



SMUD

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December 11, 1979

PROPOSED RULE

Docketing and Service Branch
Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555



RE: Task SG 901-4

Gentlemen:

On October 22, 1979, the Commission published a proposed rule which would add a new section 73.71(c) to its regulations related to reporting requirements for safeguards. I am submitting the following comments on behalf of the Sacramento Municipal Utility District.

There are two aspects of the proposed rule which deserve comment:

- the nature of the events to be reported
- the timeliness of the required reports.

As written, threats to the security system, such as attempted incursions or guard walkouts, would be considered of the same severity as selected equipment failures and require a report within one hour. For example, reports expected under this rule would include 13 specific incidents listed under section C, "Regulatory Position," Task SG 901-4. Two such incidents are:

- No. 3. Loss or degradation of lighting systems below requirements set forth in the physical security plan.
- No. 12. Sickouts or other labor problems affecting the readiness of the security forces.

I submit there is a large difference in the seriousness of the examples as cited and believe there should be a corresponding difference in the required reporting.

In my opinion, there are a category of threats or actions which could constitute a significant safeguards event where immediate (within one hour) NRC notification may be desirable to permit NRC response or assistance, such as: violent confrontations with demonstrators; unavailability of the guard force due to mass sickouts or strike; indications found of tampering with security equipment, and unexplainable security situations.

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Acknowledged by card.....

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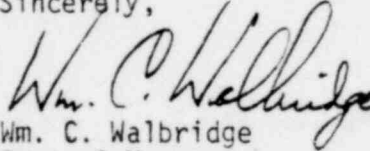
A second category would include those events where as the Commission states in its statement of considerations, "Such events need to be assessed by the Commission to determine their significance, to determine whether a change in the safeguards plan is needed and to decide on whether a report to Congress is necessary as required by Section 208 of the Energy Reorganization Act of 1974." These latter events, if reported within a similar time frame for safety events (24 hours), would permit ample time for NRC assessment and response. Items I feel that would be in this category would be where procedural systems breakdown and allow unauthorized personnel or prohibited items to get into the protected area and vital areas.

Another category of events, those which require some compensating feature (such as in example No. 3 above for loss of illumination where procedures may require added patrols), need not be reported; rather an entry into the log describing the event, which is available for NRC review, would be sufficient. Other examples in this category are peaceful demonstrations, acts of non-threatening civil disobedience, and minor labor problems.

Lastly, I am concerned that the proposed regulation requires reporting incidents or events related to the security personnel qualification and training plans. Events and problems in this category certainly would not warrant one hour notification to NRC. If, for example, it was determined that a security officer somehow was hired or trained contrary to these plans, the officer would simply be relieved from duty and the problem corrected or the officer could be terminated. If the problem was fraudulent falsification of training or other certification, an investigation would be in order and, perhaps, NRC should be notified within ten days. In any event, I cannot visualize any incident or situation concerning qualification or training that would require one hour notification.

I would be pleased to discuss or elaborate on these comments with the NRC, as desired.

Sincerely,


Wm. C. Walbridge
General Manager

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