

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Chairman Gregory B. Jaczko

SUBJECT: SECY-10-0137 – PROPOSED RULE: REQUIREMENTS FOR ACCESS AUTHORIZATION AND PHYSICAL PROTECTION DURING NUCLEAR POWER PLANT CONSTRUCTION (RIN 3150-A165)

Approved  X  Disapproved   Abstain

Not Participating

COMMENTS: Below   Attached  X  None

  
\_\_\_\_\_  
SIGNATURE

1/1/22/w   
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DATE

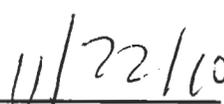
Entered on "STARS" Yes  X  No

**Chairman Jaczko's Comments on SECY-10-0137 Proposed Rule: Requirements for Access Authorization and Physical Protection during Nuclear Power Plant Construction**

The staff has provided the Commission a clear and well developed proposed rulemaking package describing the potential new requirements for access authorization and physical protection during construction of new nuclear power plants. Ensuring that plants are securely and safely constructed is fundamental to ultimately ensuring they are safe to operate. This proposed rulemaking will provide the proper regulatory framework to ensure adequate protection of the public health and safety, promote the common defense and security, and protect the environment. As directed by the Commission in the SRM for SECY-07-0211 dated January 23, 2008, the proposed rulemaking has asked for public comments specifically related to fingerprinting of construction personnel which I continue to strongly support as necessary. As I explained in my vote in 2007, fingerprinting is essential in the determination of an individual's true identity. I look forward to hearing from stakeholders on this and other aspects of the proposed rule.

I approve the publication of the proposed rulemaking in the Federal Register. Prior to its publication, the staff should ensure that the proposed access authorization requirements for new construction are reflective of the recent staff responses to the Office of the Inspector General audit of the NRC's Oversight of the Access Authorization Program for Nuclear Power Plants as reflected in the memorandum from Martin J. Virgilio, DEDO to Stephen D. Dingbaum, AIG, dated October 20, 2010. The staff should also review Section J, Reporting of Detected Malicious Acts for any additional insights from revisions of Appendix G of 10 CFR 73 that could be included in the new rule. In particular reporting of suspicious activity at construction sites may be useful in identifying potential threats not only to the site under construction but also to existing nuclear power plants. In addition the staff should clearly state why Limited Work Authorization considerations do not exist as part of the proposed rule. I understand that the proposed rulemaking was initiated under common defense and security. The discussion, therefore, about backfit analysis would benefit from a clearer discussion about why backfit was not necessary. Finally as part of the discussion in Section A (1) (iii) regarding Pre-access Screening Checks, the staff should clarify the process that will be used by licensees to verify personnel who already have unescorted access at an operating plant.

  
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Gregory B. Jaczko

  
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Date