



*PDR*

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

*AB17-2011*

NOV 4 1986

MEMORANDUM FOR: Document Control Desk  
FROM: Priscilla A. Dwyer  
Safeguards Reactor and Transportation  
Licensing Branch, NMSS  
SUBJECT: REGULATORY HISTORY-SEARCH REQUIREMENTS

Please enter the enclosed documents into the Document Control System as the regulatory history for the subject rulemaking. Its designator is AB.17-2. Also enclosed is a list of accession numbers for documents already in the Public Document Room which should be included under this designator.

A handwritten signature in cursive script that reads "Priscilla A. Dwyer".

Priscilla A. Dwyer  
Safeguards Reactor and Transportation  
Licensing Branch, NMSS

Enclosures:  
As stated

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AB17-202 Dwyer



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

MAY 28 1986

MEMORANDUM FOR: Victor Stello, Jr.  
Executive Director for Operations

FROM: Robert B. Minogue, Director  
Office of Nuclear Regulatory Research

SUBJECT: CONTROL OF NRC RULEMAKING: ANNUAL RES  
INDEPENDENT REVIEW OF ONGOING RULEMAKING  
SPONSORED BY NMSS

Based on our annual independent review of the ongoing NMSS-sponsored rulemakings listed below, RES agrees with the recommendation of the Director, NMSS, that NRC should continue with these specific rulemakings.

1. Personnel Access Authorization Program (Parts 50, 73).
2. Searches of Individuals at Power Reactor Facilities (Part 73).
3. Miscellaneous Amendments Concerning Physical Protection of Nuclear Power Plants (Part 73).

These rulemakings constitute the "Insider Rule Package" that would amend Parts 50 and 73 to (1) establish requirements for the screening of individuals having unescorted access to nuclear power reactors, (2) clarify requirements for personnel searches of individuals at nuclear power reactor protected area portals (pat-down search issue), and (3) revise miscellaneous safeguards-related requirements for access controls to nuclear power reactor vital areas.

In response to recommendations by the Director, NMSS, and independent recommendations by the Director, RES, the EDO approved continuation of the rulemakings in memorandums dated April 29, 1985; June 28, 1985; and October 16, 1985. In addition on November 29, 1985, the EDO recommended that the Commission approve publication of the insider safeguards rules (SECY-85-381, Rulemaking Issue (Affirmation)).

Recent events that are the basis for our annual independent recommendation are as follows:

- o SECY-85-381 has been under Commission consideration for voting and affirmation since November 29, 1985. NRC staff noted that no

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significant comments relating to the insider rule package were received and recommended its publication in final form without change. With approval to proceed with this rulemaking, NRC staff can respond to Commission requirements in connection with SECY-85-381 as appropriate.

- o After an ACRS meeting with NRC staff and the Nuclear Utility Management and Human Resources Committee on February 14, 1986, ACRS sent a letter to the Commission stating, "In our opinion, the industry-proposed approach is to be preferred, at least on a trial basis, with option of following later with a rule in the event that should seem necessary." The NUMARC initiative is industry oversight of a program based on a Commission policy statement endorsing some access authorization guidelines. With approval to proceed with this rulemaking, NRC staff can continue working with NUMARC personnel to refine industry guidelines, if the Commission decides to accept the industry initiative.
- o By letter dated March 6, 1986, OMB questioned the utility of portions of the insider rule package dealing with psychological assessments and behavioral observation and disapproved the information collection requirements in those portions. With approval to proceed with this rulemaking, NRC staff can undertake appropriate procedures to obtain a Commission override of the OMB disapproved collection of information, if the Commission decides to issue a final insider rule package and impose the information collection requirements.

In October 1985, NMSS/SG prepared for CRGR review a qualitative justification in response to 10 CFR 50.109, "Backfitting." The justification states the belief that, based on Commission research and analysis, expert opinion, and best available data, a decreased risk from insider reactor sabotage will result from adoption of the insider rule package and, hence, its promulgation will provide a substantial increase in the overall protection of the public health and safety.

An independent review of the status of this final insider rule package indicates that June 1986 for final action on the rule, as proposed by NMSS, is consistent with the goal of finalizing a rule within 2 years of its inception (these specific rulemakings were ongoing during June 1985 when the goal was established) and is dependent primarily upon the Commission's completing voting and affirmation of SECY-85-381.

The complete annual RES independent review package has been sent to OEDO (Attention: DEDROGR) and to the Director, NMSS.



Robert B. Minogue, Director  
Office of Nuclear Regulatory Research

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OFFICE REVIEW PACKAGE RECEIVED  
FROM

NMSS  
(WITHOUT ENCLOSURES TO SECY-85-381)