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

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Attention: Docketing and Service Branch

Subject: Comments on Proposed Rule for Upgrading Safeguards  
Requirements at Facilities Possessing Formula Quantities  
of SSNM

Gentlemen:

Contained herein are General Atomics' (GA) comments regarding the Commission's proposed amendments to 10 CFR 73, "Safeguards Requirements for Fuel Facilities Possessing Formula Quantities of Strategic Special Nuclear Material," as published in the December 31, 1987, issue of the Federal Register. GA's comments on each of the proposed amendments, and related topics, are as follows.

1. Performance Evaluation through Tactical Response Exercises, Tactical Response Teams (TRT), and Guard Force Weaponry.

a) We recognize the merits of performing tactical response exercises and agree that such exercises should be held periodically. However, after considering the practicalities of a commercial facility such as ours, we feel quarterly is really more frequent than necessary; and semiannually may not be frequent enough. Therefore, we recommend the frequency of tactical response exercises be once very four months rather than quarterly. The added benefit in terms of improved response and assessment of training adequacy gained from four exercises instead of three per year does not warrant the significant additional demands on our resources.

b) The proposed regulation states in Part 73.46(b)(8), "...Tactical Response Team members and guards who are eligible to be members of the Tactical Response Team shall successfully complete training in response tactics." However, no criteria or standards for such training in response tactics are given. Is the Commission staff going to establish such criteria or standards? We believe some such minimum standards should be established and that such standards or criteria must have the flexibility to be customized for site specific threats.

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c) Inasmuch as the NRC funded the development of site specific scenarios for each of the other fuel facilities affected by this proposed rule, GA requests similar assistance.

d) As discussed below, we believe it to be inappropriate for General Atomics to arm a responder with a high powered rifle.

The site upon which our fuel fabrication facility is situated is small, and is located within the boundaries of the City of San Diego in an area characterized as rough terrain with good but limited access roads. The site is surrounded by industrial parks and other facilities.

Further, the fuel fabrication facility site is bounded on three sides by steep hills approximately 250 feet higher than the general site elevation. The property line generally runs along the upper two-thirds of these steep hillsides. The average distance from the protected area to the rear property lines is 450 feet. The corresponding distance to the street is about 150 feet. Industrial security fences are placed roughly 80 to 100 feet outside the protected area fencing. This combination of steep hills and industrial fencing greatly supplement the required barriers intended to contain or control the movements of a potential adversary against the facility and its contained material.

The fuel facility site is located in close proximity to the City of San Diego's Northern Division police and fire department headquarters. These facilities are less than two miles from our site with easy direct access to GA, thus reasonably assuring us of a relatively rapid response by local law enforcement agencies. (This quick response time may not be enjoyed by the other facilities subject to the proposed physical protection upgrade rule.) Furthermore, the vaults wherein the bulk of our material would be stored at any given time are built with sufficient strength to withstand any reasonably assumed potential threat for a period much longer than the expected law enforcement agency response time. Thus, our guards need only to protect themselves and the SSNM from adversaries for a relatively short period of time.

Given these facts, we submit that a semiautomatic rifle with high muzzle velocity and long range provides no more effective protection on a small site such as ours than do the handguns and shotguns with which our guard force is armed. A potential adversary cannot be perceived to present a threat unless he comes within the perimeter or even inside the building itself, at which point he would be within range of the types of weapons that have been assigned to our guards. Even under a threat scenario which pins our guards down by semiautomatic or heavy weapons fire from

the ridge overlooking our facility, the guards inside the building would be protected from such fire. An adversary who attempted to retrieve material outside the building, but inside the perimeter fence, while under cover of such protective fire, would be within range of our guards' assigned weapons.

Of equal importance to this issue is the clear potential hazard to the public at large. There is a public street only about 150 feet from our facility and other industrial park establishments line the opposite side of this street. Further, as pointed out above, there are other major industrial parks within a mile and one-half radius of our site. We understand that the effective range of the semiautomatic weapons recommended by NRC staff is at least a mile and one-half. Within this range are two hospitals, a hotel, a state park, two major interstate highways, several heavily traveled city streets, and industrial parks presently housing an estimated 20,000 employees. While any potential adversary threatening our site would be firing in towards the building or the ridge behind it, any response fire from our guard force would be away from the site and toward other facilities, including the highways, industries, and the hospitals. On the other hand, the handguns and shotguns of the type with which we have armed our guard force have a projectile range of the order of 100 yards or less and therefore provide us with the assurance that strays, ricochets, etc., would not harm nearby facilities and persons in the immediate environs of GA.

It is recognized that rifles definitely provide more striking power than handguns or shotguns, and there is no question of their value under certain circumstances. However, the probable use of a rifle to stop a vehicle from crashing through the protected area on sites so small and condensed as our fuel fabrication facility is extremely remote. Any firing of weapons would be done at very close range and probably directed against personnel rather than vehicles. At these close ranges, a shotgun would be as, or more, effective than a rifle.

Of a lesser but still quite significant importance, there would be considerable adverse public reaction to security personnel carrying a rifle in this setting.

In view of the above, it would not only be completely unnecessary for us to arm our guards with semiautomatic weapons, but also dangerous. Therefore we request that GA be exempted from that portion of the proposed rule as it relates to a member of the Tactical Response Teams being assigned a rifle.

## 2. Weapons Qualification.

GA understands that, based upon information from police departments, etc., the NRC is considering lowering the light

level limit for night firing qualification and annual requalification. GA contends that it is not appropriate to base such a light level limit upon the experiences of law enforcement agencies which are confronted with many varied situations involving lighting conditions (e.g., dark alleys, subways, etc.) that are very different from those required at a licensee's facility. Based upon our experience in carrying out the recently implemented night firing qualification courses, we are convinced that the light level criteria currently in effect are practical and reasonable for licensee installations. Therefore, we urge that the criteria not be changed.

3. Personnel, Package, and Material Entrance Search. No comment.
4. Armed Guards at MAA Control Points. No comment.
5. Protected Area Physical Barriers.

GA's fuel fabrication facility is an approximately 50,000 square foot structure which is enclosed by a protected area perimeter measuring less than 2,000 feet. There are other GA buildings and structures (e.g., tank farm) located in close proximity to the fuel fabrication building, which is itself located with its back walls in close proximity to steep hillsides. In one area there is only approximately 35 feet between the fuel fabrication building and another nearby GA building. The resulting demands on available space is such that, for the most part, it would be impossible to achieve the recommended spacing (i.e., 20 feet) between the proposed two protected area barriers.

We therefore request that GA be exempted from the "double barrier" portion of the proposed rule. The physical location of various of our facilities is such that it is necessary that alternative means for providing the requisite protection be developed. We would like to enter into discussions with the NRC staff to determine what would be considered as adequate alternative means.

6. Design Basis Threat and Vehicle Barriers. No comment.
7. Implementation Schedule.

As you are aware, our fuel fabrication facility is, at this time, in a shutdown mode. Currently our only known potential customer is the Public Service Company of Colorado which owns and operates the Fort St. Vrain (FSV) Nuclear Generating Station. The FSV reactor has thus far depleted only about 40 percent of its reload fuel since its last refueling, and another complete reload segment of fuel is in storage at the reactor site. While we remain hopeful that the FSV plant will run well and additional reload segment fuel will be ordered, we do not at this time know when or



even whether Public Service Company of Colorado will decide to order additional fuel. There are, consequently, significant uncertainties regarding the future utilization of our fuel fabrication facility.

You are also aware that we have already taken the necessary actions to fully implement and comply with three of the six proposed amendments to the rule. These three specific areas being: 1) night firing qualification for guards using all assigned weapons, 2) search of 100 percent of entering personnel and packages, and 3) posting of armed guards at MAA control points.

However, for the reasons given, GA hereby requests an exemption from implementing the remaining three proposed measures, subsequent to the proposed amendments becoming a final rule, until a reasonable time after we receive a commitment to, or make the decision to, initiate processing activities involving five or more formula kilograms of SSNM. We would propose complying with the new rule within 180 days of receipt of a commitment or decision to initiate such processing activities. This assumes, of course, that any capital improvements that might be required to comply with the new rule could be completed within this period of time.

8. Material Form.

GA believes the form of the SSNM and thus how attractive it might be as a target for theft should be a factor in establishing its attendant physical protection requirements. We believe the unique form of SSNM in process in GA's facility, outside of our vault area, makes it unattractive to an adversary contemplating its theft. Accordingly, we wish to open a dialogue with NRC staff to further explore this notion of security requirements being commensurate with material form and risk of theft or sabotage.

If you should have any questions regarding our comments, please contact me at (619) 455-2823 or Alex Galli at (619) 455-3668.

Very truly yours,

*Keith E. Asmussen*

Keith E. Asmussen, Manager  
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KEA/mk

cc: John Martin, Regional Administrator, NRC Region V