

NORTHEAST UTILITIES



THE CONNECTICUT LIGHT AND POWER COMPANY
WESTERN MASSACHUSETTS ELECTRIC COMPANY
HOLYOKE WATER POWER COMPANY
NORTHEAST UTILITIES SERVICE COMPANY
NORTHEAST NUCLEAR ENERGY COMPANY

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January 25, 1983
Docket Nos. 50-213

- 50-245
- 50-336
- 50-423
- BI0664

(21)

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

DOCKET NUMBER
PROPOSED RULE PR-19 et al
(47 FR 52452)

Attention: Docketing and Service Branch

Reference: (1) 47 FR 52452, dated November 22, 1982.

Comments on the Proposed Rule
on "Authority for the Copying of
Records and Retention
Periods for Security Records."

In Reference (1), the Nuclear Regulatory Commission provided the opportunity to comment on the proposed amendments to its regulations to provide specific authority to copy licensee records maintained pursuant to Commission requirements and to specify retention periods for required security records. (10 CFR Parts 19, 21, 30, 40, 50, 70, 71, 73, and 110). The proposed rule is intended to avoid delays in obtaining information needed for Commission inspection and enforcement activities and to codify guidance relating to record retention. On behalf of the Connecticut Yankee Atomic Power Company (CYAPCO) and the Northeast Nuclear Energy Company (NNECO), Northeast Utilities Service Company (NUSCO) hereby offers the following comments on this proposed rule.

In general, we are in agreement with the objectives of the proposed rule and have no reservations with the NRC making and keeping copies of our records, however, the rule should state that proprietary and security information will be considered as such unless specifically exempted by a representative of the affected company. We recommend that the Commission reproduce and remove such information to the minimum extent necessary and that the proposed recipients of the information must meet the "need to know" criteria as set forth in 10 CFR 73.2. As a minimum, we believe specific written guidance should be provided to NRC representatives to minimize the reproduction of such materials and if the representatives elect to reproduce such sensitive materials, they be held responsible and accountable if that reproduced material is released to unauthorized persons.

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The second item of concern is with regard to granting any Commission employee the authority to copy nearly any record without regard to relevance to safety. There are certain categories of information required to be retained by the licensee (such as personnel medical records) that are considered to be private records. Many utilities consider the medical records, personnel files, certain personnel screening records and other materials of its personnel's performance to be private and its release could constitute an unwarranted intrusion of the employee's privacy. We recognize that such material is sometimes required by the NRC as part of an investigation and in those instances acquisition of the records would be warranted. We recommend that an exemption similar to that of 10 CFR 9.5 permitting the protection of disclosure of records would be appropriate.

Specific Comments:

10 CFR 73.70 (b)(1)

The definition of "security equipment" needs to be clarified such that implementing procedures can be properly developed. For example, is a multiplexing cabinet considered "security equipment," or is it the individual circuit boards? If a component is repaired or refurbished, would its old lifetime be considered over (and the records purgable) or would its subsequent use be considered a continuation of its previous lifetime? What type of security equipment would be excluded from this requirement (line printers, CCTV monitors, etc.)? Based on our experiences, procedures developed from such a broad definition (i.e. "security equipment") will result in items of non-compliance based purely upon not meeting the letter of the law without regard to meeting the intent of the law.

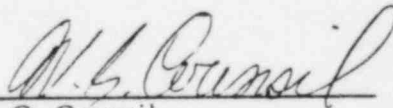
10 CFR 73.30 (b)(2)

The intent of this rule should be clarified. What is the starting point of the two year retention period?

We appreciate the opportunity to provide our comments on this proposed rule and trust that you will find them beneficial. We remain available to discuss our further details on these comments.

Very truly yours,

NORTHEAST UTILITIES SERVICE COMPANY



W. G. Council
Senior Vice President

WISCONSIN PUBLIC SERVICE CORPORATION



P.O. Box 1200, Green Bay, Wisconsin 54305

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January 27, 1983

Mr. Samuel J. Chilk, Secretary
Docketing and Service Branch
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

DOCKET NUMBER
PROPOSED RULE PR-19 et al
(47 FR 52452)

Dear Mr. Chilk:

Authority for the Copying of Records and Retention
Periods for Security Records, 47FR52452

We are pleased to have the opportunity to offer comments on the proposed rule published in the November 22, 1982 Federal Register. This proposed change to 10CFR would grant the NRC the authority to reproduce licensee records, at Commission expense, and to remove the records from the site. In addition, the proposed changes would establish the required retention periods for various security records. The NRC suggests that this would tend to avoid delays in obtaining information for Commission activities and would modify and codify staff guidance on the retention of licensee maintained records.

We commend the NRC for trying to expedite inspection and enforcement activities and for attempting to codify guidance related to record retention. These objectives are worthwhile and we agree with the intent of the ruling. We are concerned, however, that the proposed wording could be interpreted liberally and should be rephrased.

The current wording affords a Commission employee carte blanche to reproduce any record required to be retained by a licensee, regardless of the relevance of that record to security. This indiscriminate authority to copy any record the Commission employee desires poses the threat of an unwarranted invasion of privacy of a licensee's employees. We are not implying that a Commission employee would knowingly attempt to disclose proprietary or personal information, but certainly one can speculate how sensitive information might inadvertently find its way into the public domain (e.g. as a report attachment, distribution to the public document room, or loss of a Commission employee's briefcase containing safeguards information while in transit).

As you are no doubt aware, we currently take precautionary measures to minimize or avoid this type of accident from happening. Security information



add: Jerry Ennis
5658 NL

acknowledged by date 2/8/83 emg

Mr. S. J. Chilk
January 27, 1983
Page 2

mailed to the NRC is sent in double envelopes to reduce the chances of mishandling. In this manner, once the mail reaches NRC offices, it is afforded the protection of your internal controls. Even with these controls, however, sensitive information has found its way into the public domain. This reinforces the need to maintain stringent procedural and administrative controls. In fact, the office of Nuclear Reactor Regulation recently issued an information notice pertaining to submittals of safeguards information, to alleviate some of the associated procedural problems. We hold that unless sufficient justification is shown, sensitive information should not be reproduced and transported away from site.

The proof of burden would rest with the Commission employee to show good cause why a particular piece of information ought to be reproduced and removed from the site. We concede that some cases warrant the release of certain sensitive materials (such as an investigation of wrongdoing, i.e. falsification of records). In that particular instance the records would be available for reproduction. However, to prevent an inadvertent disclosure of sensitive information in a different circumstance, we believe an exemption similar to 10CFR9.5 is in order. Licensees should be provided the level of protection afforded Commission employees whose records have not been released when requested under the Freedom of Information Act. This exemption could be overridden in the case of a need to know basis.

We recommend a change in the language of the proposal to read similar to that shown below:

"A representative of the Commission may copy, at Commission expense, any record kept pursuant to the regulations of this part, Commission order, or license condition provided reasonable justification is presented to support a need to know basis as part of an investigation. The Commission representative may take possession of, and remove such copies, for Commission use only.

We suggest specific written guidance should be issued to Commission employees to emphasize their responsibility for the protection of safeguards information. The Commission employee should be instructed to minimize the reproduction of sensitive material and ought to be reminded that disclosure of proprietary or sensitive information could have serious consequences.

The second portion of the proposed changes to Title 10 of the Code of Federal Regulations, regarding record retention periods of 10CFR73.70 does not, in our opinion, need to be promulgated as a rule. As pointed out in the statement of considerations, the record retention periods are currently reflected in approved security plans of licensees. Since the plans are a part of the approved license, we see no reason to establish a separate rule for these requirements.

We appreciate the opportunity to comment on this proposed regulation.

Mr. S. J. Chilk
January 27, 1983
Page 3

Very truly yours,
Carl W Giesler

C. W. Giesler
Vice President - Nuclear Power

js

cc - Mr. Robert Nelson, US NRC
Mr. S. A. Varga, US NRC