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Docket No. 50-305

Wisconsin Public Service Corporation  
ATTN: Mr. E. W. James  
Senior Vice President  
Post Office Box 1200  
Green Bay, Wisconsin 54305

Gentlemen:

RE: Kewaunee Nuclear Power Plant

The subject of guard responsibilities in protecting special nuclear material from theft and sabotage is being reviewed by the Nuclear Regulatory Commission. The purpose of this letter is to clarify one aspect of these responsibilities so as to assure effective application of regulatory requirements in this important area.

Nuclear reactor facilities are required, under 10 CFR 73.40, to provide physical protection and to implement the security plan submitted to the Commission. A necessary element for approval of the plan of a nuclear power reactor is the provision of guards. We expect that the response requirements for these guards will be the same as called out in 10 CFR 73.50 (g)(2) which requires that guards responding to a possible threat shall determine if a threat exists, assess the extent of the threat, and initiate measures to neutralize the threat, either by acting on their own or by calling for assistance from local law enforcement authorities, or both. It appears that the option for guards taking action on their own or calling for outside assistance may conceivably be subject to mis-interpretation. The current regulation contemplates that guards are to be instructed that their first priority is to assess the extent of the threat and convey to the proper law enforcement authorities the nature of the threat. They should then, or simultaneously if possible, take action on their own to counter the threat, deferring action pending the arrival of reinforcements only in those instances in which a guard's life would be placed in needless peril when faced with an overwhelming force. In such instances, guards could be expected to take prudent delaying action whenever possible while awaiting assistance.

Your early response to this letter would be very much appreciated, either affirming that your present practices for implementing the

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requirements of 10 CFR 73.40 are consistent with this view for the implementation of § 73.50 (g)(2) or advising us of any deviation from this approach, and in the latter case, indicating the cause of such deviation.

Sincerely,

Original Signed By  
Roger S. Boyd

Roger S. Boyd, Acting Director  
Division of Reactor Licensing  
Office of Nuclear Reactor Regulation

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