

November 22, 1999

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-241

TITLE: RULEMAKING PLAN, PHYSICAL SECURITY REQUIREMENTS FOR EXERCISING POWER REACTOR LICENSEES' CAPABILITY TO RESPOND TO SAFEGUARDS CONTINGENCY EVENTS

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of November 22, 1999.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission, and the SRM of November 22, 1999.

Annette Vietti-Cook
Secretary of the Commission

Attachments: 1. Voting Summary
2. Commissioner Vote Sheets
3. Final SRM

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
EDO
PDR
DCS

VOTING SUMMARY - SECY-99-241

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. MESERVE	X				X	11/16/99
COMR. DICUS	X				X	11/4/99
COMR. DIAZ	X				X	10/22/99
COMR. McGAFFIGAN	X				X	11/16/99
COMR. MERRIFIELD	X				X	11/8/99

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on November 22, 1999.

Commissioner Comments on SECY-99-241

Chairman Meserve

I concur in the comments previously expressed by Commissioner Dicus. I also approve this rulemaking with the understanding that the staff intends

early in the process to prepare position papers for Commission consideration concerning the attributes of the design basis threat and the definition of radiological sabotage.

Commissioner Dicus

I approve Option 3. This option seems the most responsive to stakeholder concerns. In that regard, it is important that the staff insures that an effective pilot program for drills and evaluations is in place by mid-2000. Staff should immediately inform the Commission of delays in implementing the pilot program.

Commissioner Diaz

I approve the comprehensive approach contained in Option 3 for revising Part 73. This rulemaking has the potential to enhance the structure and clarity of our regulatory fabric, and I am looking forward to receiving the proposed rule, especially the much-needed clarification of the definition of radiological sabotage. I also believe that considering the effects of operational intervention to mitigate the effects of radiological sabotage will inject more realism into the NRC's regulatory process.

In developing the rule, the staff should pay particular attention to the degree to which risk insights can be used to develop target sets, and to the integration of security inspections and performance indicators into the new oversight process. The rule should provide for flexibility in implementing its provisions, and, most importantly, it should not burden operational safety at nuclear power plants.

Commissioner McGaffigan

I approve Option 3 for proceeding with this important rulemaking, subject to the following comments.

I strongly encourage the staff to consider as part of this rulemaking how to credit operator actions during an attempt at radiological sabotage, although this issue was not specifically addressed in the staff's paper. We have already informed Congress⁽¹⁾ that we would examine the integration of the overall actions by operations and security organizations in preventing radiological sabotage, and that this would be an important element in the proposed rulemaking and related guidance that is the subject of SECY-99-241.

In light of the heightened Congressional interest in the proposed rulemaking initiative, it strikes me that we should inform the appropriate Congressional Committees of the Commission's decision on SECY-99-241, including the House Committee on Commerce and Congressman Markey who have recently questioned us on our plans. This should be done simultaneously with making the SECY-99-241 staff requirements memorandum publicly available.

Commissioner Merrifield

I approve the implementation of option 3 in SECY-99-241. Physical security of commercial nuclear power plants is an important issue. I firmly believe the appropriate amount of physical security is a vital asset. However, security requirements should be based on risk-based principals designed to protect the public health and safety. The implementation of requirements for periodic drills and exercises is only one aspect of our security regulations that requires revision. Therefore, I support an integrated approach to changing our physical security regulations and developing appropriate regulatory guidance so each licensee will clearly understand what is minimally acceptable.

However, the interim between the end of the current OSRE schedule and the implementation of the revised security regulations is also very important to me. I have no objections to the staff discussing with appropriate stakeholders a pilot program to be implemented during this interim period. However, I would like to be kept informed of the details of the pilot program, which could be submitted in an information paper. In addition, I would like periodic (annually would be acceptable) updates on the implementation and lessons learned from the pilot program. These updates could take the form of either a Commission briefing or an information paper.

1. Letter from Chairman Dicus to the Congressman Barton, Chairman of the Subcommittee on Energy and Power, Committee on Commerce, dated September 10, 1999; Letter from Chairman Dicus to Congressman Markey, dated August 27 (CR-99-163 Rev.).