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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 August 1, 1979 to November 1, 1979. The delay is being granted for essentially the same reasons cited in the Federal Register notice of February 28, 1979, 44 FR 11201. It was noted in 44 FR 11201 that the Commission was awaiting the results of the Hearing Board Report on the Material Access Authorization Program before a decision on the need for pat-down searches of regular employees at nuclear power plants, two-man rule procedures and compartmentalization could be made. The Commission received this report April 1979, and is presently evaluating the recommendations of this report.

EFFECTIVE DATE: August 15, 1979

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: On February 28, 1979 the Commission changed the date from February 23, 1979 to August 1, 1979 when pat-down searches of

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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 11201.

The primary reason for delaying implementation of these measures was that the Commission needed to consider them in light of the material access authorization program and was awaiting the findings of the Hearing Board before making a decision on the measures. The Hearing Board submitted their report to the Commission, April 1979, and the Commission is now evaluating the findings. The Hearing Board recommendations were different from those of the staff for nuclear power plants. That is, whereas the staff recommended a material access authorization program consisting of a full field background investigation for individuals granted unescorted access to Type I vital areas, the Hearing Board recommended among other things a national agency check and a psychological screening program. The staff has informed the Commission that if the Hearing Board's recommendations are adopted the elements of this program would require additional time to implement through rulemaking procedure.

Clearly, more time will be needed to evaluate the Hearing Board's recommendations. In the meantime all licensees have met all the other requirements of section 73.55 and the Commission is satisfied that these other measures combined with search procedures presently being followed, and other actions being developed to assure more positive access control to type I vital areas, will in total, for the interim, provide adequate protection against sabotage by an insider at nuclear power plants. The

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Commission, therefore, has decided to delay from August 1, 1979 to November 1, 1979, the date when pat-down searches of regular employees and these other complementary or alternatives measures to pat-down searches have to be implemented.

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 August 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 72 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 August 1, 1979 to November 1, 1979, in the second to last sentence of the unnumbered prefatory paragraph of this section.

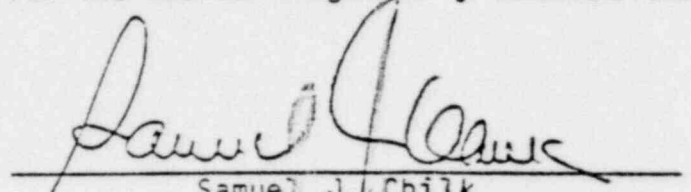
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(Sec. 161i, Pub. L. 83-703, 68 Stat. 948, Pub. L. 93-377, 88 Stat. 475;
Sec. 201, Pub. L. 93-438, 88 Stat. 1242-1243, Pub. L. 94-79, 89 Stat. 413
(U.S.C. 2201, 5841).)

Dated at Washington, D.C., this 9th day of August 1979.

For the Nuclear Regulatory Commission.



Samuel J. Chilk
Secretary of the Commission

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