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Duke Power Company
A Duke Energy Company
EC07H
526 South Church Street
P.O. Box 1006
Charlotte, NC 28201-1006

M. S. Tuckman
Executive Vice President
Nuclear Generation
August 17, 2000

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(704) 382-2200 OFFICE
(704) 382-4360 FAX

Secretary
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555-0001
Attention: Rulemakings and Adjudications Staff

DOCKET NUMBER
PROPOSED RULE PR 73
(65FR36649)

Subject: SECY-00-0063 "Staff Re-evaluation of Power Reactor
Physical Protection Regulations and Position on
a Definition of Radiological Sabotage"
Submittal of Duke Power Company Comments

Federal Register Notice 65FR36649 dated June 9, 2000
requested comments on SECY-00-0063, "Staff Re-evaluation of
Power Reactor Physical Protection Regulations and Position
on a Definition of Radiological Sabotage."

Duke Power Company continues to support the Nuclear
Regulatory Commission goal of developing a performance-
based, risk-informed rule for physical protection programs
at nuclear power plants.

There are two major concerns with SECY-00-0063. First,
SECY-00-0063 introduces a new concept of protecting
"critical safety functions" (CSFs) as the principal
performance criteria for the rule and design of contingency
response programs. The CSF concept will result in a
prescriptive list of structures, systems and components
(SSCs) that must be protected which will not lead to a
performance-based, risk-informed rule. The CSF concept
could result in a significant expansion of equipment not
currently protected, much of which may not be important to
prevent significant core damage or may not add to the safety
margin. Protecting against significant core damage provides
an acceptable method to prevent a radiological release that
would endanger public health and safety. This concept
should ensure that a plant retains the capability to safely
shutdown the reactor and assure long-term heat removal in
the face of a malevolent act by the design basis threat
against a plant. This is consistent with the approach used
in other areas of plant design.

Template = SECY-067

SECY-02

U. S. Nuclear Regulatory Commission

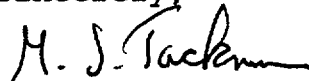
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Second, recent public discussions indicate diverse views on how radiological sabotage relates to the protection of public health and safety or to existing performance criteria in security programs. The term "radiological sabotage" needs to be clearly defined in the rule, precisely stating the sabotage-induced event sequences licensees are expected to protect against.

Duke Power Company is in agreement with comments on SECY-00-0063 submitted by the Nuclear Energy Institute (NEI) on behalf of industry members. Duke Power Company appreciates the opportunity to comment on these issues.

Sincerely,



M. S. Tuckman

cc: L. A. Reyes
Regional Administrator, Region II
U. S. Nuclear Regulatory Commission
Atlanta Federal Center, Suite 23T85
61 Forsyth Street, S.W.
Atlanta. GA 30303-3415

C. P. Patel, NRC Senior Project Manager (CNS)
U. S. Nuclear Regulatory Commission
Mail Stop 0-14 H25
Washington, D. C. 20555-0001

F. Rinaldi, NRC Project Manager (MNS)
U. S. Nuclear Regulatory Commission
Mail Stop 0-8 H12
Washington, D. C. 20555-0001

D. E. Labarge, NRC Project Manager (ONS)
U. S. Nuclear Regulatory Commission
Mail Stop 0-8 H12
Washington, D. C. 20555-0001

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bcc:

T. W. King (ON01SC)
W. A. Evans (MG01SC)
W. T. Byers (CN01SC)
W. R. McCollum (ON01VP)
H. B. Barron, Jr. (MG01VP)
G. R. Peterson (CN01VP)
C. J. Thomas
W. B. Jackson (MG01VP)
P. M. Grobusky (CN01VP)
A. Rose (ON01VP)
L. E. Nicholson (ON01RC)
M. T. Cash (MG01RC)
G. D. Gilbert (CN01RC)
R. L. Gill (EC12R)
N. C. Electric Membership Corp. (NCEMC)
N. C. Municipal Power Agency (NCMPA)
Piedmont Municipal Power Agency (PMPA)
Saluda River Electric Cooperative, Inc. (SREC)
ELL