

Title 10 - Energy

CHAPTER I - NUCLEAR REGULATORY COMMISSION

Part 73 - PHYSICAL PROTECTION OF PLANTS AND MATERIALS

Requirements for the Physical Protection of Nuclear Power Plants

AGENCY: U.S. Nuclear Regulatory Commission

ACTION: Effective rule.

SUMMARY: The date when pat-down searches of regular employees at nuclear power plants, two-man rule procedures and additional compartmentalization have to be implemented for protection against insider sabotage is being changed from November 1, 1979 to November 1, 1980. The delay is being granted to allow the Commission time to evaluate the effectiveness of alternative means for protecting against the insider threat. It was noted in 44 FR 47758 (August 15, 1979) that the Commission was considering the Hearing Board's recommendations (and other alternatives) on a program to assure trustworthiness of individuals at nuclear power plants before a final decision on the need for pat-down searches of regular employees, two-man rule procedures and additional compartmentalization is made; the Commission is still evaluating these alternatives.

EFFECTIVE DATE: November 16, 1979

FOR FURTHER INFORMATION CONTACT: Mr. T. S. Michaels, Safeguards Standards Branch, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301/443-5903

1401 239

7911270076

SUPPLEMENTARY INFORMATION: On July 31, 1979, the Commission changed the date from August 1, 1979, to November 1, 1979, when pat-down searches of regular employees of nuclear power plant licensees, two-man rule procedures and compartmentalization to provide protection against insider sabotage at nuclear power plants had to be implemented. The rationale for this extension was developed in the Federal Register notice on this subject, 44 FR 47758, August 15, 1979.

It was noted in 44 FR 47758 that the Commission was considering the Hearing Board's recommendations (and other alternatives) on a program to assure trustworthiness of individuals at nuclear power plants before a decision on the need for pat-down searches of regular employees, two-man rule procedures and additional compartmentalization could be made; the Commission is still evaluating these and other alternatives. Accordingly, the date when pat-down searches of regular employees at nuclear power plants, two-man rule procedures, and additional compartmentalization for protection against insider sabotage become effective is being changed from November 1, 1979 to November 1, 1980.

In the meantime, all licensees have met all the other requirements of 10 CFR 73.55, and the Commission is satisfied that these other measures, combined with search procedure presently being followed and other actions taken to assure more positive access control to type I vital areas, will in total, for the interim, provide an acceptable level of protection against sabotage by an insider at nuclear power plants.

The Commission has determined that this action is consistent with the common defense and security and the protection of public health and

safety. The Commission has, for good cause, found that notice and public procedure on this amendment are unnecessary because of the earlier public participation in the rulemaking proceeding leading to 10 CFR 73.55. The amendment is also made effective immediately on publication in the FEDERAL REGISTER (date of publication in the FEDERAL REGISTER) because it serves to relieve a restriction that would otherwise be imposed on affected licensees of the Commission on November 1, 1979.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10 Chapter I, Code of Federal Regulations, Part 73 is published as a document subject to codification.

§ 73.55 [Amended]

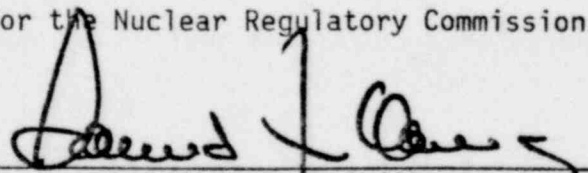
1. Section 73.55 of 10 CFR Part 73 is amended to change the date of November 1, 1979 to November 1, 1980, in the second to last sentence of the unnumbered prefatory paragraph of this section.

Effective date: November 16, 1979

(Sec. 161, Pub. L. 83-703, 68 Stat. 948, Pub. L. 93-377, 88 Stat. 475; Sec. 201, Pub. L. 93-438, 88 Stat. 1242-1243, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 2201, 5841).)

Dated at Washington, D.C., this 13th day of November 1979.

For the Nuclear Regulatory Commission.


 Samuel J. Chilk
 Secretary of the Commission

1401 241