

Honorable Nunzio J. Palladino
Chairman
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Dr. Palladino:

SUBJECT: ACRS COMMENTS ON PROPOSED INSIDER SAFEGUARDS PROVISIONS

During its 310th meeting, February 13-15, 1986, the Advisory Committee on Reactor Safeguards was briefed by the NRC Staff on the subject of the Insider Safeguards Rules proposed by the Staff, and by industry representatives (NUMARC, in particular), on the Guidelines, which utility executives were said to prefer, for achieving a similar purpose. The general subject of Insider Safeguards' provisions was also discussed during our 281st meeting, August 31-September 1, 1983, and reported on in our letter of September 6, 1983. Some of these matters were reviewed again in a meeting of the ACRS Subcommittee on Safeguards and Security on January 7, 1986.

Three separate, though related, items are included in the Staff proposed Insider Safeguards Rules: the item concerning Access Authorization, the item concerning Search Requirements, and some Miscellaneous Safeguards-Related Amendments. In our letter of September 6, 1983, we generally approved of the provisions being considered; these provisions have not changed greatly in the meantime. The following comments are addressed only to the Access Authorization Item.

Recently a so-called "NUMARC initiative" has been developed; it is the consensus of the nuclear utilities that the proposed NUMARC Guidelines are a preferable alternative to the issuance of a rule by the Commission. It appears that the sort of screening required in connection with an individual being authorized for unescorted access to vital areas of a plant would be very similar under the two proposals. The major differences brought to our attention were (1) the specific provision for an "appeals process" provided in the Staff's Rule to be available in the event that authorization for unescorted access were refused, and (2) the question of whether and how compliance should be ensured in the absence of a rule. Subject to resolution of these differences, the Staff has acknowledged that the industry proposal represents an acceptable option.

With respect to the first of these, we were informed (but have not been able to confirm) that an appeals process would be a necessary provision in the context of a federally (NRC) imposed requirement, but not in the context of practices voluntarily adopted by private employers. In the latter case, all existing regulations providing protection against discrimination, violation of civil rights, and so forth, would continue to apply. In addition, persons currently employed in the security forces of the utilities go through essentially the same screening, and no special appeals process is considered necessary on that account; some licensees already follow similar practices with other than security force employees.

With respect to the second of the above matters (ensuring compliance), on the assumption that the utilities commit to adding the screening procedures to

their security plans, we suppose it would be possible to inspect for compliance and proceed much as in the case of any other licensee commitment.

In addition, the specific matter of "grandfathering" access authorization would appear to deserve further consideration and definition by the utilities and the Staff.

In our opinion, the industry-proposed approach is to be preferred, at least on a trial basis, with the option of following later with a rule in the event that should seem necessary. This process could be initiated on the basis of a Policy Statement issued by the Commission.

Sincerely yours,

David A. Ward
Chairman

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