disapproved the re-approval period change to annually. Commissioners Rogers and Diaz voted to approve the staff recommendation. Subsequently, the comments of the majority of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on January 29, 1997

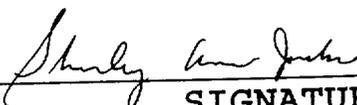
N O T A T I O N V O T E

RESPONSE SHEET

TO: John C. Hoyle, Secretary
FROM: CHAIRMAN JACKSON
SUBJECT: SECY-96-248 - PROPOSED RULE ON CHANGES TO
NUCLEAR POWER PLANT SECURITY REQUIREMENTS,
10 CFR PART 73

Approved in part Disapproved in part Abstain _____
Not Participating _____ Request Discussion _____
COMMENTS:

See attached comments.



SIGNATURE

Release Vote / /

January 17, 1997

DATE

Withhold Vote / /

Entered on "AS" Yes _____ No _____

Chairman Jackson's Comments on SECY-96-248

I approve the staff's request to publish the proposed rule subject to the following comments.

I agree with Commissioners Dicus and McGaffigan that there is no definitive basis to lengthen the re-approval period of the vital area access list to annually. The staff should modify the proposed rule to require quarterly re-approval. However, it is not clear that separating the update and re-approval requirements and changing the re-approval periodicity necessarily provides any real benefit. It is my understanding that, presently, at least some licensees are accomplishing the update and re-approval as one action. The staff should include a question in the proposed rule for comment regarding the benefits of separating the update and re-approval requirements.

I concur with Commissioner Dicus' comment to add the third sentence of Paragraph 73.55(d)(7)(i)(A).

Overall, these changes represent a good effort to remove regulatory burdens which have marginal safety benefits.

NOTATION VOTE

RESPONSE SHEET

TO: John C. Hoyle, Secretary
FROM: COMMISSIONER ROGERS
SUBJECT: SECY-96-248 - PROPOSED RULE ON CHANGES TO
NUCLEAR POWER PLANT SECURITY REQUIREMENTS,
10 CFR PART 73

Approved * KCR * Disapproved _____ Abstain _____

Not Participating _____ Request Discussion _____

COMMENTS:

*These proposed changes are quite reasonable
and reduce regulatory burdens without compromising
safety. KCR*

Kenneth C. Rogers
SIGNATURE

Release Vote

December 30, 1986
DATE

Withhold Vote

Entered on "AS" Yes No _____

NOTATION VOTE

RESPONSE SHEET

TO: John C. Hoyle
Secretary of the Commission

FROM: COMMISSIONER DICUS

SUBJECT: SECY-96-248, PROPOSED RULE ON CHANGES TO NUCLEAR
POWER PLANT SECURITY REQUIREMENTS, 10 CFR
PART 73

Approved X in part Disapproved X in part Abstain

Not Participating Request Discussion

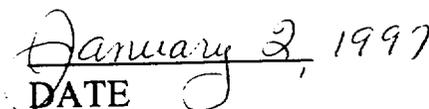
COMMENTS:

Except as noted below, I approve the staff request to publish the proposed rule with the replacement of the deleted rule statement as noted in the attachment to this vote.

I disapprove the staff proposal to change the requirement for access list reapproval from at least once every 31 days to annually. This time period seems too long particularly since operating experience with a change in this requirement has yet to be obtained. I request the staff to consider either a quarterly reapproval of the access list or an annual reapproval during normal operations with a monthly reapproval during outage or shutdown conditions for those facilities that have not permanently ceased operations.


SIGNATURE

Release Vote / X /


DATE

Withhold Vote / /

Entered on "AS" Yes No

NOTATION VOTE

RESPONSE SHEET

TO: John C. Hoyle, Secretary
FROM: COMMISSIONER DIAZ
SUBJECT: SECY-96-248 - PROPOSED RULE ON CHANGES TO
NUCLEAR POWER PLANT SECURITY REQUIREMENTS,
10 CFR PART 73

Approved Disapproved Abstain

Not Participating Request Discussion
COMMENTS:

[Handwritten Signature]
SIGNATURE
12 19 96
DATE

Release Vote

Withhold Vote

Entered on "AS" Yes No

NOTATION VOTE

RESPONSE SHEET

TO: John C. Hoyle, Secretary
FROM: COMMISSIONER MCGAFFIGAN
SUBJECT: SECY-96-248 - PROPOSED RULE ON CHANGES TO
NUCLEAR POWER PLANT SECURITY REQUIREMENTS,
10 CFR PART 73

Approved * in part Disapproved * in part Abstain _____
Not Participating _____ Request Discussion _____
COMMENTS:

I approve the staff request to publish the proposed rule, including the modifications suggested in the attachment to Commissioner Dicus' vote.

I agree with Commissioner Dicus that the proposed rule change to reapprove the access list from at least once every 31 days to at least annually seems too long. I believe the staff should consider modifying the proposed rule to require a quarterly reapproval of the access list for vital areas.

E. Mc Caffigan Jr.
SIGNATURE
11/8/97
DATE

Release Vote 1 X 1

Withhold Vote 1

Entered on "AS" Yes X No _____