



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, D. C. 20555

December 19, 1989

The Honorable Kenneth M. Carr
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Carr:

SUBJECT: PROPOSED RULE ON ACCESS AUTHORIZATION AT NUCLEAR POWER
PLANTS

The Committee discussed this issue during its 356th meeting, December 14-15, 1989. This issue was also discussed during meetings of our Subcommittee on Human Factors on September 27, 1989 and December 12, 1989. During these meetings, we heard from members of the NRC staff and from representatives of the nuclear industry. We also had the benefit of the documents referenced.

The NRC staff has under development a rule to define requirements under which Part 50 licensees will authorize individuals to have unescorted access to protected and vital areas within nuclear power plants. These requirements are intended to help ensure the trustworthiness of persons granted such access and thus to reduce the potential for radiological sabotage. This rulemaking has been under development for a number of years. At one time the Commission considered the use of a policy statement, rather than a regulation. Subsequently, the Nuclear Management and Resources Council (NUMARC) developed and published detailed guidance for licensees to use in preparing their individual programs for granting access authorizations. In April of this year, the Commission, after considering several options, instructed the staff to proceed with rulemaking. The proposed rule recognizes the industry effort and defines very general and basic requirements. A proposed NRC regulatory guide provides more detail by endorsing the NUMARC guidelines, with a number of exceptions and additions.

Our understanding is that the proposed rule is intended to supplement existing regulations on physical security in nuclear power plants and thereby improve the level of protection against the threat of radiological sabotage by an "insider." Although programs to reduce this threat are already in place, the NRC staff has stated three reasons for their belief that a new rule is warranted:

- (1) It will make basic requirements for access authorization programs more easily enforceable.

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- (2) It will ensure that an apparently small number of licensees not now committed to more generally accepted minimum standards will improve their programs.
- (3) It will provide assurance that existing good programs will be continued; in addition, the staff believes that the new rule, in combination with the NUMARC guidelines, will provide greater uniformity among licensee programs and permit more facile transfer from one plant to another of access authorizations for individuals. This, they believe, can result in significant economic benefit to licensees.

The rule requires, for each individual to be granted access, a background investigation, a psychological assessment, and a program for behavioral observation by the individual's supervisors. Details of how these three attributes of a program are to be accomplished are provided in a NUMARC document entitled, "Industry Guidelines for Nuclear Power Plant Access Authorization Programs." The NRC staff believes certain exceptions and additions to the guidelines are necessary and has provided these in a regulatory guide. In addition to the guidelines, NUMARC representatives indicate they will provide to utilities an additional document that gives general directions on how the guidelines are to be used.

We agree that the rule and the associated regulatory guide should be issued as the NRC staff proposes. However, we have a few cautions and exceptions to this agreement, as noted below:

- ° We note that, while the rule deals reasonably well with a threat from an emotionally unstable individual who might be a potential saboteur, it does not deal effectively with the threat from a dedicated, politically motivated terrorist. We do not suggest anything different at this time, but we believe this limitation should be recognized.
- ° There are a few issues to which the NUMARC guidelines do not speak adequately. We believe these should be addressed by additions to the regulatory guide.
 - "Grandfathering" should not be transferable from one plant to another.
 - Any foreign, as well as domestic, military service records should be queried as a part of background investigations.
 - Limitations should be placed on back-to-back temporary authorizations so they do not become a subterfuge for avoiding the effort of obtaining regular authorizations.

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- There should be some control on the reauthorization of access after an individual returns from a leave of absence. We were told that such control exists in NUMARC's guidance to its guidelines, but it is apparent that the NRC staff does not know how such control is to be implemented.
- o The regulatory guide and the NUMARC guidelines should not be used as if they are detailed, prescriptive requirements, for purposes of inspection and enforcement.

Additional comments by ACRS Member W. Kerr are presented below.

Sincerely,



Carlyle Michelson
Acting Chairman

Additional Comments by ACRS Member W. Kerr

I agree that efforts to ensure the trustworthiness of those having unrestricted access to plant vital areas and protected areas will probably decrease risk. And I recognize that pressure from Congress probably dictates that there be a rule. Under the circumstances, I applaud the NRC staff for formulating a rule that is not overly prescriptive.

However, I observe that the guidelines that will probably become a de facto rule are themselves very prescriptive. Since everyone seems to agree that methods to evaluate trustworthiness are subject to large uncertainty, I would urge that those who will eventually be responsible for enforcing this rule recognize that a variety of approaches may be effective and evaluate compliance accordingly.

References:

1. Draft SECY Paper dated November 6, 1989 for the Commissioners from James M. Taylor, Acting Executive Director for Operations, Subject: Access Authorization Program for Nuclear Power Plants, with attachments, including Draft Regulatory Guide 5.XX, "Access Authorization Program for Nuclear Power Plants."
2. Nuclear Management and Resources Council, Inc., NUMARC-89-01, "Industry Guidelines for Nuclear Power Plant Access Authorization Programs," dated August 1989.