

CP&L

Carolina Power & Light Company

December 29, 1979

DOCKET NUMBER

PROPOSED RULE

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PR-73(44FR60743)

DOCKET NUMBER

PROPOSED RULE

PR - Misc. Notice  
Reg. Guide

FILE: NG-4013

SERIAL NO: GD-79-3294

Secretary of the Commission  
ATTENTION: Docketing and Service Branch  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555

H. B. ROBINSON STEAM ELECTRIC PLANT, UNIT 2  
LICENSE NO. DPR-23, DOCKET NO. 50-261  
BRUNSWICK STEAM ELECTRIC PLANT, UNITS 1 AND 2  
LICENSE NOS. DPR-71 AND DPR-62, DOCKET NOS. 50-324 AND 50-325  
COMMENTS ON PROPOSED RULE AND DRAFT REGULATORY GUIDE (TASK SG 901-4)

Dear Sir:

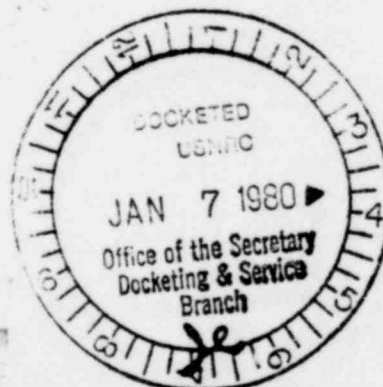
On October 22, 1979, the Commission published a proposed rule which would add a new section 73.71(c) to the regulations related to safeguards. Additionally, a draft Regulatory Guide, "REPORTING OF SAFEGUARDS EVENTS" (Task SG 901-4) was provided for comment. The comments by Carolina Power & Light Company on the proposed rule as well as the Draft Regulatory Guide are provided herein.

The proposed rule would require that "any event which significantly threatens or lessens the effectiveness of a safeguards system as established by regulations in this Chapter, or by the licensee's approved physical security, contingency, security personnel qualification and training plans and fundamental nuclear material control programs and procedures or by both", be reported to NRC immediately and in no case later than one hour after an authorized individual knows of its occurrence. The proposed rule does not define the term "significantly threaten". However, examination of the Draft Regulatory Guide provides an insight into the staff's interpretation of the proposed rule by identifying examples of reportable events, such as:

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- Failure or loss of operability of any alarm or intrusion detection system or portion thereof that could be directly exploited to allow undetected access. (This would include such items as the inability to restore power to an alarm system after the loss of primary power and the loss of coverage for more than one alarm zone.)
- Loss or degradation of lighting systems below requirements set forth in the physical security plan.
- Loss or degradation of physical security system power below that level required to keep security system operating at rated capacity.
- Unexplainable security situations.
- Unexplained fire or explosion at or near the plant site.
- Security-related injury to a guard such as that caused by malfunctioning security equipment.
- Sudden retirement, discharge, or resignation of key security people, e.g., Security Supervisor.

All of the events indicated above could have an impact on the security system; however, if compensatory measures are taken, the overall level of security specified in the security plan might not be reduced. Neither the proposed rule nor the Draft Regulatory Guide take cognizance of compensatory measures which have clearly been recognized in previous NRC guidance to licensees.

The Draft Regulatory Guide contains ambiguities and inconsistencies. For example, on page 3, Item 1a (External Events, Human Involvement) states, "A direct threat to steal SNM or to sabotage a plant is immediately considered a serious threat and must be reported to the NRC." We question what constitutes a direct threat as opposed to an indirect threat; if there is a meaningful distinction, it then follows that a certain indirect threat could be more valid than a direct threat received from, for example, an incompetent person. A more precise definition of these terms is needed in order to assess reportability. All threats should be evaluated for validity, and only credible threats should be required to be reported in an expeditious manner.

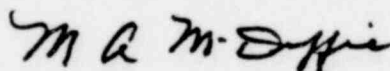
Comparison of the proposed rule and the accompanying Draft Regulatory Guide with NUREG-0610 ("Draft Emergency Action Level Guidelines for Nuclear Power Plants") reveals inconsistencies in the scope of reporting as well as in the time limits required for reports. These inconsistencies could result in confusion among licensees.

The word "guard" is used several times in the Draft Regulatory Guide when it seems that the term "member of the security organization" should have been used.

Several of the events listed in the Draft Regulatory Guide lack precise definitions which, when coupled with the proposed requirement for immediate (but no longer than one hour) reporting, would require licensees to report ill-defined and unevaluated information. This would prove to be a burden both to NRC and to the licensees. We recognize the necessity for timely reporting, but such reporting should be restricted to those events which have an impact on the public health and safety; that is, immediate reporting of events should not be mandatory if compensatory measures have been taken which protect the public from adverse effects.

Please call my staff if you have any questions regarding these comments.

Yours very truly,



for E. E. Utley  
Executive Vice President  
Power Supply & Customer Services

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cc: Mr. T. S. Michaels (NRC, Task SG 901-4)

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