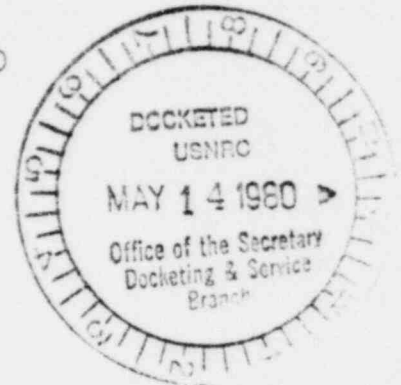




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DOCKET NUMBER **PR-73** ⑥
 PROPOSED RULE
(45 FR 15937)

May 5, 1980



Mr. Samuel J. Chilk
 Secretary of the Commission
 U.S. Nuclear Regulatory Commission
 Washington, D.C. 20555

Attention: Docketing and Service Branch

Reference: Federal Register, 45 FR 15937, Access Controls to
 Nuclear Power Plant Vital Areas

Dear Mr. Chilk:

On March 12, 1980, the Nuclear Regulatory Commission published proposed amendments to regulations for the physical protection of plants and materials which involve changes in the requirements for nuclear power plant vital area access controls. Commonwealth Edison Company wishes to provide comments on the proposed amendments.

It is our view that individuals should only be authorized access to vital areas where there is a need for access and that individuals should not have unrestricted access to vital areas at any time, when access is needed only on an infrequent or one-time basis. To this extent we agree with the intent of the proposed amendments. However, it is also our view that the proposed amendments change the original intent of specific provisions of existing regulation and that measures specified as "guidance" in the supplementary information were not intended when 10 CFR §73.55 was initially proposed in 1974 and commented on in 1975 and 1976. We are not aware that such positions, with regard to the intent of proposed 10 CFR §73.55, were at anytime made known prior to the publication of the amendment as an effective regulation. As an example, Review Guidelines 21 and 23 are dated May 26, 1978 and November 6, 1978, more than one year after the required submittal of Amended Physical Security Plans.

We are particularly concerned that there is a lack of clarity in the aspect of the regulation dealing with "duration" of access authorization. Proposed 73.55(d)(7)(i) provides that approved access duration shall be commensurate with the tasks to be performed, and supplementary information explains that access to a vital area will be limited to the particular time period that access is needed. Several different interpretations of the duration limitation are possible since the meaning of the proposed regulation remains uncertain. For example, interpretations could be that the identification of the date, time of entry and time of exit are

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required in advance; or that access could be allowed on a continuing basis where repetitive access is required, without specifying in advance the date and time period of authorized access. In meeting existing requirements access lists have been developed to assure that access is authorized for areas to which access should be permitted. Additionally, 10 CFR §73.70(d) already requires a record of the time of entry and exit for normally unoccupied vital areas. An interpretation of this aspect of the proposed change which could require a new authorization for access to a vital area each time access is required, would drastically increase the administrative burden and could present an additional impediment to safe, efficient operations. It is our view that paperwork, not effective security, would result from such an interpretation.

For reasons noted above, proposed 73.55(d)(7)(i) if determined to be an appropriately necessary change, should be modified as follows:

- (i) Access lists shall be established and approved for each vital area by ~~the onsite individual responsible for security (or equivalent) or his designated representative.~~ a designated responsible individual. Approved access duration and areas shall be commensurate with the tasks to be performed. Approved access for persons routinely working at the facility shall be commensurate with the tasks to be performed. To remove individuals who no longer need access, access lists shall be reviewed, updated and reapproved at the end of each access duration period not to exceed 31 days. Persons not routinely working at the facility shall receive access to vital areas for the duration commensurate with the tasks to be performed.

A distinctive picture badge would be required by proposed 10 CFR §73.55(d)(7)(ii) which includes a visible code to indicate levels of access authorized. We believe that this can be accomplished using color-coded badges to indicate levels of access such as protected areas, vital areas or escort required. However, there could be future interpretations to require additional visual indications for each separate vital area. To assure clarity, the following wording of this section is suggested:

- (ii) Each individual granted access to vital areas shall be issued a serially numbered badge which visually indicates the level of unescorted access granted and corresponding ~~corresponds~~ corresponds to the vital area designations in the security plan.

Section 73.53(d)(7)(iii) would require development of emergency access lists. To maintain lists for foreseeable emergency conditions would present a substantial administrative burden with minimal improvement of security, and we believe that this concern for safety can be adequately addressed by procedure without specifying maintenance of lists. Therefore, the following wording change is suggested:

- (iii) ~~Emergency-access-lists-shall-be-established-and-approved for each vital area by the onsite individual responsible for security (or equivalent) or his designated representative.~~ Access controls and written procedures to cope with emergency conditions shall be established.

Section 73.55(d)(7)(ii) establishes requirements to prevent "tailgating". The statement of considerations states the expected changes resulting from the proposed amendments would be procedural in nature, however, the subsection could be interpreted to be a requirement for additional equipment. We believe the intent should be included in the proposed rule as follows:

- (iv) Licensee procedures, ~~and/or~~ equipment, or the combination of procedures and equipment shall be established to assure that only the authorized individual can gain unescorted entry to a vital area on his/her key, key card, or other entry mechanism.

As a general comment, we believe that the additional measures which would be required by the proposed amendments are inappropriate at this time. The belief is based on that the fact that the Commission is presently considering the overall issue of insider protection and that the Commission has clearly stated in the past that existing measures for protection of vital areas are acceptable pending completion of review of the proposed regulation 10 CFR Part 11, the Material Access Authorization Program.

D. L. Peoples
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Director of
Nuclear Licensing

DLP/LBB/dmg