

March 24, 1994

Mr. Thomas F. Tipton
Vice President and Director
Operations, Management, and Support
Services Division
Nuclear Management and Resources Council
Suite 300
1776 Eye Street, N.W.
Washington, DC 20006-2496

Dear Mr. Tipton:

On February 17, 1994, we met with NUMARC representatives at a meeting open to the public to discuss the implementation of a Regulatory Review Group's recommendation regarding clarification of "decrease in effectiveness" as used in 10 CFR 50.54(p). Enclosed for your information is a copy of the meeting minutes, which includes the two handouts used by staff at the meeting. Also enclosed are revised versions of the handouts that reflect consideration of comments made during the meeting. The enclosed clarification and examples are drafts and should not be construed as NRC positions.

The enclosed material should assist NUMARC in developing industry recommendations which we understand are to be provided to us by mid-May. As issues come up in your development of recommendations, it may be appropriate to schedule a followup meeting. If you would like to meet again, please let us know and we will make the necessary arrangements.

If you have any questions or comments on the enclosed, please contact Loren Bush who can be reached at 504-2944.

Original signed by
Frank J. Congel, Director
Division of Radiation Safety
and Safeguards
Office of Nuclear Reactor Regulation

Enclosures:
As stated

bcc: R. Fonner K. Graney, Bechtel
 G. Zech B. Sullivan, NUS
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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 18, 1994

MEMORANDUM FOR: Frank J. Congel, Director
Division of Radiation Safety
and Safeguards
Office of Nuclear Reactor Regulation

FROM: Phillip F. McKee, Chief
Safeguards Branch
Division of Radiation Safety
and Safeguards
Office of Nuclear Reactor Regulation

SUBJECT: MINUTES OF MEETING WITH NUMARC ON 02/17/94

On February 17, 1994, members of the staff, NUMARC, and other interested parties (see attached attendance roster) met to discuss the implementation of the Regulatory Review Group's (RRG) recommendations regarding clarification of "decrease in effectiveness" as used in 10 CFR 50.54(p). The staff indicated that it was interested in any ideas concerning the approach and specific examples. There was also a discussion of the proposed milestones and schedule.

The staff provided a brief background regarding the 10 CFR 50.54(p) process and provided two handouts (attached) which contain a draft interpretation of the review criteria of 50.54(p) and several examples of that interpretation. Most of the discussion revolved around the handout which will eventually be published in some form of guidance. NUMARC was asked to assist the staff by providing additional examples. NUMARC suggested that the examples be expanded to include more information regarding the decision-making philosophy and internal guidance documents used by the staff.

Discussion of the tasking of the staff to provide a draft document by June of this year and a completed document by December dictated the need to have NUMARC's input by mid-May and a public workshop in September. A concern was raised that the examples be screened for "Safeguards Information" prior to publication.

Original signed by L. Bush
for Phillip F. McKee, Chief
Safeguards Branch
Division of Radiation Safety
and Safeguards
Office of Nuclear Reactor Regulation

Enclosure:
As stated

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DRAFT POLICY CLARIFICATION

To provide clarification of the "decrease in effectiveness of a plan" as stated in 10 CFR 50.54(p) so that changes which do not decrease the effectiveness of a plan may be made without prior Commission approval.

- A change in any of the three plans in the area of security is deemed not to decrease the effectiveness of the plan if the change does not affect the ability to achieve the overall level of system performance against radiological sabotage described in paragraphs (b) through (h) of 10 CFR 73.55, or equivalent measures approved under 10 CFR 73.55(a), to protect with high assurance against the design basis threat as stated in 73.1(a).
- Any change that increases the effectiveness of any plan.
- A change may not delete any of the regulatory capabilities, as described in paragraphs (b) through (h) or in Appendixes B and C to Part 73.

DRAFT EXAMPLE OUTLINE
FOR
ACCEPTABLE 10 CFR 50.54(P) PLAN CHANGE

DESIRED CHANGE:

CURRENT COMMITMENT:

PROPOSED COMMITMENT:

REASON FOR THE CHANGE:

IMPACT ON EFFECTIVENESS OF A GENERIC PLAN:

BASIS FOR MEETING 50.54(p) Cf RIA:

ACCEPTABLE 10 CFR 50.54(P) PLAN CHANGE

DESIRED CHANGE:

Reduce frequency of protected area (PA) patrols.

CURRENT COMMITMENT:

Site conducts patrols of the protected area every two hours at a minimum.

PROPOSED COMMITMENT:

Patrol frequency would be reduced to a minimum of two patrols per shift (8 hours) or no less than once every four hours.

REASON FOR THE CHANGE:

Savings in manpower resources.

IMPACT ON EFFECTIVENESS OF GENERIC PLAN:

Reduction in the frequency of security patrols from one every 2 hours to once every 4 hours would have a minor impact on security effectiveness. Consideration that employees as well as security force members are trained to report any suspicious individuals or materials in protected area serves to mitigate the importance of more frequent patrols. Also, there are no unique circumstances at the site that would be cause for more frequent PA patrols.

BASIS FOR MEETING 50.54(p) CRITERIA:

NUREG 0908, Acceptance Criteria for the Evaluation of Nuclear Power Reactor Security Plans, specified that a patrol frequency of at least once every four hours would be acceptable.

ACCEPTABLE 10 CFR 50.54(P) PLAN CHANGE

DESIRED CHANGE:

Provide some latitude in performing annual weapons qualification for security guards functions.

CURRENT COMMITMENT:

Plan dates specify training has to be met on or before the particular date. This results in the frequency of qualification being less than annually.

PROPOSED COMMITMENT:

Use a "tech spec" formula to provide some flexibility in meeting qualification commitments. Change the "fixed" dates in the plan to + or - dates, such as every 12 months + or - 30 days.

REASON FOR THE CHANGE:

Allow more flexibility in scheduling events and indirectly provide savings in costs and manpower.

IMPACT ON EFFECTIVENESS OF A GENERIC PLAN:

None

BASIS FOR MEETING 50.54(p) CRITERIA:

In a P. McKee letter of August 28, 1990 to Regional safeguards staff a definition was provided regarding the term "annual." This definition was to provide reasonable flexibility consistent with existing technical specification. Licensee may use the generic surveillance requirements for periodic testing that is found in section 4.0.2(a) and (b) of the generic technical specifications. An example of the calculation would be to define "annual" as "+ or - 1 month every 12 months."

ACCEPTABLE 10 CFR 50.54(P) PLAN CHANGE

DESIRED CHANGE:

Changes to specific guard post assignments.

CURRENT COMMITMENT:

Security officer posted at exit turnstiles to recover site badges/cardkeys.

PROPOSED COMMITMENT:

Discontinue guard post. This would be in conjunction with new measures taken to control site access that assures positive access control (e.i., use of hand geometry equipment).

REASON FOR THE CHANGE:

Measures taken to assure positive access control compensate for the risks involved with badges being removed from the site.

IMPACT ON EFFECTIVENESS OF A GENERIC PLAN:

None. New access control and badging process provides equivalent or higher assurance of positive identification than manually issuing badges. Other measures prevent exploitation of badges/cardkeys.

BASIS FOR MEETING 50.54(p) CRITERIA:

Meets the regulatory requirement as described in 10 CFR 73.55 (a).

ACCEPTABLE 10 CFR 50.54(P) PLAN CHANGE

DESIRED CHANGE:

Modify commitment to include training only for those specific types of weapons needed for response at that facility.

CURRENT COMMITMENT:

Use rifles, shotguns and handguns as response weapons and train security officers in the use of each type of weapon.

PROPOSED COMMITMENT:

Use only shotguns and handguns as response weapons or rifles and handguns as response weapons.

REASON FOR THE CHANGE:

Make response training more specific to weapons used in response and reduce training costs.

IMPACT ON EFFECTIVENESS OF A GENERIC PLAN:

None. Training security officers in use of weapons not used in response provides no benefit in their response capability. Also, that there are no unique circumstances at the site that would be cause for training on rifles, shotguns, and handguns.

BASIS FOR MEETING 50.54(p) CRITERIA:

There would be no decrease in effectiveness of the plan.