

APR 28 1989

In Reply Refer To:
Dockets: 50-498
50-499

Houston Lighting & Power Company
ATTN: J. H. Goldberg, Group Vice
President, Nuclear
P.O. Box 1700
Houston, Texas 77001

Gentlemen:

The attached Regional Office Policy Guide 0758, "NRC Inspector Entry into Dangerous or Hazardous Areas," has been provided recently to all NRC inspectors in Region IV. It gives the inspectors guidance on the rights and duties of inspectors to enter dangerous or hazardous areas controlled by others. Please review this guidance for the purpose of identifying potential conflicts with your policies and procedures in this area. Please contact me or Dwight Chamberlain of my staff, if you cannot accommodate this internal NRC Region IV guidance at your facility.

Sincerely,

Original Signed By
Dwight D. Chamberlain
L. J. Callan, Director for
Division of Reactor Projects

Enclosure:
NRC Policy Guide 0758

cc:
Houston Lighting & Power Company
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Operations Support Licensing
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LJCallan
4/28/89

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Houston Lighting & Power Company

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ATTN: R. J. Miner, Chief Operating
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ATTN: R. W. Chewning, Chairman
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Wadsworth, Texas 77483

City Public Service Board
ATTN: R. J. Costello/M. T. Hardt
P.O. Box 1771
San Antonio, Texas 78296

Houston Lighting & Power Company
ATTN: Licensing Representative
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Bethesda, Maryland 20814

Texas Radiation Control Program Director

Houston Lighting & Power Company

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bcc to DMB (IE51)

bcc distrib. by RIV:

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RIV File

RSTS Operator

R. D. Martin



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NUCLEAR REGULATORY COMMISSION
REGION IV
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ARLINGTON, TEXAS 76011

FILE: HEALTH & SAFETY &
SECURITY (Employee/Offic

Regional Office Policy Guide

MAR - 9 1989

(0758) NRC INSPECTOR ENTRY INTO DANGEROUS OR HAZARDOUS AREAS

A. Purpose:

To present regional policy on the rights and duties of inspectors to enter dangerous or hazardous areas controlled by others.

B. Discussion:

On occasions of incidents or events involving licensed materials, activities or facilities, controls may be established to restrict access. These controls may be established due to the threat of further dangerous events, e.g., explosions or release of toxic materials, or to safeguard the status of damaged facilities for further evaluation, and may be physical barriers, posted guards, locked areas, or a combination of these controls. In some of these cases, the NRC inspector may be denied immediate access by licensee employees, contractors, or law enforcement authorities.

As provided for in Title 10, Code of Federal Regulations, NRC inspectors must be granted access to licensed facilities for the purpose of inspection under certain circumstances; however, this authority should not be extended to require that inspectors endanger themselves unnecessarily. The NRC inspector should consider the urgency of any entry into a controlled area relative to the potential danger to himself and others who might accompany him. In all cases, regional policy is that personal safety considerations supersede the need for information gathering activities. After the threat has been reduced to an acceptable level, the NRC inspection needs for fact and data gathering, consistent with agency responsibilities and authorities, would prevail. Normally, the controls exercised by the licensee or law enforcement agency would be the determining factor in assessing the danger in a controlled area.

C. Action:

1. In no case should an NRC inspector enter an area of potential danger over the objections of the licensee, contractor, or law enforcement authority responsible for controlling access to a potentially dangerous area.
2. In cases where fact or data gathering consistent with NRC responsibilities or authorities by NRC inspectors is necessary, access authority shall be sought from the controlling authority. As a part of the access request, the potential danger shall be assessed, and the NRC inspector should make a judgement as to the need for immediate access consistent with guidance above.

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3. Should access be denied once the danger level is reduced to acceptable levels, as judged by the NRC inspector, access authority should be requested of licensee management, or the supervisor of the controlling authority, presenting the basis for the need for NRC inspector access. Should access still be denied, the inspector should not demand access; but rather, he should discuss the matter with his supervision, and await resolution by regional management.

D. Contact:

Deputy Regional Administrator (Ext. 226)

E. Effective Date:

This Policy Guide is effective upon issuance.



Robert D. Martin
Regional Administrator

Distribution List C

cc:

T. O. Martin, OEDO