



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

March 27, 1980

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To Attached Mailing List

In the Matter of
Metropolitan Edison Company, et al.
(Three Mile Island, Unit 1)
Docket No. 50-289

Dear Board Members and Parties:

In its "Supplement To NRC Staff Position On Need To Consider Class 9 Events," filed on March 21, 1980, the Staff referred to a paper that it had provided to the Commission on March 11, 1980 concerning the future treatment of Class 9 accidents under the National Environmental Policy Act. See id. at 4 n. 6. Enclosed you will find a copy of that document, which is entitled "Accident Considerations Under NEPA" and numbered SECY 80-131. I have also enclosed a copy of a Federal Register notice of a proposed rule concerning "Physical Protection of Plants and Materials; Access Controls to Nuclear Powerplant Vital Areas." 45 Fed. Reg. 15937 (March 12, 1980).

Sincerely,

Lisa N. Singer

Lisa N. Singer
Counsel for NRC Staff

Enclosures

- (1) Attached Mailing List
- (2) SECY 80-131
- (3) 45 Fed. Reg. 15937

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

METROPOLITAN EDISON COMPANY,
ET AL.

(Three Mile Island, Unit 1)

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Docket No. 50-289

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storage incident thereto. The general license is subject to the applicable provisions of §§ 70.32(a) and (b), 70.42, 70.52, 70.55, 70.61, 70.62 and 70.71.

(c) Notwithstanding any other provision of this chapter, the duties of a general licensee under this section while in possession of formula quantities of strategic special nuclear material or irradiated reactor fuel in the regular course of carriage for another or storage incident thereto shall be limited to providing for the physical protection of such material against theft or sabotage. Unless otherwise provided by this section, a general licensee under this section is not subject to the requirements of Part 19, 20, 70, and 73.

§ 70.20a [Amended]

3. A new § 70.20a(e) is added to read as follows:

(e) Any person who possesses irradiated reactor fuel under this general license shall:

(1) Assure that the transportation is in accordance with the applicable physical protection requirements of § 73.37 of Part 73 of this chapter; and

(2) Comply with the reporting requirements of § 73.71 of Part 73 of this chapter.

(Secs. 53, 161b, 161L, 161o, Pub. L. 83-703, 68 Stat. 930, 948, 949, 950 as amended (42 U.S.C. 2073, 2201)).

Dated at Washington, D.C., this 6th day of March 1980.

For the Nuclear Regulatory Commission,
Samuel J. Chilk,
Secretary of the Commission.

(FR Doc. 80-7827 Filed 3-11-80; 8:45 am)
BILLING CODE 7590-01-M

10 CFR Part 73

Physical Protection of Plants and Materials; Access Controls to Nuclear Powerplant Vital Areas

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is considering amendments to its regulations to define more clearly the criteria for personnel access controls for nuclear powerplant vital areas. The controls would be, for the most part, procedural in scope and would require that (1) access authorization to a vital area be correlated to the need to have access to that area during a particular time period, (2) individuals granted

access to particular types of vital areas will be issued a serially numbered badge that displays a visible code indicating the level of access granted corresponding to the associated types of vital areas designated in the security plan, and (3) licensee procedures and/or equipment be used to assure that only the authorized individual can gain unescorted entry to a vital area on his/her authorization.

DATES: Comments must be received on or before May 12, 1980.

ADDRESSES: Comments or suggestions for consideration in connection with the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street, NW, Washington, DC.

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

SUPPLEMENTARY INFORMATION: The requirements for access controls at vital areas of nuclear powerplants are in § 73.55(d)(7) of 10 CFR Part 73. Supplementary guidance in this area has been developed and made available to licensees. This includes Acceptance Criterion 5.B of the Security Plan Evaluation Report (SPER) Workbook, Office of Nuclear Reactor Regulation (NRR) Review Guideline #21, and NRR Review Guideline #23. Also, NRR, in meetings with licensees in March 1977, to explain § 73.55 and provide information on what an acceptable security plan should contain, explained that positive control of access to a vital area consisted of two elements: first, in order to be authorized access to a particular vital area, the person requesting entry must have had the necessary background screening and have an established need to perform job-related functions in the area, and second, that there be a need to enter the vital area to perform a specific function at a specific time.

In the past, the determination of which individuals have had access to various vital areas has been left up to the licensee to implement within the context of the regulation and guidelines mentioned previously. Recent surveys of operating nuclear power reactors have revealed that some licensees have already taken steps to implement and have used lax criteria for authorizing individuals unescorted access to all vital

areas. That is, access lists to particular vital areas have included anyone who might need unescorted access to that area regardless of the frequency or duration of the need. This was not the intent of the regulations or guidelines.

In order to define more clearly the criteria for vital area access controls and to put them into the codified regulations it is proposed to revise § 73.55(d)(7) and other applicable sections along the following general guidelines: (1) Access to a vital area will be correlated to the need to have access to that area, and also will be limited to the particular time period that access is needed. (2) Individuals granted access to particular types of vital areas will be issued a serially numbered badge that displays a visible code indicating the level of access granted corresponding to the associated types of vital areas designated in the security plan. (3) Licensee procedures and/or equipment will be made available to assure that only the authorized individual can gain unescorted entry to a vital area on his/her key, key card, or other entry mechanism.

The amendments being proposed are essentially those that the Commission intended licensees to implement through present regulations and existing guidance. The present regulations, however, are not sufficiently specific as to their intent. The proposed regulation would provide the needed degree of specificity.

The criteria being proposed are essentially those contained in a Nuclear Regulatory Commission Inspection and Enforcement Bulletin, IE Bulletin No. 79-16, "Vital Area Access Control" issued July 28, 1979. One criterion in IE Bulletin No. 79-16 not included in the proposed amendments is that having to do with trustworthiness of employees, i.e., a screening program meeting American National Standards Institute (ANSI) Standard, ANSI 18.17, Industrial Security for Nuclear Powerplants. This criterion is not included in the proposed amendments because the Commission has under consideration, in another rulemaking proceeding, both a proposed material access authorization rule and alternative programs for establishing trustworthiness of employees at nuclear powerplants.

10 CFR 73.55(g) is also being amended to include access control equipment and all other security-related devices or equipment under the testing and maintenance requirement.

It is expected that the changes resulting from the amendments would be able to be implemented by a licensee can implement without a major modification of the security or

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contingency plan. However, plans would need some revising to include the new requirements. These revisions would be handled as changes that "do not decrease the safeguards effectiveness of the plan". In accordance with 10 CFR 50.34(p) must be submitted to the NRC within 2 months after the revisions are made.

The amendments, if approved, would become effective 75 days after publication in the Federal Register.

The promulgation of the amendment would not result in any activity that affects the environment. Accordingly, the Commission has determined under the National Environmental Policy Act, the Council of Environmental Quality guidelines, and the criteria of 10 CFR 51.5(d)(3), that neither an environmental impact statement or environmental impact appraisal to support a negative declaration for the proposed amendments to 10 CFR Part 73 is required.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 353 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 73 is contemplated.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

1. Section 73.55(d)(7) and (g) of 10 CFR Part 73 is amended to read as follows:

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

(d) * * *

(7) The licensee shall positively control all points of personnel and vehicle access into vital areas. Access to vital areas shall be limited to individuals with access authorization and with a need to enter the vital area based upon assigned duties requiring the performance of tasks in the vital area. Unoccupied vital areas shall be locked and protected by an active intrusion alarm system. The access authorization system shall incorporate the following procedures:

(i) Access lists shall be established and approved for each vital area by the onsite individual responsible for security (or equivalent) or his designated representative. Approved access areas and the duration of access shall be commensurate with the tasks to be performed. To remove the names of

for access, access lists shall be reviewed, updated and reapproved at

the end of each access duration period not to exceed 31 days.

(ii) Each individual granted access to vital areas shall be issued a serially numbered badge that displays a visible code which indicates the level of access granted corresponding to the associated types of vital areas designated in the security plan.

(iii) Emergency access lists shall be established and approved for each vital area by the onsite individual responsible for security (or equivalent) or his designated representative. Access controls and written procedures to cope with emergency conditions shall be established.

(iv) Licensee procedures and/or equipment shall be established to assure that only the authorized individual can gain unescorted entry to a vital area on his/her key, key card, or other entry mechanism.

(g) *Testing and maintenance.* Each licensee shall test and maintain intrusion alarms, emergency alarms, access control equipment, communications equipment, physical barriers, and all other security-related devices or equipment utilized pursuant to this section, as follows:

(Sections 1611, 1610, Pub. L. 83-703, 68 Stat. 949, 950, as amended, Pub. L. 83-507, 72 Stat. 327, Pub. L. 83-377, 68 Stat. 473 (42 U.S.C. 2101); Sec. 201, Pub. L. 93-433, 68 Stat. 1242-1243 (42 U.S.C. 5341))

Dated at Washington, D.C., this 3rd day of March 1980.

For the Nuclear Regulatory Commission,
Samuel J. Chalk,

Secretary of the Commission.

(FR Doc. 80-7342 Filed 3-11-80; 8:45 am)
BILLING CODE 7550-01-M

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

10 CFR Part 477

[CAS-RM-73-807]

Standby Federal Emergency Energy Conservation Plan; Additional Public Hearing

AGENCY: Department of Energy.

ACTION: Notice of Additional Public Hearing.

SUMMARY: On February 7, 1980, the Department of Energy (DOE) issued an interim final rulemaking and a notice of

proposed Standby Federal Emergency

Energy Conservation Plan (43 FR 8462, February 7, 1980). Public hearings were then scheduled for Atlanta, GA; New York, NY; Chicago, IL; Dallas, TX; San Francisco, CA; and Washington, D.C.

The purpose of this notice is to schedule an additional public hearing on the proposed Standby Federal Emergency Energy Conservation Plan in Kansas City, Missouri. The plan contains six (6) measures published as an interim final rule and three (3) measures as proposed rules. The government is desirous of public comment on all the measures, as any may be selected or imposed by a governor or the President in the event of a real or imminent energy supply shortage. They are: (1) Public information measure, (2) minimum automobile fuel purchase measure, (3) odd-even motor fuel purchase measure, (4) employer based commuter travel measure, (5) speed limit measure, (6) compressed work week measure, (7) mandatory building temperature restriction, (8) vehicle use sticker measure, and (9) recreational watercraft measure.

DATES: Additional Hearing: March 26, 1980, beginning at 9:30 a.m., and continuing on March 27, 1980 if necessary. Requests to speak must be received by DOE by 4:30 p.m. on March 25, 1980.

ADDRESS: Hearing location: Municipal Auditorium, 13th and Wyandotte, Kansas City, Missouri.

Requests to speak and questions regarding the conduct of the hearing should be addressed to: Department of Energy, Region VII, Attn: Suzanne Matthews or Maureen Carr, 324 E. 11th Street, Kansas City, Missouri, 64106, telephone (816) 374-2341 (Ms. Matthews) and (816) 374-6333 (Ms. Carr).

FOR FURTHER INFORMATION CONTACT:

Henry C. Bartholomew or W. Lora Harvey, Office of Emergency Programs, Conservation and Solar Energy, Department of Energy, 1000 Independence Avenue, SW, Room UE-004A, Washington, D.C. 20565, telephone (202) 252-4966;

Lewis W. Shollenberger, Jr. or Christopher T. Smith, Office of General Counsel, Department of Energy, Mail Stop, 2201C, 22 Massachusetts Avenue, N.W., Washington, D.C. 20565, telephone (202) 376-4730 (Mr. Shollenberger) and (202) 376-4723 (Mr. Smith);

Emergency Conservation Hotline Service, (800) 424-9122 from the Continental U.S.; (600) 424-9068, from Alaska and Hawaii, Puerto Rico, and the Virgin Islands; 252-4950 from metropolitan Washington, D.C.

The procedures for submitting

remain the same as originally published

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March 11, 1980

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

SECY-80-131

CONSENT CALENDAR ITEM

FOR: The Commissioners

FROM: Harold R. Denton, Director
Office of Nuclear Reactor Regulation *HRD*

THRU: Executive Director for Operations

SUBJECT: ACCIDENT CONSIDERATIONS UNDER NEPA

PURPOSE: To obtain a decision on a proposed Statement of Interim Policy

BACKGROUND: In SECY 79-594, "Class 9 Accident Considerations" dated October 31, 1979, the staff indicated that it intended to develop for Commission consideration a policy statement regarding accident considerations, including Class 9 accidents, for NEPA reviews.

The proposed Statement of Interim Policy contained herein (Enclosure 2) is the staff's response to the Commission's request in its Memorandum and Order dated September 14, 1979, "In the Matter of Offshore Power Systems," to "Provide us with its recommendations on how the interim guidance of the Annex might be modified, on an interim basis and until rulemaking on this subject is completed, to reflect developments since 1971 and to accord more fully with current staff policy in this area; . . ." (The Annex referenced in the foregoing was published on December 1, 1971 by the AEC as a proposed annex to 10 CFR Part 50, Appendix D, a rule-making proceeding which has not yet been completed. A copy of the proposed Annex is included as Enclosure 1.)

DISCUSSION OF
ALTERNATIVES
AND DECISION
CRITERIA:

The staff has considered four alternatives, the first being the alternative of no change. Selection of this alternative would mean the continued use of the guidance of the proposed Annex including the determination that there is no need to discuss specific Class 9 accidents in Environmental Reports and Statements. The second would modify the Annex by redefinition of Classes 8 and 9 accidents but retain the position that Class 9's (as redefined) represent too low a risk to warrant specific consideration. The third alternative would withdraw the proposed Annex and its accident classification system entirely and replace it with policy guidance to continue to consider accidents on a case by case basis.

Contact:
R. W. Houston, NRR
49-27323

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