

June 13, 1989

P/33

MEMORANDUM FOR: Eric S. Beckjord, Director  
Office of Nuclear Regulatory Research

FROM: Thomas E. Murley, Director  
Office of Nuclear Reactor Regulation

SUBJECT: PROPOSED RULEMAKING CHANGES AS MINOR AMENDMENTS  
TO THE PHYSICAL PROTECTION REQUIREMENTS,  
10 CFR PARTS 70, 72, 73 AND 75

I am responding to your memorandum dated May 26, 1989, regarding review and concurrence of proposed rule changes associated with physical protection. NRR concurs in the proposed amendments provided the enclosed recommendations are adopted.

Should your staff have any questions regarding the enclosed comments, please have them contact Donald M. Carlson, RSGB, ext. 23217.

151

Thomas E. Murley, Director  
Office of Nuclear Reactor Regulation

Enclosure:  
As stated

cc w/encl: S. L. Dolins, RDB  
RES Task Leader

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\*See previous concurrences

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x PT. 72  
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x PT. 75

## RECOMMENDED CHANGES TO MINOR AMENDMENTS

1. Reference: Page 2, Supplementary Information, Paragraph 2.

Recommendation: The parenthesis enclosing "(10 CFR 73.40(b), (c) and (d))" should be removed and numbered subparagraph "(1)." The remaining subparagraphs should be numerically renumbered.

- 2.\* Reference: Page 5, Regulatory Analysis.

Recommendation: This paragraph should be reworded to read "With the exception of the proposed amendment to 10 CFR 73.55(d)(7), these minor amendments impose no new restrictions or requirements, and therefore, have no significant impacts. Accordingly, a regulatory analysis is not considered necessary. As to the proposed amendment to 10 CFR 73.55(d)(7) the backfit analysis below addresses impacts on health, safety, and the environment, and costs to licensees and the NRC. That amendment has no impact on state and local governments or geographical regions.

- 3.\* Reference: Page 6, Item 2, Last Sentence.

Recommendation: This sentence should read "A few affected licensees may be required to reinstate procedural controls that limit nonwork-related access to vital areas."

- 4.\* Reference: Page 7, Item 5, First Paragraph, Second Sentence.

Recommendation: This sentence should read: "It does not involve a reduction in a margin of safety since neither plant design nor reactor operating procedures are changed."

5. Reference: Page 11, §70.22(h)(1)

Recommendation: As previously discussed in my memorandum of July 24, 1989 to you on the same subject, reference to "73.60" should be deleted since it relates to the operation of a nuclear reactor licensed pursuant to Part 50.

6. Reference: Page 20, §73.55(d)(7)(i)

Recommendation: The second sentence should be corrected as follows: the word "may" should be replaced with the original word "shall" (..... activities shall not be authorized....).

7. Reference: Page 22, Paragraph 4, Second Sentence.

Recommendation: This sentence should read "Each licensee who possesses, stores, or uses special nuclear material..." The change in language makes it similar to the language in the third paragraph on the same page. Alternatively, delete the word "stores" from the third paragraph.

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\*R. L. Fonner, OGC, has concurred in the recommendation.

ENCLOSURE