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POWER BUILDING

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PROPOSED RULE

PR-73 (8)
(45 FR 15937)

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



Attention: Docketing and Service Branch

Subject: 10CFR Part 73
Physical Protection of Plants and Materials; Access Controls
to Nuclear Power Plant Vital Areas

Dear Mr. Chilk:

Regarding the proposed rule published in the Federal Register, FR Doc. 80-7342, concerning access controls to nuclear power plant vital areas, Duke Power Company provides the following comments.

In regard to the discussion under supplementary information, we would like to restate our objection to the use of guidance such as the Security Plan Evaluation Report (SPER) Workbook, Office of Nuclear Reactor Regulation (NRR) Review Guideline No. 21, and NRR Review Guideline No. 23 as references for the formulation of proposed rules. Unlike NRC Regulatory Guides, these documents are not published for comments and contain guidance that in some cases does not enhance the security at nuclear stations. It should also be pointed out that this guidance was not officially made available to licensees. Comments which have been provided to the NRC on these documents in the past have not been considered to our knowledge. We therefore appreciate this opportunity to provide comments on appropriate access controls for nuclear power plant vital areas.

Section 73.55(d)(7) currently states:

"The licensee shall positively control all points of personnel and vehicle access into vital areas. Access to vital areas shall be limited to individuals who are authorized access to vital equipment and who require such access to perform their duties. Authorization for such individuals shall be provided by the issuance of specially coded numbered badges indicating vital areas to which access is authorized. Access to vital areas for the purpose of general familiarization and other non-work-related activities shall not be authorized except for good cause shown to the licensee. Unoccupied vital areas shall be locked and protected by an active intrusion alarm system."

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Acknowledged by card.

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The term "positively controlled" has been interpreted by NRC guidance to consist of two elements; background screening and need for entry to perform a specific function at a specific time. The point that this guidance fails to recognize is that a number of employees at a site must have access to vital areas on a routine basis to perform operations and maintenance functions necessary for the safe operation of the station. Employees of Duke Power Company are required to successfully meet the criteria of background screening, psychological testing and continuous aberrant behavior monitoring programs and in addition, are searched for unauthorized material upon entry into the site. Establishing a program to monitor entry based upon a specific function and allowing only specific times for occupation of the vital areas will unnecessarily hamper the movement of personnel who have the responsibility for safely operating the station. In addition, it will create an unwarranted administrative burden on supervisory and management personnel with little, if any, security benefit. It is therefore felt that employees regularly assigned to the station and Duke Power Company employees should be granted access on a routine basis to their work areas. Visitors to a plant site would be granted access only to perform specific functions (which could include observation of areas where this is necessary to competently perform their work) and would be allowed access only for a reasonable length of time.

To require employees to obtain authorization each time access to a vital area is required, will be interpreted as harassment. For example, an employee assigned to perform routine maintenance, service or testing on a piece of equipment in a vital area and who has performed these duties for a number of years would be treated with suspicion when performing his regular job. Placing a time limit on work activity has a definite adverse effect on the atmosphere in which employees must work. It is felt that the security program as a whole would be better served by placing employees in the position of trust to which they are entitled and gaining their cooperation in providing security for the station.

In regard to the proposed Section 73.55(d)(7)(i), we agree that access lists should be established and approved for each vital area. However, the requirement that the access list be approved by the onsite individual responsible for security (or equivalent) or his designated representative is not always the preferred method for approval. The organization responsible for meeting screening program requirements should also be authorized to validate access lists.

Since we believe that the proposed rule is subject to interpretation, we propose that the language of Section 73.55(d)(7)(i) be changed to clarify the intent and include the above comments. The section should be changed to read as follows:

- (i) Access lists shall be established and approved for each vital area by the individual(s) responsible for security (or equivalent) or his designated representative. Approved access areas-and-duration of-access for utility employees and persons routinely working at the facility shall be commensurate with the tasks to be performed. Persons not routinely working at the facility shall receive access to vital areas for the duration commensurate with the tasks to be performed. To remove the names of individuals who no longer have a

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need for access, access lists shall be reviewed, updated and reapproved at the end of each access duration, not to exceed 31 days.

In regard to Section 73.55(d)(7)(ii) it is requested that the phrase "displays a visible code" be clarified so that distinctive coloring of badges would be clearly allowed by the language. We propose that the following language be adopted:

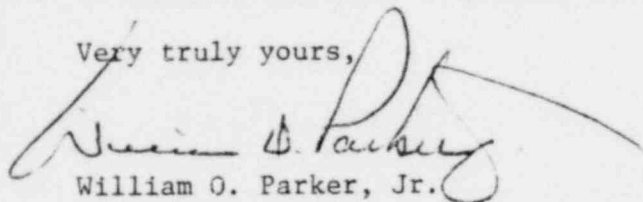
- (ii) Each individual granted access to the vital areas shall be issued a serially numbered badge ~~that displays a visible code~~ which visually indicates the level of unescorted access granted corresponding to the ~~associated types of~~ vital areas designated in the security plan.

Section 73.55(d)(7)(iv) establishes requirements to prevent "tailgating." We believe that the regulation would be more clearly stated as follows:

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

We appreciate the opportunity to comment on this proposed rule and would be pleased to discuss our view in greater detail if you have any questions.

Very truly yours,



William O. Parker, Jr.

LJB:scs