

January 24, 1979

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

SECY-79-59

Encl. To  
2-8-79 TRANS  
73.55

CONSENT CALENDAR ITEM

For: The Commissioners  
From: Robert B. Minogue, Director, Office of Standards Development  
Thru: Executive Director for Operations *JM*  
Subject: PROPOSED AMENDMENT TO 10 CFR PART 73.55 TO EXTEND THE IMPLEMENTATION DATE FOR CERTAIN COMPLEMENTARY AND ALTERNATIVE MEASURES FOR PROTECTION AGAINST THE INSIDER THREAT

PURPOSE: To obtain Commission approval to extend the final implementation date for physical "pat-down" searches of regular employees of licensees and for certain other complementary and alternative measures for protection against insider sabotage at nuclear power plants.

Category: A matter requiring Commission action.

Issues: Whether to extend the time for implementing requirements for pat-down searches of regular employees and certain other complementary or alternative measures to protect against an insider until the Commission has had time to consider the Hearing Board recommendations on the material access authorization program and its implications on these measures. The specific measures to be deferred are "pat-down" searches, compartmentalization and the two-man rule.

Decision Criteria:

1. Extent to which delay of pat-down searches, compartmentalization and the two-man rule would cause an unwarranted safeguards risk from an insider.
2. Extent to which security systems to protect against the insider would become more cost-effective if implementation of pat-down searches, the two-man rule and compartmentalization were collectively delayed so that they can be assessed in context with a material access authorization program.

Discussion: Implementation of pat-down searches of regular employees of nuclear power plants before they are allowed into a protected area was first modified on September 29, 1977 (42 FR 51607) (Enclosure "B") to exclude searching of all regular employees at the site except for a well grounded suspicion that they may be carrying firearms, explosives, or incendiary devices. The date to complete this

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implementation was also changed from May 25, 1977 to August 24, 1978. A detailed procedure for conducting this interim search (Enclosure "D") was developed by staff and is presently being followed.

The time for implementing pat-down searches was further extended to February 23, 1979 on August 7, 1978 (43 FR 34765) because the Commission had under consideration a material access authorization program and wanted to evaluate the need for pat-down searches in light of this program. Enclosure "E" provides further background on this subject.

The material access authorization program was proposed for comment on March 17, 1977 (42 FR 14880). Because of many comments from industry and the public and because of the complex issues involved, the Commission held a public hearing on July 10, 11, and 12, 1978. The Hearing Board which presided at the meetings is expected to present their findings to the Commission on January 29, 1979. The material access authorization program or an equivalent program which provides assurance that individuals are trustworthy when coupled with other complementary or alternative measures of a licensee physical security system will provide high assurance of protection against sabotage by an insider. Other complementary or alternative measures that have been considered by the staff are pat-down searches, two-man rule procedures, compartmentalization and others. Two-man rule procedures and compartmentalization while not specifically identified in the regulations have been developed during the implementation of Section 73.55 in order to satisfy the performance requirements of that regulation. The staff believes that additional time is needed to evaluate these complementary or alternative measures in context with a decision on the material access authorization program.

The staff believes that delay of pat-down searches, compartmentalization and the two-man rule will not cause an unwarranted safeguards risk because most licensees will have met all the other requirements of Section 73.55 and these combined with search procedures presently being followed (see Enclosure "D") provide adequate protection against sabotage at nuclear power plants by an insider for the short additional period of time involved.

Furthermore, the staff believes that the material access authorization program or an equivalent program which provides assurance that individuals are trustworthy will add in large measure to the protection against the insider. To implement pat-down searches, two man-rule procedures and compartmentalization before a Commission consideration of the material access authorization program would

be a "decision by default" and would force an interim solution to the insider threat which may not be cost-effective in light of the final decision on the material access authorization program.

Recommendation:

That the Commission:

1. Approve for publication in final form the amendments to 10 CFR Part 73 set forth in Enclosure "A" which would extend the time for implementation of pat-down searches until May 23, 1979. Also, the Statement of Considerations would reflect that implementation of the two-man rule procedures and compartmentalization would also be delayed until May 23, 1979.
2. Note that staff considers the material access authorization program to be an important factor in safeguard program effectiveness.
3. Note that this action effectively permits further delay of action on the petition for rulemaking addressed in SECY 78-210 of April 14, 1978 so that Commission action on the recommendations in that paper are still not necessary. The petitioner will be notified of this additional delay action.
4. Note that the appropriate Congressional Committees will be notified of this action prior to publication of the effective amendment.
5. Note that a public announcement of this action will not be issued.
6. Note that this action will not require additional NRC or Licensee resources to implement.

Coordination:

The Offices of Nuclear Reactor Regulation, Nuclear Material Safety and Safeguards, and Inspection and Enforcement concur in the recommendations of this paper. The Office of the Executive Legal Director has no legal objection to the recommendations of this paper. The Office of Public Affairs indicates that a public announcement is not warranted.

Scheduling:

For affirmation at an early policy session.

Sunshine Act  
Recommendation:

It is recommended that this paper be considered in an open meeting. The Executive Director for Operations concurs in this recommendation.

  
Robert B. Minogue, Director  
Office of Standards Development

Enclosures:

- "A" - Proposed FEDERAL REGISTER Notice
- "B" - 42 FR 51607
- "C" - 43 FR 34765
- "D" - Interim Search Procedures for Implementation of § 73.55(d)(1)
- "E" - Background on Pat-down Searches

Commissioners' comments or consent should be provided directly to the Office of the Secretary by c.o.b. Tuesday, February 6, 1979.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT January 31, 1979, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

This paper is tentatively scheduled for affirmation at an Open Meeting during the Week of February 12, 1979. Please refer to the appropriate Weekly Commission Schedule, when published, for a specific date and time.

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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, the two-man rule and compartmentalization have to be implemented for protection against insider sabotage is being changed from February 23, 1979 to May 23, 1979. The delay is being granted because the pat-down searches and these other complementary or alternative measures are part of an overall physical security system in which material access authorization plays a major role. Since the Nuclear Regulatory Commission is presently evaluating the Material Access Authorization Program it has decided to postpone the need for pat-down searches and these other complementary or alternative measures for protection against sabotage by an insider until such time as a decision on the Material Access Authorization Program is made.

EFFECTIVE DATE: (Date of publication in Federal Register)

FOR FURTHER INFORMATION CONTACT:

Mr. Robert A. Clark, Chief  
Reactor Safeguards Licensing Branch  
Office of Nuclear Reactor Regulations  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555, phone 301-492-7230

SUPPLEMENTARY INFORMATION: Implementation of pat-down searches of regular employees of nuclear power plants before they are allowed into a protected area was first modified on September 29, 1977 (42 FR 51607) to exclude searching of all regular employees at the site except for a well grounded suspicion that they may be carrying firearms, explosives, or incendiary devices. The date to complete this implementation was also changed from May 25, 1978 to August 24, 1978. A detailed procedure for conducting a search was developed by the Commission, however, and is presently being followed. The time for implementing pat-down searches was further extended to February 23, 1979 on August 7, 1978 (43 FR 34765) because the Commission had under consideration a material access authorization program and wanted to evaluate the need for pat-down searches in light of this program.

The material access authorization program was proposed for comment on March 17, 1977, (42 FR 14880). Because of many comments from industry and the public and because of the complex issues involved the Commission held a public hearing on July 10, 11, and 12, 1978. The Hearing Board which presided at these meetings is expected to present their findings to the Commission on January 29, 1979.

The material access authorization program, or an equivalent program which provides assurance that individuals are trustworthy, when coupled with the licensee's physical security system will provide high assurance of protection against sabotage by an insider. Other complementary or alternative measures that have been considered by the

Commission in lieu of the material access authorization program are pat-down searches, two-man rule procedures, and compartmentalization. The latter two measures while not specifically identified in the regulations have been developed during the implementation of Section 73.55 in order to comply with the performance requirements of that regulation. The Commission needs more time to evaluate these complementary or alternative measures in context with a decision on the material access authorization program.

In consideration of: (1) the recognized value of the material access authorization program or an equivalent program to the final determination of protecting against the insider; and (2) the relatively short time before a decision will be reached on that program; and (3) the need to avoid an interim solution to the "insider threat" which may not be cost-effective; and (4) the fact that most licensees will have met all the other requirements of section 73.55, the Commission is satisfied that these other measures combined with search procedures presently being followed will in total, for the interim, provide adequate protection against sabotage by an insider at nuclear power plants. The Commission, therefore, has decided to delay the date when pat-down searches and these other complementary or alternative measures have to be implemented from February 23, 1979 to May 23, 1979.

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) because it serves to relieve a restriction that would otherwise be imposed on affected licensees of the Commission on February 23, 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 February 23, 1979 to May 23, 1979 in the second to last sentence of the unnumbered prefatory paragraph of this section.

Effective date: (date of publication)

(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 \_\_\_\_\_ day of \_\_\_\_\_

For the Nuclear Regulatory Commission.

\_\_\_\_\_  
Samuel J. Chilk  
Secretary of the Commission

[ 7590-01 ]

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: As a result of a number of objections raised with respect primarily to pat-down searches of licensee employees prior to admittance to the protected area of a nuclear power reactor, and the Commission's further consideration of the matter, the Nuclear Regulatory Commission is amending its regulations to delay implementation of the physical search requirement for regular employees of a licensee at nuclear power reactor sites.

EFFECTIVE DATE: September 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. R. J. Jones, Chief, Materials Protection Standards Branch, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301-443-6973).

SUPPLEMENTARY INFORMATION: On February 24, 1977, the Nuclear Regulatory Commission published in the FEDERAL REGISTER (42 FR 10826) effective amendments to its regulations in 10 CFR Part 73, "Physical Protection of Plants and Materials." One requirement included in these amendments was to search individuals for firearms, explosives, and incendiary devices. The regulation specified that the search function would be conducted by a physical search or by use of equipment capable of detecting such devices. The requirements involving procedural measures were scheduled for implementation by May 25, 1977, and those involving use of equipment were scheduled for implementation by August 24, 1978, or earlier if the equipment were installed. Since equipment now available is not capable of detecting all types of explosives and incendiary devices, the search requirement calls for additional measures, such as random physical searches, to provide high assurance of protecting against industrial sabotage.

The Commission is reassessing the implications of physical "pat-down" searches of licensee employees and their value as a part of a total physical system considering their relation to other features of the security systems required by the new amendments. The issue is quite complex and involves ramifications of employee morale and the effectiveness of the search per se and in the context of the total security system. The Commission believes that the question of pat-down searches warrants more deliberate and thorough review, with extensive solicitation of public review and comments,

before the utility licensees are required to use such searches for their employees. The Commission, therefore, is amending its regulations to delay the implementation of physical searches of utility licensee employees until August 24, 1978, the date when implementation of all of the requirements of § 73.55 is required, to provide time for reexamination of the impact and value of such searches.

Public comment on the issue has been solicited in connection with a petition for rule making noticed in the FEDERAL REGISTER of September 15, 1977 (42 FR 46431; NRC docket PRM-73-2). The Commission has determined that this action is consistent with the common defense and security and protection of public health and safety. The Commission has further found that, in view of the opportunity for comment already afforded prior to publication of the rules on February 24, 1977, and the fact that the amendment set forth below serves to relieve a restriction, notice and public procedure on the amendment are unnecessary, and that the amendment may be made effective upon publication in the FEDERAL REGISTER.

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.

1. Section 73.55 of 10 CFR Part 73 is amended by adding the following sentences to the unnumbered prefatory paragraph:

§ 73.55 Requirements for physical protection of licensed activities in nuclear power reactors against industrial sabotage.

\* \* \* Except for individuals for whom the licensee has a well-grounded suspicion that such individuals are carrying firearms, explosives or incendiary devices, a licensee need not implement the physical search requirement of paragraph (d)(1) of this section for individuals who are regular employees of the licensee at the site at which the licensee is authorized to operate a nuclear power reactor pursuant to Part 50 of this Chapter until August 24, 1978, unless the Commission directs otherwise prior to that date. Until that date and pending its further review of this subject, the Commission has determined that the search requirement of paragraph (d)(1) of this section, implemented using only equipment capable of detecting firearms, explosives and incendiary devices, satisfies the performance requirements of this section as they apply to searches of regular employees of the licensee at the site entering the protected area of the nuclear power reactor.

Effective date: September 29, 1977.

(Sec. 1611, Pub. L. 83-703, 58 Stat. 948; Pub. L. 95-377, 88 Stat. 478; sec. 201, Pub. L. 93-438, 58 Stat. 1242-1243; Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 2201, 2041)).

Dated at Washington, D.C., this 27th day of September 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHALK,

Secretary of the Commission.

[FR Doc 77-28601 Filed 9-28-77; 9:10 am]

[7590-01]

**PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS**

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Extending date for full implementation of rule.

**SUMMARY:** Because of delays in receiving, installing and testing components of physical security systems at the various licensee facilities to fully implement 10 CFR 73.55 and because of the need for time in the decision process for the Commission's proposed material access authorization program, in particular with respect to its effect on the use of physical searches, the Nuclear Regulatory Commission is amending its regulations granting a one-time extension to delay full implementation of the physical protection requirements of 10 CFR 73.55 from August 24, 1978 to February 23, 1979. Licensees will be expected to expedite full implementation of the regulation, including purchases and installation of both explosive and metal detectors by February 23, 1979.

**EFFECTIVE DATE:** August 7, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Robert A. Clark, Chief, Reactor Safeguards Licensing Branch, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301-492-7230.

**SUPPLEMENTARY INFORMATION:** On February 24, 1977, the Nuclear Regulatory Commission published in the FEDERAL REGISTER (42 FR 10336) effective amendments to its regulations in 10 CFR part 73 "Physical Protection of Plants and Materials." These amendments identified measures to be taken for the protection of nuclear power reactors against industrial sabotage in the interest of common defense and security and the public health and safety. The licensees are required to implement their security plan and comply with these increased protection requirements by August 24, 1978. Most licensees have worked toward expeditious and full implementation of these requirements. However due to: (1) Delays in receiving long lead-time equipment and obtaining specific equipment which is not readily available, (2) delays in construction caused by adverse weather conditions, and (3) delays in installation and testing of equipment, some licensees have indicated they will not be in full compliance with these amended regulations by August 24, 1978.

On September 20, 1977 the Nuclear Regulatory Commission published in the FEDERAL REGISTER (42 FR 51607)

an amendment to one of the requirements of the effective rule relieving until August 24, 1978, or until the Commission directs otherwise prior to that date, the physical "pat down" search requirement for individuals who are regular employees of the licensee at the site at which the licensee is authorized to operate a nuclear power reactor. However, the impact of the proposed material access authorization program, now under consideration by the Commission, on the need for physical "pat down" searches of licensee employees will not be known until the Commission has made a final decision on whether to require such a program. Public hearings on the program have just been completed so that the Commission decision on the program is not expected until after August 24, 1978. The staff considers the material access authorization program to be an important factor in safeguards program effectiveness. The Commission is also satisfied that the use of electronic metal and explosive search devices for licensee employees is fully satisfactory as an interim measure for detecting devices which could be used for industrial sabotage.

In consideration of: (1) The need for extension of implementation time; (2) the recognized value of the Commission's material access authorization program; and (3) the lack of urgency to require "pat down" searches for employees, the Nuclear Regulatory Commission has decided to delay, granting a one-time extension to the full implementation requirement of 10 CFR 73.55 from August 24, 1978 to February 23, 1979. The February 23, 1979 date to establish full implementation is final. Licensees are expected to expedite full implementation of the regulation, including the purchase and installation of both explosive and metal detectors by that date.

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 all affected persons will receive the benefit of having more time to meet the requirements of 10 CFR 73.55. The amendment is also made effective immediately on publication in the FEDERAL REGISTER (August 7, 1978) because it serves to relieve a restriction currently imposed on affected licensees of the Commission.

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 pub-

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RULES AND REGULATIONS

lished 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 24, 1978 to February 23, 1979 in the three places it appears in the unnumbered prefatory paragraph, including the sentences which were added pursuant to the FEDERAL REGISTER notice of September 29, 1977 (42 FR 51607).

Effective date: August 7, 1978.

(Sec. 1611, 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 1st day of August, 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILE,

*Secretary of the Commission.*

[FR Doc. 78-21793 Filed 8-4-78; 8:45 am]

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ENCLOSURE "D"

INTERIM SEARCH PROCEDURES FOR IMPLEMENTATION

OF § 73.55(d)(1)

The prefatory paragraph of 10 CFR 73.55 as amended September 29, 1977 states that the performance requirements of paragraph (d)(1) as they apply to searches of regular employees of the licensee at the site may be satisfied using only equipment capable of detecting firearms, explosives and incendiary devices. Acceptable metal detectors and explosive searching devices of the type currently available are deemed capable of detecting firearms, explosives and incendiary devices for regular employees of the licensee at the site. Such equipment, if not currently in operation must be purchased and made operational as soon as possible if the licensee using this option is to be in compliance with the performance requirements of 10 CFR 73.55. A regular employee of a licensee is one who is a full time permanent employee whose permanent work station is at the site or those employees of the licensee who report regularly to the site (at least once per week) and includes employees of licensee contractors who are regularly employed at the site. All other personnel\* are required by

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\* All NRC employees are subject to the search requirements of 73.55(d)(1). NRC resident inspectors will be searched in the same manner as regular employees of the licensee at the site. Other NRC personnel that have a government granted security clearance will be searched in the same manner as licensee employees who are not regularly employed at the site as long as (1) they can properly identify themselves; and (2) they have been previously identified by the Director of the Regional Office.

10 CFR 73.5b(d)(1) to be searched at points of personnel access to the protected area. The following are acceptable methods for satisfying these requirements:

(a) A search program consisting of:

(1) processing all individuals through an acceptable metal detector, (2) processing all individuals through an explosives search device of the types currently available, (3) conducting a "hands-on" search of at least 5% (selected randomly) of all licensee's employees who are not regularly employed at the site, (4) searching a regular employee at the site with a "hands-on" search, when the licensee has a well-grounded suspicion that the individual may be carrying firearms, explosives or incendiary devices, (5) conducting a "hands-on" search of all other individuals, and (6) subjecting all outer garments such as the coats or heavy sweaters of each individual who is not a regular employee at the site to the search requirements at the entry to the protected area. The process and procedures which select the individuals to be subjected to a "hands-on" search on a random basis must: (1) require the search to be conducted when the random selection process indicates, regardless of who the person to be searched is, and (2) ensure that an individual entering the search process area cannot know in advance if he or she will be selected for the "hands-on" search.

(b) For those facilities which have only metal detectors installed and operable, the personnel search program for non-regular employees described in (a)(3) above is acceptable provided that the percentage of

individuals randomly selected for "hands-on" search is increased to at least 10%. For those facilities which have only an explosives searching system in operation, the "hands-on" search requirement of (c) below applies.

(c) For those facilities which have neither metal detectors nor explosives searching devices installed and operable, the personnel search program for non-regular employees described in (a)(3) above is acceptable provided that the percentage of individuals randomly selected for "hands-on" search is increased to at least 20%.

ENCLOSURE "E"

BACKGROUND ON PAT-DOWN SEARCHES

The Commission published the physical security requirements for nuclear power plants (10 CFR 73.55) on February 24, 1977 (42 FR 10836). One of the requirements, 73.55(d)(1), published at that time stipulated that "search of all individuals shall be made" at all points of personnel and vehicle access into a protected area, and that this search "shall be conducted either by a physical search or by use of equipment capable of detecting such devices." Explosives was one of the devices that had to be detected; equipment to reliably detect all types of explosives or under shielded conditions is not available.

The initiation of physical searches (pat-down) at plants prompted objections by unions, individual employees, utility management and members of Congress. One union local attempted to forestall implementation of physical pat-down searches by a court injunction and a petition by Wisconsin Electric Power Company, et.al., was received and noted by the Commission which requested, in effect, removal of the search requirement and dependence on instrument searches unless the licensee determined that physical searches were appropriate. As a result of this public comment the Commission amended the prefatory paragraph of section 73.55 by adding additional sentences to qualify who should be searched and under what condition the search should occur. Also, the implementation date was changed from May 25, 1977 to August 24, 1978 and permitted instrument searches to satisfy the search of regular employees of the licensee at the site. SECY 77-499 presented these facts to the Commission along with the

Federal Register Notice which appeared on September 29, 1977 (42 FR 51607), Enclosure "B".

SECY 77-578 further addressed the issue of pat-down searches, responded to the petition by Wisconsin Electric Power Company to the effect that the Commission was not taking action on the petition pending a more thorough analysis of the effectiveness of pat-down searches and the value of alternatives to such searches, and discussed alternatives to the pat-down searches. These alternatives listed in Enclosure "F" of SECY 77-578 are as follows:

- a. search at vital areas (entry prevention)
- b. personnel change rooms (entry prevention)
- c. animals (entry prevention)
- d. uniform use of two-man rule (use prevention)
- e. compartmentalization (use prevention)
- f. prevention of detonation (use prevention)
- g. personnel reliability (entry and use prevention).

In the recommendations of the paper it was noted to the Commission that "one alternative that would provide a significant measure of increased protection is an NRC access clearance program such as currently under consideration by the Commission."

A follow-on staff paper, SECY 78-210, presented alternatives for Commission action with regard to the Petition by Wisconsin Electric Power Company. The alternative accepted by the Commission was to delay action on the petition and continued "implementation of search requirements in accordance with Enclosure "J" to SECY 78-210 (Enclosure "D" to this paper).

The basis for this choice as stated in SECY 78-210 was that a "material access authorization program coupled with the other elements of licensees physical protection systems will provide high assurance of protection against sabotage without physical searches of those persons holding access authorizations except for cause. In addition, such an access authorization program would provide enough assurance to eliminate in most instances, the need for additional compartmentalization or two-man rule procedures at existing operating nuclear power plants."

The date for implementing pat-down searches was further extended by SECY 78-210A to February 23, 1979. This extension was included as part of a more encompassing extension which granted similar time to implement the long lead time items required in section 73.55 because licensees were having difficulty in receiving, installing and testing equipment, and delays in construction caused by adverse weather conditions. The extension was noticed in the Federal Register on August 7, 1978 (43 FR 34765), Enclosure "C".

Encl. To  
2-8-7 Trans.  
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PURPOSE

TO OBTAIN COMMISSION APPROVAL OF 3 MONTH DELAY FOR:

PAT-DOWN SEARCHES

TWO-MAN RULE

COMPARTMENTALIZATION

## BACKGROUND

FEB. 24, 1977 - § 73.55 EFFECTIVE RULE PUBLISHED

(REQUIRED SEARCH PROCEDURES BY MAY 25, 1977)

SEPT. 29 1977 - 15 MONTH DELAY GRANTED

BASIS: NEED TO REVIEW QUESTION OF PAT-DOWN SEARCHES

AUG. 7, 1978 - 6 MONTH DELAY - TO FEB. 23, 1979

BASIS: A) EQPT. DELIVERY PROBLEMS

B) NEED DECISION ON MAAP

STATUS

EQUIPMENT - NO NEED FOR FURTHER DELAY

SEARCH RQMT - INTERIM PROCEDURES IN EFFECT

- MMAP NOT YET DECIDED

## STAFF RECOMMENDATION

GRANT 3 MONTH DELAY FOR:

- PAT-DOWN SEARCHES
- TWO-MAN RULE
- COMPARTMENTALIZATION

BASIS:

- 1) ADEQUATE INTERIM PROTECTION IN PLACE
- 2) NEED DEPENDS ON MWAP DECISION
- 3) COMMISSION NEEDS ADDITIONAL TIME
- 4) FAILURE TO DELAY = PAT-DOWN SEARCHES AND TWO-MAN RULE ON

FEBRUARY 23, 1979