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RULES AND DIRECTIVES
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Office of Administration
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attn: Rulemaking, Directives and Editing Branch

Subject: **Comments on Draft Regulatory Guide DG-5019, "Reporting of Safeguards Events," 72 FR 37058 (July 6, 2007)**

As a member of the Nuclear Energy Institute (NEI), Southern California Edison (SCE) is actively involved in the nuclear power industry's role in meeting new nuclear power reactor security initiatives. SCE endorses the comments prepared on the draft Regulatory Guide DG-5019 noticed in 72 FR 37058 (July 6, 2007) that were submitted by NEI on September 4, 2007.

SCE also offers its own comments contained in the enclosure to this letter. These provide SCE's insights on the practical effects that the proposed rules pose to power reactor licensees.

Thank you for the opportunity to comment on the draft Regulatory Guide. If there are any questions on SCE's submittal, do not hesitate to contact me or Mr. D. F. Pilmer at (949) 368-1486.

Sincerely,

Enclosure: Comments on draft Regulatory Guide DG-5019
by Southern California Edison

SUNSI Review Complete

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**Comments on Draft Regulatory Guide DG-5019
by Southern California Edison**

Southern California Edison offers the following comments on the draft Regulatory Guide DG-5019, "*Reporting of Safeguards Events.*"

Page 6 Comments:

1. NRC Bulletin 2005-02, "Emergency Preparedness and Response Actions for Security-Based Events," dated July 18, 2005, states the following:

"Licensees should consider changing their notification procedures to ensure the NRC is notified of safeguards events immediately after notification of local law enforcement agencies (LLEAs), or within about 15 minutes of the recognition of the security-based threat. For a safeguards event that presents an imminent threat to the facility (e.g., an event that requires initiation of a security response consistent with a licensee's physical safeguards plan for defending against an attack by a hostile force), the staff wants licensees to notify the NRC immediately after notifying the appropriate LLEAs. This means that immediately after or concurrent with the notification to LLEAs in accordance with 10 CFR 73.55 by the licensee's security organization, the NRC Operations Center should be notified, if possible, using the emergency notification system (ENS).

"The information in this attachment should not be misconstrued to imply that immediate notifications to local law enforcement will be affected by the prompt NRC notification. In addition, the NRC requires notification to State and local governmental agencies within 15 minutes after declaring an emergency event."

Contrary to the Bulletin requirements, the draft proposed Rule and DG-5019 expect licensees to first contact the NRC operations center, which conflicts with the higher priority of notifying local response agencies.

2. In the 2nd paragraph, 2nd sentence, the sentence should start off with the words "Safeguards information" versus "Security information."
3. In Section 2.1, the 1st and 2nd paragraphs should be reworded to reflect the wording in the revised draft Rule which does not use the word "threat." For example, the existing wording should be replaced with "discovery of an imminent or actual hostile act" versus "discovery of an imminent threat or actual threat."

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4. Also, in Section 2.1, in the 2nd paragraph, 1st sentence, the revised draft Rule now states “consistent with a licensee’s safeguards contingency plan or defensive strategy” versus “consistent with a licensee’s physical security plan, safeguards contingency plan, or defensive strategy.”
5. In the last paragraph, it is not clear as to what “In the first situation” is alluding to since there appears to be no first or second situation.

Page 7 Comments:

1. In the 1st paragraph, last sentence, the words “ensure that threat-related information” would be more appropriately reworded to state “ensure that security event-related information.”
2. In Section 2.3, the 1st sentence should refer to “10 CFR 73.71(b) and (c)” versus “10 CFR 73.71(a) and (b).”

Page 8 Comments:

1. In item (3), the words “NRC-licensed” should be replaced with “nuclear” consistent with the revised draft Rule.
2. Items (6) and (7) do not agree with the revised Rule language.

Page 9 Comments:

1. In the 1st paragraph, last sentence, the word “initially” should be added between the words “licensee determine” for clarification.
2. In the 2nd paragraph, next to last sentence, the terms “vehicle barrier system” is used whereas, under Section 2.4, Item (4) uses the term “OCA.”

Page 10 Comment:

1. In the 1st paragraph, the word “unescorted” should be replaced with “unauthorized.”

Page 11 Comments:

1. The 1st and 2nd bullets at the top of the page under item (3) should be reworded to clarify that these would only be reportable if they resulted in “interruption of normal plant operations,” as required by the revised draft Rule.

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2. In the 5th bullet under Item (4), the word “unauthorized” should be inserted between the words “the” and “use” to then state, in part, “that results in the unauthorized use of the media.”
3. In the 2nd bullet under item (5), the new guidance “or which has been lost in a manner that could allow a significant opportunity for compromise,” is too vague to be implemented and should be deleted.
4. In the 3rd bullet under item (5), the words “the unavailability of” is redundant and should be deleted.
5. The 5th bullet under item (5) should be deleted as it is a repeat of the general reporting requirement. However, the guidance in parentheses can be relocated following the wording in item (5).
6. In the 6th bullet under item (5), the words “material access” should be replaced with “vital area.”

Page 12 Comments:

1. Following the September 11, 2001 attacks on the World Trade Center in New York City and the Pentagon in Washington, D.C., various NRC Advisories requested licensees to immediately notify the NRC of ‘threats or suspicious activities.’ The NRC maintains a database of such reports from their licensees and after screening makes them available for licensee use through a secure website. Access to the website is authorized based on a ‘need-to-know’ basis through a licensee single point of contact. Licensees will typically report within 1-hour of discovery. In some cases more time is required to properly assess the situation. This voluntary reporting has been working very well, and there appears to be no regulatory justification for codifying this voluntary reporting process.
2. The 1st bullet under item (6) belongs under item (5).
3. Item (7) should be the 2nd bullet under item (6).
4. The reference to a Note 1 at the end of item (7) should be deleted.

Page 13 Comment:

1. There needs to be guidance provided for 10 CFR 73, Appendix G, III.(b).

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Page 15 Comments:

1. In the 1st paragraph, 1st sentence, the words “and procedures,” needs to be added at the end.
2. In the 2nd paragraph, last sentence, reference to “IV(a)” should be “IV(b).”
3. Under Section 3.1, in the 1st sentence, the words “physical security or contingency plans,” should be replaced with “NRC-approved security plans,” consistent with the revised draft Rule wording.
4. Under Section 3.1, in the 3rd sentence, the words “security information” should be replaced with “safeguards information.”
5. The last sentence under Section 3.1 does not meet the threshold for recordable events and should be deleted. It could be relocated as an example under Section 3.4.
6. Under Section 3.2, in item (1), the words “any area or ... control access,” should be replaced with “a protected area, material access area, controlled access area, vital area, or transport,” to be consistent with the revised draft Rule wording.

Page 16 Comments:

1. The 2nd bullet at the top of the page is contrary to NRC Generic Letter 91-03. For example, if card reader failure causes VA portals to lock in the closed position and the portal alarms function properly, no log entry should be required, provided proper access control measures are implemented before allowing individuals into VAs.
2. Under item (2), the words “physical security or ... effectiveness” should be replaced with the words “NRC-approved security plan” to be consistent with the revised draft Rule wording.
3. In the 4th bullet under item (2), the phrase “and is recovered within 1 hour” has no basis and should be deleted.

Page 17 Comment:

1. The last bullet under Section 3.2 should be revised by providing guidance for contraband that does not represent a significant threat; *e.g.*, the discovery of a few bullets. If contraband is found in a vehicle located in the OCA, normally no report or log entry is required. If contraband is

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found in a vehicle during a protected area entrance search, the event should be logged.

Page 21 Comment:

1. The first sentence under item (3) is contrary to the 1st sentence at the top of the page. In one place the guidance states the NRC will not request an open communication line and in the next place it states the NRC may request an open communication line.

Page 23 Comment:

1. There is no "10 CFR 73.21(f)" in the new proposed Rule (refer to RIN: 3150-AH57), as indicated under Section 4.3.1.