

VIRGINIA ELECTRIC AND POWER COMPANY
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Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Serial No. 1146
PO/WRR:baw

AM 901-4

Attention: Docketing and Service Branch

Dear Sir:

On October 22, 1979, the Nuclear Regulatory Commission published in the Federal Register proposed amendments to 73.71 of 10 CFR Part 73, "Physical Protection of Plants and Materials," and concurrently published a Draft Regulatory Guide and Value/Impact Statement defining an approach acceptable to the NRC staff for implementing the proposed amendments to the regulation. Both documents address reporting events which significantly threaten or lessen the effectiveness of safeguards systems as established by safeguards regulations or an approved safeguards plan or by both. The Commission requested comments or suggestions for consideration in connection with the proposed amendments and the Draft Regulatory Guide and Value/Impact Statement.

The proposed requirement that events which threaten or lessen the effectiveness of safeguards systems shall be reported to the NRC is reasonable. The guidelines provided for assessing what events are reportable and the procedure for reporting them should be given further consideration.

The Draft Regulatory Guide attempts to clarify what is significantly threatening or lessening of safeguards effectiveness; to explicitly define what events need to be reported; to provide a set of events that the licensee should always consider reportable; and to identify a format that could be used for reporting events. The guidelines provided for assessing safeguards-related events appear reasonable, but the events identified as reportable by the NRC staff after application of the guidelines are extreme and can be justified only if contingency plans, compensatory measures and site specific characteristics are discounted as factors for consideration in judging significant diminishment.

If the NRC staff hopes to achieve their objective of establishing explicit guidelines for determining reportable safeguards events, the ambiguity of "significantly diminished" must be eliminated; otherwise, the equivocality of determining reportable events will continue.

We believe that the definitive guidance the NRC staff is seeking to provide can best be achieved if the following guidelines for assessing safeguards events and determining reportability of events are adopted:

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1. Has there been an explicit threat to safeguards? (e.g. bomb threat; extortion threat; trespassing by unauthorized persons where safeguards have been violated; attempted or confirmed intrusions at protected or vital areas; discovery of unauthorized weapons, explosives or incendiary devices inside the protected area; and attempted or consummated acts of sabotage.)
2. Has a potential threat to security safeguards been perceived? (e.g. strikes or civil disturbances at the plant site; theft of security weapons; confirmed tampering with security equipment; discovery of spurious ID badges, key cards, or security locks and keys; theft of security documents; unavailability of security personnel due to work stoppage, mass epidemic, or catastrophe; and attempts to introduce unauthorized weapons, explosives or incendiary devices into protected or vital areas.)
3. Has the effectiveness of primary safeguards been degraded and established compensatory measures fail to provide an equivalent level of protection? (e.g. unavailability of security personnel to provide compensatory action if required; disasters such as fires, explosions and floods; simultaneous failure of perimeter and vital area intrusion detection and threat assessment equipment; jamming of security radio communication equipment or any event limiting onsite radio communication within the security force; failure of perimeter lighting such that threat assessment is impaired; and total loss of capability to request assistance from LLEA.)
4. Has safeguards equipment failed or malfunctioned such that undetected, unauthorized access to protected or vital areas could have occurred? (e.g., simultaneous failure of card reader and intrusion detection device at an unoccupied vital area portal; simultaneous failure of perimeter intrusion detection and threat assessment equipment; failure of both the perimeter intrusion detection system and perimeter lighting during hours of darkness; and card reader access control system malfunction so that unauthorized personnel could gain access to vital areas.)

The proposed regulation would require reporting all safeguards events immediately to the NRC by telephone. This requirement erroneously implies an equal sense of urgency for all safeguards events. We suggest the requirement should be that potential and explicit threats be reported immediately by telephone, followed-up with a written report; and that all other safeguards events be reported in writing within five days of the discovery of the event.

We have no comments on your proposed format for reporting events.

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We appreciate the opportunity to express our comments and suggestions, and we would welcome the opportunity for further discussion with the Commission Staff if you so desire.

Very truly yours,

C. M. Stallings
Vice President-Power Supply
and Production Operations

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