

AP3E7-2 03



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

APR 0 1986

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

FROM: John G. Davis, Director  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: EDO ANNUAL REVIEW OF RULEMAKING ACTIVITIES - INSIDER RULES

The enclosed information package is provided for your use in review of the subject multiple part final rule package that would modify 10 CFR Parts 50 and 73 to (1) establish requirements for the screening of individuals with unescorted access to nuclear power reactors, (2) codify requirements for the conduct of personnel searches at power reactor protected area portals, and (3) revise requirements for access controls to power reactor vital areas. We recommend that you approve continuation of this rulemaking package which is currently under Commission consideration.

*John G. Davis*  
John G. Davis, Director  
Office of Nuclear Material Safety  
and Safeguards

Enclosures:

1. Summary and Current Status
2. Regulatory Agenda Entries
3. Final Rule Package:  
Current Draft

8611060167 861104  
PDR PR  
73 49FR30726 PDR

Summary and Current Status

Summary and Current Status  
Insider Safeguards Rules

	<u>DATE</u>
Proposed rule package published for public comment	08/01/84
End public comment period	03/07/85
Final rule package to EDO/CRGR	10/08/85
CRGR approval of draft final package	10/23/85
Final rule package to Commission	11/29/85

Current Status: ACRS meeting with NUMARC and NRC staff on February 14, 1986 resulted in ACRS memo to Commission preferring NUMARC approach on a trial basis. Under memo dated March 6, 1986, Office of Management and Budget disapproved the reporting and recordkeeping requirements of the psychological assessment and behavioral observation portions only of the package. Package is currently awaiting Commission notation vote. Chairman Palladino has voted affirmatively for rule making.

Regulatory Agenda Entries

**TITLE:**

Personnel Access Authorization Program (Part of Insider Rule Package)

**CFR CITATION:**

10 CFR 50; 10 CFR 73

**ABSTRACT:**

This rule would establish a personnel screening program for individuals requiring unescorted reactor facility access, thus providing increased assurance of the trustworthiness and emotional stability of a reactor site population. Study has indicated that disoriented or disgruntled employees (especially ones who might also be psychotic) at nuclear reactors are of primary safeguards concern because of their insider position. While the Commission has stated that at present it is satisfied with the level of safeguards in place at reactors, it approved publication of the proposed rule for public comment (40 FR 30726) as one means of further assuring protection of public health and safety. The public comment period concluded March 7, 1985. Extensive comments were received and analyzed.

Alternatives to rulemaking that were investigated, included endorsing an ANSI standard through a regulatory guide, issuing a policy statement that endorses industry developed guidelines, using staff position papers, and implementing license conditions. These alternatives were rejected because some would not produce an industry standardized program while others lacked regulatory authority. The proposed regulation will protect against the "insider" threat at reactors through the use of three components: (1) a background investigation to determine past history, (2) a psychological assessment to determine current emotional stability, and (3) a continual behavioral observation program to detect behavioral changes in an individual once granted unescorted access. Primary benefit to the public and licensees is an increased assurance of the trustworthiness and emotional suitability of individuals working in a nuclear reactor environment. Benefits to the NRC result from the use of a codified program that assures that a uniform approach, meeting minimum requirements, will be applied in screening reactor personnel. As a result of this requirement the average site cost for all existing or planned power reactors over their useful lives is \$2M per site.

**TIMETABLE:**

NPRM 08/01/84 49 FR 30726  
NPRM Comment Period Begin 08/01/84  
NPRM Comment Period End 03/07/85  
Office concurrence on Final Rule completed 08/27/85  
Final Rule Package to EDO/CRGR 10/08/85  
Final Rule to Commission 11/29/85  
Final Action 06/00/86

TITLE:

Personnel Access Authorization Program (Part of Insider Package)

LEGAL AUTHORITY:

42 U.S.C. 2102; 42 U.S.C. 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

AGENCY CONTACT:

Priscilla A. Dwyer  
Office of Nuclear Material Safety and Safeguards  
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TITLE

Searches of Individuals at Power Reactor Facilities (Part of Insider Package)

CFR CITATION:

10 CFR 73

ABSTRACT:

The proposed rule would codify present interim search requirements for individuals entering the protected area of nuclear power plants. At present, all persons are subject to equipment searches for firearms, explosives and incendiary devices. However, in addition, all visitors and a random 5 percent of site employees are subject to physical pat-down searches. Under the proposed rule, physical searches would be required only when search equipment is not working properly or when the licensee suspects that an individual is attempting to carry into the plant prohibited devices or material. Random searches were considered as an alternative, but were deemed to be possibly disruptive. Since licensees already possess the necessary equipments this rule will affect only licensee procedures at negligible additional cost.

Since requirements for searches have been in effect for some time, and modifications to those requirements are needed, alternatives to this rulemaking such as revised guidance would be inappropriate in that they would not carry the force of a regulation.

The impact on NRC operations will occur in the area of licensing review of amended licensee security plans. Cost to the NRC is estimated to be \$58.6k in implementation costs.

TIMETABLE

NPRM 08/15/84 49 FR 30738  
NPRM Comment Period Begin 08/15/84 49 FR 30738  
NPRM Comment Period End 03/07/85  
Office concurrence on Final Rule completed 08/27/85  
Final Rule Package to EDO/CRGR 10/08/85  
Final Rule to Commission 11/29/85  
Final Action 06/00/86

LEGAL AUTHORITY

42 U.S.C. 2201; 42 U.S.C. 5841

EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: No

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**TITLE:**

Miscellaneous Amendments Concerning Physical Protection of Nuclear Power Plants (Part of Insider Rule Package)

**CFR CITATION:**

10 CFR 73

**ABSTRACT:**

The proposed rule would revise requirements at nuclear power plants for, (1) access controls to vital areas, (2) the protection of certain physical security equipment, (3) key and lock controls, and (4) authority to suspend safeguards measures during emergencies. (Years of operating experience revealed a need for clarification and refinement.) The requirements will clarify policy in these areas and reduce unnecessary burden on the industry while maintaining plant protection. This rule is a revision of the proposed rule entitled, "Access Controls to Nuclear Power Plant Vital Areas." Initial development of a final rule produced significant changes, particularly in the criteria for personnel access controls to vital areas, resulting in the need to publish a revised rule. This proposed rule and the other components of the insider rule package were reviewed by the NRC Safety/Safeguards Review Committee which considered a number of alternative approaches to vital area control; their recommendations have been reflected in the proposed rule.

Since requirements for protecting vital areas have been in effect for some time, and modifications to those requirements are needed, alternatives to this rulemaking such as revised guidance would be inappropriate in that they would not carry the force of a regulation.

Implementation cost for these improvements is \$10,200 per site; however, a net annual savings of \$15,000 per site is anticipated in the cost of industry operations because of reduced key and local control requirements. The impact on NRC operations will occur in the area of licensing review of amended licensee security plans and Inspection and Enforcement staff support time. Initial cost to the NRC is estimated to be \$175,700. There is no significant NRC operational costs resulting from this rule.

**TIMETABLE:**

NPRM 08/01/84 49 FR 30726  
NPRM Comment Period Begin 08/01/84  
NPRM Comment Period End 04/07/85  
Office concurrence on Final Rule completed 08/27/85  
Final Rule Package to EDO/CRGR 10/08/85  
Final Rule to Commission 11/29/85  
Final Action 06/00/86

**LEGAL AUTHORITY:**

42 U.S.C. 2102; 42 U.S.C. 5841

**EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES:** No

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Final Rule Package