



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

March 24, 1995

Docket File  
50-237/249/  
50-295/304/  
50-373/374

Mr. Tom Brem  
Recording Secretary  
General Service Employees Union  
Local 73  
1165 North Clark Street, Suite 500  
Chicago, Illinois 60610-7768

Dear Mr. Brem:

I am responding to your letter to Mr. James Taylor dated February 13, 1995, which you wrote in response to certain points in the staff's letter dated January 27, 1995, to Senator Moseley-Braun. Concerns regarding the modification of the security force organizations at Commonwealth Edison Company's LaSalle County, Dresden and Zion Nuclear Power Stations are the issue in the correspondence.

Your letter discussed the difference between job performance and job accomplishment. The staff recognizes this distinction, and expects that a professional security force will perform its job to the best of its ability and accomplish its assigned task if called upon. The staff's initial action to monitor the efficacy of a security plan is to evaluate it against the requirements contained in 10 CFR Part 73 and its associated appendices. Within these requirements, licensees may design and change their security plans to suit site specific needs. In accordance with the provisions of 10 CFR 50.54(p), a licensee may make changes to its security plan without prior Commission approval if the changes do not decrease the safeguards effectiveness of the plan. The ability of the security force to accomplish its mission is monitored and evaluated periodically by the Nuclear Regulatory Commission (NRC) in periodic security inspections to ensure that the security force continues to be capable of performing its intended function.

The security plan requirements that are enforced by the NRC are contained in 10 CFR Part 73 and its associated appendices. If a licensee's security plan complies with the regulations and the performance of its security force is satisfactory, the licensee has met the requirements of the regulations. If an interested person wishes to have the Commission issue, amend or rescind a regulation, there is a provision for this called a petition for rulemaking which I briefly explained to you in our phone conversation of February 17, 1995. As I said at the time, paragraph 10 CFR 2.802(b) governs the contact of NRC staff members with prospective petitioners. It requires that in any consultation before the filing of a petition for rulemaking, the assistance that may be provided to a prospective petitioner by a member of the NRC staff is limited to:

Describing the procedure and process for filing and responding to a petition for rulemaking;

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ACRS

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T. Brem

LaSalle County Station  
Unit Nos. 1 and 2

cc:

Phillip P. Steptoe, Esquire  
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Attorney General  
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Chairman  
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Chief, Public Utilities Division  
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Michael I. Miller, Esquire  
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Chicago, Illinois 60690

T. Brem

Dresden Nuclear Power Station  
Unit Nos. 2 and 3

cc:

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Mr. Thomas P. Joyce  
Site Vice President  
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Mr. J. Eenigenburg  
Station Manager, Unit 2  
Dresden Nuclear Power Station  
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Mr. D. Bax  
Station Manager, Unit 3  
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Regional Administrator  
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Office of Nuclear Facility Safety  
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Springfield, Illinois 62704

Chairman  
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Morris, Illinois 60450

T. Brem

Zion Nuclear Power Station  
Unit Nos. 1 and 2

cc:

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Phillip Steptoe, Esquire  
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Mayor of Zion  
Zion, Illinois 60099

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Office of Nuclear Facility Safety  
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Station Manager  
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Mr. D. L. Farrar  
Manager, Nuclear Regulatory Services  
Commonwealth Edison Company  
Executive Towers West III  
1400 Opus Place, Suite 500  
Downers Grove, IL 61515

## Subpart H—Rulemaking

### § 2.800 Scope of rulemaking.

This subpart governs the issuance, amendment and repeal of regulations in which participation by interested persons is prescribed under section 553 of title 5 of the U.S. Code.

### Nuclear Regulatory Commission

[35 FR 11459, July 17, 1970]

#### § 2.801 Initiation of rulemaking.

Rulemaking may be initiated by the Commission at its own instance, on the recommendation of another agency of the United States, or on the petition of any other interested person.

#### § 2.802 Petition for rulemaking.

(a) Any interested person may petition the Commission to issue, amend or rescind any regulation. The petition should be addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Chief, Docketing and Service Branch.

(b) A prospective petitioner may consult with the NRC before filing a petition for rulemaking by writing the Director, Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Chief, Regulatory Publications Branch. A prospective petitioner may also telephone the Regulatory Publications Branch on (301) 492-7086 or toll free on (800) 368-5642.

(1) In any consultation prior to the filing of a petition for rulemaking, the assistance that may be provided by the NRC staff is limited to—

(i) Describing the procedure and process for filing and responding to a petition for rulemaking;

(ii) Clarifying an existing NRC regulation and the basis for the regulation; and

(iii) Assisting the prospective petitioner to clarify a potential petition so that the Commission is able to understand the nature of the issues of concern to the petitioner.

(2) In any consultation prior to the filing of a petition for rulemaking, in providing the assistance permitted in paragraph (b)(1) of this section, the NRC staff will not draft or develop text or alternative approaches to address matters in the prospective petition for rulemaking.

(c) Each petition filed under this section shall:

(1) Set forth a general solution to the problem or the substance or text of any proposed regulation or amendment, or specify the regulation which is to be revoked or amended;

(2) State clearly and concisely the petitioner's grounds for and interest in the action requested;

(3) Include a statement in support of the petition which shall set forth the specific issues involved, the petitioner's views or arguments with respect to those issues, relevant technical, scientific or other data involved which is reasonably available to the petitioner, and such other pertinent information as the petitioner deems necessary to support the action sought. In support of its petition, petitioner should note any specific cases of which petitioner is aware where the current rule is unduly burdensome, deficient, or needs to be strengthened.

(d) The petitioner may request the Commission to suspend all or any part of any licensing proceeding to which the petitioner is a party pending disposition of the petition for rulemaking.

(e) If it is determined that the petition includes the information required by paragraph (c) of this section and is complete, the Director, Division of Freedom of Information and Publications Services, or designee, will assign a docket number to the petition, will cause the petition to be formally docketed, and will deposit a copy of the docketed petition in the Commission's Public Document Room. Public comment may be requested by publication of a notice of the docketing of the petition in the FEDERAL REGISTER, or, in appropriate cases, may be invited for the first time upon publication in the FEDERAL REGISTER of a proposed rule developed in response to the petition. Publication will be limited by the requirements of section 181 of the Atomic Energy Act of 1954, as amended, and may be limited by order of the Commission.

(f) If it is determined by the Executive Director for Operations that the petition does not include the information required by paragraph (c) of this section and is incomplete, the petitioner will be notified of that determination and the respects in which the petition is deficient and will be accorded an opportunity to submit additional data. Ordinarily this determination will be made within 30 days from the date of receipt of the petition by the Office of the Secretary of the Com-

mission. If the petitioner does not submit additional data to correct the deficiency within 90 days from the date of notification to the petitioner that the petition is incomplete, the petition may be returned to the petitioner without prejudice to the right of the petitioner to file a new petition.

(g) The Director, Division of Freedom of Information and Publications Services, Office of Administration, will prepare on a quarterly basis a summary of petitions for rulemaking before the Commission, including the status of each petition. A copy of the report will be available for public inspection and copying for a fee in the Commission's Public Document Room, 2120 L Street, NW., Washington, DC.

[44 FR 61322, Oct. 25, 1979, as amended at 46 FR 35487, July 9, 1981; 52 FR 31609, Aug. 21, 1987; 53 FR 43419, Oct. 27, 1988; 53 FR 52993, Dec. 30, 1988; 54 FR 53315, Dec. 28, 1989; 56 FR 10360, Mar. 12, 1991]

Clarifying an existing NRC regulation and the basis for the regulation;  
and

Assisting the prospective petitioner to clarify a potential petition so that the Commission is able to understand the nature of the issues of concern to the petitioner.

Paragraph (b) also specifies that in providing the assistance that is permitted, the NRC staff will not draft or develop text or alternative approaches to address matters in a prospective petition for rulemaking. This means that the NRC staff will not prepare or assist an external party in the preparation of a petition for rulemaking. If you decide to pursue this course of action and need guidance regarding the submission and processing of a petition for rulemaking, you should contact Michael Lesar of the Rules Review Section of the Rules Review and Directives Branch, Office of Administration, at (301) 415-7163. Enclosed for you convenience is a copy of 10 CFR Part 2, Subpart H, Sections 2.800, 2.801, and 2.802, which pertains to rulemaking.

An additional issue raised in your February 13, 1995, letter was that hundreds of letters to Chairman Selin on the subject of nuclear site security were unanswered. The NRC staff has no knowledge of the total number of letters that were sent to Chairman Selin, but it responded to all the letters it received for which there was a legible return address, a total of 39 letters. In some instances, considerable effort was expended to determine the name of the person and his/her address so that the staff could reply.

The NRC will continue to monitor and evaluate the effectiveness of Commonwealth Edison Company's security plan at its nuclear station sites to ensure that there is no decline in security force performance associated with security plan modifications. If I can be of any further assistance to you, please call me at (301) 415-3101.

Sincerely,  
original signed by:  
Clyde Y. Shiraki, Project Manager  
Project Directorate III-2  
Division of Reactor Projects III/IV  
Office of Nuclear Reactor Regulation

Docket Nos. 50-373, 50-374, 50-237,  
50-249, 50-295, and 50-304

Enclosure: 10 CFR Part 2, Subpart H,  
Sections 2.800, 2.801,  
and 2.802

cc w/encl: See next page

<b>Distribution:</b>	Docket File	PUBLIC (w/incoming)	EDO#0000125
J. Taylor	J. Milhoan	H. Thompson	J. Blaha
W. Russell/F. Miraglia	R. Capra	R. Zimmerman	PDIII-2 r/f (w/incoming)
E. Adensam	NRR Mail Room (EDO#000125 w/incoming)	OGC	OPA
OCA	C. Shiraki (w/incoming)		N. Olson
C. Hawes	P. Hiland RIII	L. Miller RIII	C. Moore
B. Clayton RIII			C. Pederson RIII
L. Cunningham			

\*See previous concurrence

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NAME	DFOSTER-CURSEEN	CSHIRAKI	CPEDERSON*	LCUNNINGHAM*	RCAPRA	Rw	
DATE	03/23/95	03/21/95	03/16/95	03/16/95	03/21/95		

DOCUMENT NAME: SHIRAKI\BREM.LTR

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DATE	03/23/95		03/21/95		03/16/95		03/16/95		03/21/95	

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Division of Reactor Projects III/IV  
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L. Cunningham			

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**ACTION**

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FROM:

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DOC DT: 02/13/95

FINAL REPLY:

Thomas Brem  
General Service Employees Union

TO:

James M. Taylor

FOR SIGNATURE OF :

\*\* GRN \*\*

CRC NO:

DESC:

SECURITY CONCERNS AT LASALLE, DRESDEN & ZION  
NUCLEAR STATION

ROUTING:

Taylor  
Milhoan  
Thompson  
Blaha  
JMartin, RIII

DATE: 02/15/95

ASSIGNED TO:

CONTACT:

NRR

Russell

SPECIAL INSTRUCTIONS OR REMARKS:

Ref. EDO 10116  
For Appropriate Action



# General Service Employees Union SEIU AFL-CIO, CLC

1165 North Clark Street, Suite 500  
Chicago Illinois 60610-2884  
PH.(312)787-5868 FAX(312)337-7768

Tom Balanoff  
President

Al Washington  
Secretary Treasurer

Pia Davis  
Vice President

Tom Brem  
Recording Secretary

February 13, 1995

Mr. James M. Taylor, Executive Director  
Operations  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

RE: **Security Concerns At  
LaSalle, Dresden, &  
Zion Nuclear Station**

Dear Mr. Taylor:

This has reference to the above matter. Specifically, I am in receipt of a copy of your January 27, 1995, letter to Senator Moseley-Braun.

Your follow up to Senator Moseley-Braun's letters is certainly appreciated. This is especially true since hundreds of similar letters from citizens to Commissioner Selin requesting a response have gone unanswered.

A couple of the points you make in your letter, however, require a response. You indicate, for instance, that "*staff did not observe a decline in security force performance*" during an inspection. I would expect no less since these are highly trained, dedicated professionals with many years of experience. Although, frankly, under Burns International Security's (the security contractor for ComEd) current plan to reduce the entire workforce to part-time or temporary workers, I can't say how long this professionalism will continue.

There is a key distinction, though, between job performance and job accomplishment. If, for example, the Secret Service agents protecting the President were disarmed, I am confident they would continue to perform their jobs as professionally as they do now. Their ability to accomplish their mission, however, would be severely reduced.

It is the same with Nuclear Security. The officers are continuing to perform the tasks assigned them. Their ability to protect the plant in case of an emergency has been severely limited!

Mr. James M. Taylor  
U.S. Nuclear Regulatory Commission  
February 13, 1995  
Page 2

The second point you appear to raise is that the NRC is either powerless to prevent a reduction in armed guards or agrees that it is an appropriate position to take. Although this was done, I would point out, without an opportunity for input from citizens concerned about security of nuclear plants. I assume this falls under the guidelines expressed in 10 CFR.

It would appear then, that our remedy would lie not within the NRC but rather through legislation directing a change in 10 CFR to require more realistic minimum standards, given today's more unsettled world situation.

Once again, I appreciate your response to Senator Moseley-Braun's inquiries.

Sincerely,



Thomas Brem  
Recording Secretary  
Political Director

cc: Thomas Balanoff  
Senator Carol Moseley-Braun

TB/baw