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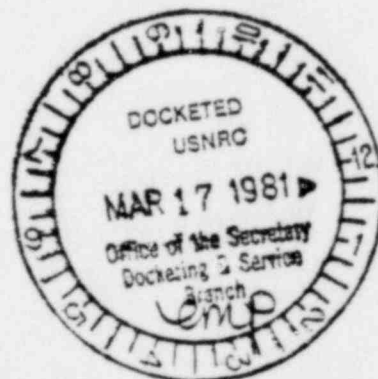
WILLIAM O. PARKER, JR.
VICE PRESIDENT
STEAM PRODUCTION

March 9, 1981

TELEPHONE AREA 704
373-4083

Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Subject: Proposed Changes to 10 CFR;
Protection of Unclassified Safeguards
Information
Duke Power Company Comments



Dear Sir:

Duke Power is pleased to take this opportunity to comment on the proposed changes to the various parts of Title 10 CFR which deal with the protection of unclassified safeguards information. The proposed changes to 10 CFR were published in the December 29, 1980 issue of the Federal Register; the attached comments, which pertain only to Part 73, reference the changes by Federal Register page numbers and Title 10 paragraph designations.

Very truly yours,

William O. Parker, Jr.
by *[Signature]*

William O. Parker, Jr.

SAG:pw
Attachment



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COMMENTS ON "SAFEGUARDS INFORMATION" CHANGES TO 10CFR73

73.2 (KK)
Page 85462

The concept of a "need-to-know" determination, especially in the construction phase of a nuclear power plant, lends itself to a variety of interpretations and ramifications. Some concerns which could be raised by this concept include:

- (a) There does not appear to be any logical criteria upon which to base a need-to-know determination. During construction of security or safety-related facilities, such a determination could apply to the entire work force, including substitute workers. This virtually limitless access seems to undermine the value of the entire concept of the Safeguards Information classification.
- (b) At what level of management should a need-to-know determination be made? Clearly, there may be a wide range between a "person having responsibility for protecting safeguards information", and an individual who is responsible for task assignments; especially if the definition of person is taken from Paragraph 73.21 (LL) to be "any individual, corporation, partnership, firm. . ."

73.2 (MM)
Page 85462
73.21.(d)(2)
Page 85463

This definition of Security Storage Containers seem unduly restrictive, in that it does not include lockable desks. This could cause unnecessary difficulties for those people who work with Safeguards Information on a daily basis.

73.21(e)
Page 85463

This requirement, regarding preparation and marking of documents, should be worded to indicate that the provisions apply only to safeguards documents which are generated and/or received on or after the effective date of the proposed rule.

73.21(g)(2)
Page 85463

This requirement appears to preclude the use of in-house mail delivery. Such a provision would be very impractical for large companies whose offices are not all within reach of one another. Rapid transfer of information is vital to the efficient working of a company.

73.21(g)(3)
Page 85463

As with 73.21(g)(2) above, this restriction on the transfer of information is impractical. Prohibition of the use of "unprotected telecommunications circuits. . . Except under emergency or extraordinary conditions" could prevent timely transmittal of important information; thus perhaps creating an emergency condition.

73.21(h)
Page 85463

The requirement for an access code for automatic data processing systems should be waived in those situations where the safeguards information is contained on magnetic cards, disk packs, etc., which can be maintained in a protected environment.

Appendix,
Par. A(5)

This item appears to indicate that all communications systems are to be classified as safeguards information. This should be reworded to apply only to those systems which are used for security.