



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 28, 2011

Holders of Licenses for Operating
 Power Reactors as Listed in the Enclosure

**SUBJECT: RESCISSION OR PARTIAL RESCISSION OF CERTAIN POWER REACTOR
 SECURITY ORDERS APPLICABLE TO NUCLEAR POWER PLANTS**

Following the terrorist attacks on September 11, 2001, the U.S. Nuclear Regulatory Commission (NRC) supplemented the security measures required for protection against the design-basis threat at nuclear power reactor facilities through a series of security orders. These orders established new requirements for specific training enhancements; access authorization enhancements; and enhancements to defensive strategies, mitigative measures, and integrated response.

Following the issuance of the orders, each operating reactor licensee addressed the actions in the power reactor security orders in a response to the NRC. In its review of licensees' responses to the security orders, the NRC staff (the staff) found that licensees had incorporated many of the order requirements into their respective NRC-approved physical security plans, training and qualification plans, and safeguards contingency plans.

The NRC amended Title 10 of the *Code of Federal Regulations* (10 CFR) Parts 50, 52, 72, and 73, including Appendices B and C to Part 73, through a final rule ("Power Reactor Security Requirements") published in the *Federal Register* on March 27, 2009 (74 FR 13925). The rulemaking codified generically applicable security requirements previously issued by orders and updated the existing power reactor security requirements. The rule became effective on May 26, 2009. Licensees were required to be in compliance with the final rule no later than March 31, 2010.

The power reactor security rulemaking incorporated all or part of the requirements set forth in the following power reactor security orders:

- EA-02-026, "Order for Interim Safeguards and Security Compensatory Measures," dated February 25, 2002 (Partial)
- EA-02-261, "Order for Compensatory Measures Related to Access Authorization," dated January 7, 2003 (All)
- EA-03-039, "Order for Compensatory Measures Related to Training Enhancements on Tactical and Firearms Proficiency and Physical Fitness Applicable to Armed Nuclear Power Plant Security Force Personnel," dated April 29, 2003 (All)

Therefore, the staff has determined that the generically applicable security requirements set forth in the orders are adequately captured in the applicable NRC regulations with the exception of three requirements from the Interim Safeguards and Security Compensatory Measures Order

Holders of Licenses for
Operating Power Reactors

- 2 -

(EA-02-026). The staff has developed several regulatory guides that detail acceptable methods of complying with the security requirements.

Three requirements from Order EA-02-026 have not been completely captured in current regulations. Requirements B.5.d (partially captured) and B.5.e (not captured) of Order EA-02-026 are being incorporated into the final emergency preparedness rulemaking documents (10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities," Sections IV.E and IV.B, respectively). Therefore, these particular Order requirements will remain in force. When the emergency preparedness rule is effective the NRC will determine when Requirements B.5.d and B.5.e of Order EA-02-026 can be rescinded. The remaining requirement of Order EA-02-026 not covered by proposed or existing regulations (B.1.a) involves operator training and shall remain in effect.

In light of the above determination, I hereby rescind the requirements of Orders EA-03-039 and EA-02-261 in their entirety, and rescind, in part, the requirements of Order EA-02-026. All requirements in Order EA-02-026 are rescinded except Requirements B.1.a, B.5.d, and B.5.e.

Licensees should assess how the rescission and partial rescission of the above referenced orders will affect their facility licenses and security plans to ensure compliance with the associated regulatory requirements. Please contact your licensing project manager to facilitate resolution of any issue related to the requirements outlined in this letter, or if you have any other questions.

Sincerely,

A handwritten signature in black ink, appearing to read "E. J. Leeds", with the word "acting" written in smaller cursive below it.

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Docket Nos.: See Enclosure

cc: Listserv

Docket Numbers

50-313, 50-368
50-334, 50-412
STN 50-456, STN 50-457
STN 50-454, STN 50-455
50-461
50-237, 50-249
50-373, 50-374
50-254, 50-265
50-352, 50-353
50-219
50-277, 50-278
50-289
50-259, 50-260, 50-296
50-327, 50-328
50-390
50-325, 50-324
50-400
50-261
50-302
STN 50-483
50-317, 50-318
50-220, 50-410
50-244
50-413, 50-414
50-369, 50-370
50-269, 50-270, 50-287
50-397
50-445, 50-446
50-298
50-346
50-275, 50-323
50-315, 50-316
50-331
50-321, 50-366
50-348, 50-364
50-424, 50-425
50-341
50-285
50-416
50-354
50-272, 50-311
50-247, 50-286
50-333
50-293
50-271
50-305
50-336, 50-423
50-338, 50-339
50-280, 50-281
50-263

50-282, 50-306
50-255
STN 50-528, STN 50-529, STN 50-530
50-440
50-266, 50-301
50-458
50-361, 50-362
50-443
50-498, 50-499
50-335, 50-389
50-250, 50-251
50-387, 50-388
50-395
50-382
50-482

(EA-02-026). The staff has developed several regulatory guides that detail acceptable methods of complying with the security requirements.

Three requirements from Order EA-02-026 have not been completely captured in current regulations. Requirements B.5.d (partially captured) and B.5.e (not captured) of Order EA-02-026 are being incorporated into the final emergency preparedness rulemaking documents (10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities," Sections IV.E and IV.B, respectively). Therefore, these particular Order requirements will remain in force. When the emergency preparedness rule is effective the NRC will determine when Requirements B.5.d and B.5.e of Order EA-02-026 can be rescinded. The remaining requirement of Order EA-02-026 not covered by proposed or existing regulations (B.1.a) involves operator training and shall remain in effect.

In light of the above determination, I hereby rescind the requirements of Orders EA-03-039 and EA-02-261 in their entirety, and rescind, in part, the requirements of Order EA-02-026. All requirements in Order EA-02-026 are rescinded except Requirements B.1.a, B.5.d, and B.5.e.

Licenseses should assess how the rescission and partial rescission of the above referenced orders will affect their facility licenses and security plans to ensure compliance with the associated regulatory requirements. Please contact your licensing project manager to facilitate resolution of any issue related to the requirements outlined in this letter, or if you have any other questions.

Sincerely,

/RA/ B. A. Eoger for

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Docket Nos.: See enclosure

cc: Listserv

DISTRIBUTION: G20110112/EDATS: OEDO-2011-0142
See next page

ADAMS Accession Nos.: Package/ML112840300; Incoming/ML110460483; Response/ML11220447
* concurrence via email

OFFICE	NRR/DORL/LPL3-1/PM	NRR/DORL/LPL3-1/LA	Tech Editor*	NRR/DORL/LPL3-1/BC	NSIR/DSP/D (A)
NAME	TWengert	BTully	JDougherty	RPascarelli	BMcDermott (MLayton for)
DATE	11/21/11	11/21/11	09/07/2011	10/11/2011	10/06/2011
OFFICE	OGC	NRR/DPR/D *	NRR/DORL/D	OE/D	NSIR/D
NAME	NSIAmour (EBowdenBerry for)	TMcGinty (SHeilton for)	JGitter	RZimmerman (DFurst for)	JWiggins
DATE	10/11/2011	09/12/2011	09/13/2011	09/13/2011	10/06/2011
OFFICE	NRR/D	OEDO/DEDR	NRR/D		
NAME	ELeeds	MVirgilio	ELeeds (BBoger for)		
DATE	10/13/2011	11/21/11	11/28/11		

OFFICIAL RECORD COPY

Letter to Holders of Licenses for Operating Power Reactors from Eric J. Leeds dated November 28, 2011.

SUBJECT: RESCISSION OR PARTIAL RESCISSION OF CERTAIN POWER REACTOR SECURITY ORDERS APPLICABLE TO NUCLEAR POWER PLANTS

DISTRIBUTION: G20110112/EDATS: OEDO-2011-0142

PUBLIC	LPL1-1 r/f	RidsNrrDorlLpl2-1	RidsRgn3MailCenter
LPL1-2 r/f	LPL2-1 r/f	RidsNrrDorlLpl2-2	RidsRgn4MailCenter
LPL2-2 r/f	LPL3-1 r/f	RidsNrrDorlLpl3-1	RidsAcrcAcnwMailCenter
LPL3-2 r/f	LPL4 r/f	RidsNrrDorlLpl3-2	RidsNrrDorl Resource
LPWB r/f		RidsNrrDorlLpl4	RidsNrrLABTully Resource
RidsNrrDorl		RidsNrrDorlLpl_wb	MFranke, EDO Regions I and IV
RidsNrrDorlLpl1-1		RidsRgn1MailCenter	DMerzke, EDO Region III
RidsNrrDorlLpl1-2		RidsRgn2MailCenter	RidsOgcRp Resource
RidsOeMailCenter Resource		RidsNsirMailCenter	RidsNrrDpr Resource
RidsNsirDsp Resource		HHarrington, OPA	RidsNrrOd Resource
DScrenci, OPA RI		RHannah, OPA RII	VMitlyng, OPA RIII
VDricks, OPA RIV			MKotzalas, EDO Region II
BSchnetzler, NSIR			
RidsNrrPMANO Resource		RidsNrrPMDuaneArnold Resource	
RidsNrrPMBeaverValley Resource		RidsNrrPMHatch Resource	
RidsNrrPMBraidwood Resource		RidsNrrPMFarley Resource	
RidsNrrPMByron Resource		RidsNRRPMVogtle Resource	
RidsNrrPMClinton Resource		RidsNrrPMFermi2 Resource	
RidsNrrPMDresden Resource		RidsNrrPMFortCalhoun Resource	
RidsNrrPMLaSalle Resource		RidsNrrPMGrandGulf Resource	
RidsNrrPMQuadCities Resource		RidsNrrPMHopeCreek Resource	
RidsNrrPMLimerick Resource		RidsNrrPMSalem Resource	
RidsNrrPMOysterCreek Resource		RidsNrrPMIndianPoint Resource	
RidsNrrPM PeachBottom Resource		RidsNrrPMFitzPatrick Resource	
RidsNrrPMThreeMileIsland Resource		RidsNrrPMPilgrim Resource	
RidsNrrPMBrownsFerry Resource		RidsNrrPMVermontYankee Resource	
RidsNrrPMSequoyah Resource		RidsNrrPMKewaunee Resource	
RidsNrrPMWattsBar1 Resource		RidsNrrPMMillstone Resource	
RidsNrrPMBrunswick Resource		RidsNrrPMNorthAnna Resource	
RidsNrrPMShearonHarris Resource		RidsNrrPMSurry Resource	
RidsNrrPMRobinson Resource		RidsNrrPMMonticello Resource	
RidsNrrPMCystalRiver Resource		RidsNrrPMPrairieIsland Resource	
RidsNrrPMCallaway Resource		RidsNrrPMPalisades Resource	
RidsNrrPMCalvertCliffs Resource		RidsNrrPMPaloVerde Resource	
RidsNrrPMNineMilePoint Resource		RidsNrrPMPerry Resource	
RidsNrrPMREGinna Resource		RidsNrrPMPPointBeach Resource	
RidsNrrPMCatawba Resource		RidsNrrPMRiverBend Resource	
RidsNrrPMMcGuire Resource		RidsNrrPMSanOnofre Resource	
RidsNrrPMOconee Resource		RidsNrrPMSeabrook Resource	
RidsNrrPMColumbia Resource		RidsNrrPMSouthTexas Resource	
RidsNrrPMComanchePeak Resource		RidsNrrPMStLucie Resource	
RidsNrrPMCooper Resource		RidsNrrPMTurkeyPoint Resource	

RidsNrrPMDavisBesse Resource
RidsNrrPMDiabloCanyon Resource
RidsNrrPMDCCook Resource
RidsNrrMailCenter Resource
RidsNrrPMWattsBar1 Resource
RidsEdoMailCenter Resource

RidsNrrPMSusquehanna Resource
RidsNrrPMSummer Resource
RidsNrrPMWaterford Resource
RidsNrrPMWolfCreek Resource
RidsOpaMailCenter Resource
RidsOgcMailCenter Resource