

WOLF CREEK NUCLEAR OPERATING CORPORATION

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Chief Operating Officer

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WO 98-0023

U. S. Nuclear Regulatory Commission
Rules and Directives Branch
Office of Administration
Washington, D. C. 20555

Subject: Docket No. 50-482: Wolf Creek Nuclear Operating
Corporation Comments on Draft Regulatory Guide DG-5008

Gentlemen:

The attachment to this letter provides Wolf Creek Nuclear Operating Corporation's (WCNOC) comments on Draft Regulatory Guide DG-5008, "Reporting of Safeguards Events." The attachment contains selected text from the Draft Regulatory Guide. WCNOC's comments are provided immediately following the selected text.

If you have any questions regarding these comments, please contact me at (316) 364-8831, extension 4485, or Mr. Michael J. Angus at extension 4077.

Very truly yours,



Clay C. Warren

CCW/jad

Attachment

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"2. REPORTABLE EVENTS

2.1 Safeguards Events To Be Reported Within One Hour

(b) An actual entry of an unauthorized person into a protected area, material access area, controlled access area, vital area, or transport. [See the Glossary in Appendix A to this guide for a definition of "unauthorized person."]"

Comment: There appears to be a significant change to the meaning of the words "unauthorized person." This would increase the number of one hour reports. See comments in Appendix A.

Comment: This is a generic comment. Since the safeguards system includes the physical protection system, for consistency, it should be referred to as the safeguards system throughout the guide. Various terms used are, physical protection system, physical protection program, and security system.

"2.2 Examples of Safeguards Events To Be Reported Within One Hour

2. Bomb threat or extortion threats. (Paragraphs I(a)(2) and I(a)(3) of Appendix G) There are no compensatory measures that would preclude reporting this event within one hour."

Comment: The word "credible" should be inserted at the beginning of the above example as it is currently used in Regulatory Guide 5.62, Revision 1, "Reporting of Safeguards Events." By reporting all threats, without regard to assessing credibility, we place a lot of power into the hands of any person who is looking for publicity. The reportability system should not encourage such a situation. Further, Appendix G of 10 CFR 73.71 addresses only credible threats.

Comment: Add, "Unsubstantiated threats need not be reported immediately unless a specific organization or group claims responsibility or the threat is one of a pattern of harassing threats; in these cases the threat must be reported within 1 hour." This language is currently contained in Regulatory Guide 5.62, Revision 1.

"3. Discovery of criminal acts that have a connection to plant operations or discovery of a conspiracy to bomb the facility or sabotage its vital components. (Paragraphs I(a)(2), I(a)(3), I(c), and I(d) of Appendix G). There are no compensatory measures that would preclude reporting this event within one hour."

Comment: Add at the beginning of first sentence, "Discovery of a criminal act involving individuals granted unescorted protected area or vital area access that, in the judgment of the licensee, adversely affects radiological safety in licensed activities." This language is currently contained in Regulatory Guide 5.62, Revision 1.

"9. Tampering with safety or physical protection equipment that is confirmed to be of malevolent or suspicious origin. (Paragraphs I(a)(1), I(a)(2), I(a)(3), I(b), I(c), or I(d) of Appendix G) See Example 6 of Regulatory Position 2.5 for similar examples that need not be reported or logged. There are no compensatory measures that would preclude reporting this event within one hour."

Comment: Change "safety" to "safety related" equipment.

Comment: 10 CFR 73.31, Appendix G requires tampering be reported only when it results in the "interruption of normal operation of a licensed nuclear power reactor..." Example 9 should either be withdrawn or modified to more clearly state that the one hour clock starts when tampering has been confirmed to be of malevolent intent. Add at the beginning of first sentence, "Confirmed tampering of suspicious origin." This language is currently contained in Regulatory Guide 5.62, Revision 1.

Comment: Reference to "suspicious" origin is too broad a term and should be deleted.

"10. An assault on a power reactor, facility, or transport possessing or transporting SSNM regardless of whether perimeter penetration is achieved. (Paragraphs I(a)(2), I(a)(3), I(b), or I(d) of Appendix G) There are no compensatory measures that would preclude reporting this event within one hour.

11. Discovery of falsified identification badges or key cards. (Paragraph I(a) of Appendix G). There are no compensatory measures that would preclude reporting this event within one hour; however, steps should be taken immediately to cancel the badges or key cards from the access system and to determine to what extent the badges or key cards have been used.

12. Discovery of uncompensated and unaccounted for, lost, or stolen key cards, identification card blanks, keys, or any access device that could allow unauthorized or undetected access to protected areas, controlled access areas, or vital areas. (Paragraph I(c) of Appendix G) See Example 6 of Regulatory Position 2.4 for similar examples that need only be logged. See Appendix C for a discussion of acceptable compensatory measures.

13. Uncompensated loss of all ac power supply to security systems that could allow unauthorized or undetected access to a protected area, material access area, controlled access area, or vital area. (Paragraph I(c) of Appendix G)"

Comment: This is a general comment. For compensatory measures add "If extenuating circumstances prevent compensation within ten minutes, the event need not be reported promptly provided that there was no malevolent intent, nothing adverse resulted from the delay, and the licensee takes appropriate measures to ensure a more timely response or other necessary action in the future." This language is currently contained in Generic Letter 91-03, "Reporting of Safeguards Events."

"17. Incomplete or inaccurate preemployment screening records to include falsification of background information or inadequate administration, control, or evaluation of psychological tests if the licensee would have denied unescorted access based on knowledge of the complete or accurate information, had a complete preemployment screening been done. See Example 18.9 of Regulatory Position 2.4 for similar examples that need only to be logged."

Comment: This example should include the guidance on falsification included in the May 19, 1995, memorandum from L.J Cunningham, Chief Safeguards Branch, to J. C. Joyner, Region I, D. M. Collins, Region II, J. R. Creed, Region III, and B. Murray, Region IV.

"21. Discovery of unaccounted for, lost, or stolen keycards, identification card blanks, keys, or any access device that could allow unauthorized or undetected access to material access areas."

Comment: Examples 12, 16, and 21 should be consolidated for clarity as in Generic Letter 91-03.

"2.4 Examples of Safeguards Events To Be Logged

The following are examples of events that are less significant than those reportable within one hour, and they must be logged. This list should not be considered all-inclusive. The applicable regulation is cited for each event, and compensatory measures are discussed where appropriate.

1. Properly compensated security computer failures. (Paragraph II(a) of Appendix G)"

Comment: Add after failures, "including a failure which is negated by an automatic switch-over to a functioning backup computer".

"3. Loss of ability to detect within a single intrusion detection system zone for a short period of time. See Example 14 of Regulatory Position 2.2 for similar examples that must be reported within one hour."

Comment: Add, "Properly compensated," before "Loss." "A short period of time," should be deleted.

"4. Properly compensated loss of the ability to detect intrusion (a) at the protected area perimeter when the loss involves several intrusion detection system zones or (b) within a single intrusion detection system zone when the condition could become known to a person not authorized unescorted access, either because it lasts for a considerable time or is visually conspicuous to the casual observer. (Paragraph I(c) of Appendix G) See Example 14 of Regulatory Position 2.2 for similar examples that must be reported within one hour."

Comment: Is the intent of item (b) to not require compensatory measures for a single zone loss unless it lasts for a long period of time, or if it is visually conspicuous, allowing it to become known by an individual without unescorted access or a casual observer?

"6. Accidental removal offsite or loss of access badge or other access medium, if measures have been taken within 10 minutes of the discovery of the loss to preclude the use of the badge to gain access to a controlled area and to ensure that the badge has not been used in an unauthorized manner. If an access control system also uses biometrics, the loss of an access badge or keycard does not need to be logged. (Paragraph II(a) of Appendix G) See Example 12 of Regulatory Position 2.2 for similar examples that must be reported within one hour."

Comment: Should a badge or keycard lost within the protected area be logged if biometrics is not use at vital portals?

"9. Properly compensated loss of alarms, closed circuit television, or security computers." The loss of backup capability may also be only logged if immediate restoration of system capability is provided by activating secondary computers. See Examples 15 and 16 in Regulatory Position 2.2 for similar examples that must be reported within one hour."

Comment: Examples 8 and 9 should be merged with Example 1.

"\2\ Posting personnel as a compensatory measure implies that the personnel are capable of performing the lost or degraded function. When they cannot perform that function, such as when they are asleep, there is an uncompensated loss that must be reported within 1 hour of discovery. Preplanned compensatory measures are normally described in NRC-approved safeguards plans."

Comment: The above position should be revised to be consistent with Enclosure 1 of Generic Letter 91-03.

"16. Discovery of contraband inside the protected area that is not a significant threat. (Paragraph II(b) of Appendix G)"

Comment: The term, "significant threat," is not defined. Add after threat "which could contribute to an act of radiological sabotage."

"17. Compromise of safeguards information that would not significantly assist an individual in gaining unauthorized or undetected access to a facility or would not significantly assist an individual in an act of radiological sabotage or theft of SNM. (Paragraph II(a) of Appendix G)"

Comment: Example 17 should be merged with Example 12.

"18.2 Search equipment does not perform properly, which could allow unsearched individuals to enter the protected area, and the licensee does not detect the failure for a short period. See Example 8 in Regulatory Position 2.5 for similar examples that do not need to be reported or logged."

Comment: Delete the words, "short period." This should read the same as Generic Letter 91-03.

"18.3 An individual who is required to have an escort for a particular area inadvertently becomes separated from his or her escort but the escort or another person authorized for unescorted access recognizes the situation within several minutes and corrects it."

Comment: Delete words "several minutes." This should read the same as Generic Letter 91-03.

"18.6 An individual is incorrectly issued a badge granting access to vital areas to which he or she is not authorized, but does not enter any vital areas or does not enter any vital areas with malevolent intent. Another example is an individual who is incorrectly issued a badge but cannot reasonably use it because he or she does not know the personal identification number needed to enter the area, and the event is promptly discovered and corrected by the licensee."

Comment: The word "promptly" should be moved from its present location and placed before the word "corrected".

"APPENDIX A

GLOSSARY

Contraband. - Unauthorized materials, including firearms, explosives, and other tools or weapons useful in radiological sabotage, or materials that could be used to perpetrate or conceal a theft of SNM (e.g., shielding materials used to defeat SNM exit detectors or radioactive sources that could be used to falsely trigger an evacuation alarm)."

Comment: The contraband threshold (e.g., "a few bullets") of Generic Letter 91-03 should be added to the contraband definition.

"Unauthorized person. Any unescorted person in an area to which the person is not authorized unescorted access. This includes authorized and unauthorized persons who gain access in an unauthorized manner."

Comment: This definition of "unauthorized person" would require a one hour report if an authorized individual inadvertently enters an area where they have not been granted access. This would place an unnecessary reporting burden on the licensee. The wording of Generic Letter 91-03, for employees or contractors improperly entering vital areas, should be used.

"APPENDIX C

COMPENSATORY MEASURES

Loss of all power to security systems. The only compensatory measure that could reduce this event from a one hour report to a logable event is that the security system has been maintained throughout the event by standby power. The NRC does not consider immediate posting of guard personnel to be sufficient to relieve the need for a one hour report of this event."

Comment: The flexibility to log the above event granted by Generic Letter 91-03 should be restored.

"Vital area card readers. An acceptable compensatory measure for this failure would be posting a security force member with appropriate access lists and communications capability at each door."

Comment: The words "through which access is permitted" should be added to the last sentence.