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SUBJECT: Requests for exemption from certain 10CFR73.55(e)(1) re detection aid requirements.

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February 8, 1996  
GO2-96-021

Docket No 50-397

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, D.C. 20555

Gentlemen:

Subject: **WNP-2 OPERATING LICENSE NPF-21  
REQUEST FOR EXEMPTION FROM CERTAIN  
10CFR73.55(e)(1) DETECTION AID REQUIREMENTS**

In accordance with the provisions of 10CFR73.5, "Specific Exemptions," the Washington Public Power Supply System (Supply System) is requesting an exemption to the requirement in 10CFR73.55(e)(1) which states that, "All alarms required pursuant to this part must annunciate in a continuously manned central alarm station located within the protected area and in at least one other continuously manned station not necessarily on site, so that a single act cannot remove the capability of calling for assistance or otherwise responding to an alarm." Granting this request would allow for continuous 24 hour staffing of either (but not both) of the alarm stations. This request provides an alternative measure for protection against radiological sabotage; meets the same high assurance objective and the general performance requirements of the regulation; and provides a level of system performance equivalent to that which would be provided by the regulation.

With the requested exemption, at least one security alarm station would be staffed at any given time. Specifically, the response force would remain at a minimum number of armed Security Officers on duty at all times, but only one alarm station operator will be on duty in the alarm station at all times. This would still meet the intent of 10CFR73.55(e)(1) to provide defense in depth and reduce insider threat.

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## REQUEST FOR EXEMPTION

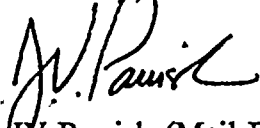
Approval of this exemption is expected to reduce costs associated with elements of site security which are otherwise routinely performed as part of the Supply System's Physical Security Plan. The practice currently required is unnecessarily burdensome given the processes which are available to ensure that a single act cannot remove the capability of calling for assistance or otherwise responding to an alarm.

The attachment to this request provides the background and justification for the proposed exemption. The Supply System estimates that granting this request will provide an annual savings of approximately \$200,000 per year, or \$5.6 million over the life of the plant, by reducing the personnel currently required to staff both alarm stations. This request is being submitted as part of our Cost Beneficial Licensing Actions (CBLA) program and complies with NRC guidelines for consideration as a CBLA submittal.

For these reasons, we conclude that the requested exemption is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest as provided for in 10CFR73.5. The appropriate security plan changes will be submitted to the NRC under separate cover following approval of this exemption.

The Supply System respectfully requests expeditious review of this exemption request, in view of the significant cost savings that will result from its approval by the NRC. Should you have any questions or require additional information pertaining to this request, please contact D.A. Swank at (509) 377-4563.

Sincerely,



JW Parrish (Mail Drop 1023)  
Managing Director

JDA/lm  
Attachment

cc: LJ Callan, NRC-RIV  
KE Perkins, NRC-RIV, Walnut Creek Field Office  
NS Reynolds, Winston & Strawn  
JW Clifford, NRC  
DL Williams, BPA (Mail Drop 399)  
NRC Sr. Resident Inspector, Mail Drop 927N

**ATTACHMENT**

**WNP-2 OPERATING LICENSE NPF-21  
REQUEST FOR EXEMPTION FROM CERTAIN  
10CFR73.55(e)(1) DETECTION AID REQUIREMENTS**

## REQUEST FOR EXEMPTION

### 1.0 INTRODUCTION

The Washington Public Power Supply System (Supply System), in accordance with the provisions of 10CFR73.5, "Specific Exemptions," is requesting an exemption to the requirement in 10CFR73.55(e)(1) which states that, "All alarms required pursuant to this part must annunciate in a continuously manned central alarm station located within the protected area and in at least one other continuously manned station not necessarily on site, so that a single act cannot remove the capability of calling for assistance or otherwise responding to an alarm." Granting this request would allow for continuous 24 hour staffing of either (but not both) of the alarm stations. This request provides an alternative measure for protection against radiological sabotage; meets the same high assurance objective and the general performance requirements of the regulation; and provides a level of system performance equivalent to that which would be provided by the regulation.

Title 10CFR73.5 specifies that, "The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this Part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest."

This exemption is requested to allow for continuous 24 hour staffing of either (but not both) of the alarm stations. We conclude that the requested exemption is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest as provided for in 10CFR73.5.

### 2.0 EXTENT OF CHANGES

The requested exemption will allow for changes to be made to the Supply System Physical Security Plan to provide for continuous 24 hour staffing of either (but not both) of the alarm stations. Regulation 10CFR73.55(e)(1) currently requires that both alarm stations be staffed at all times. Specifically, the requested exemption will afford the following changes:

- 2.1 The armed response force remains at a minimum number of armed Security Officers on duty at all times, but only one alarm station operator will be on duty in the alarm station at all times. Currently, one operator from the Central Alarm Station (CAS) and one operator from the Secondary Alarm Station (SAS) are on duty at all times.

- 2.2 References to equipment in the CAS and SAS will be changed to refer to either alarm station by removing reference to a specific alarm station.
- 2.3 Reference to personnel actions, such as posting dedicated observers, in the CAS and SAS will be revised to refer to either alarm station by removing reference to a specific alarm station.
- 2.4 Definitions of Secondary Alarm Station (SAS) and Central Alarm Station (CAS) will be revised. [The definition of "SAS" and the definition of "CAS" will be combined into a single definition of "Alarm Station(s)."]
- 2.5 Details of computer operation will be deleted.

### 3.0 DISCUSSION

#### 3.1 Introduction

The Supply System proposes a permanent exemption from 10CFR73.55(e)(1), "Continuous staffing for a duplicate alarm station," for Supply System Nuclear Plant WNP-2 to eliminate a significant expense that does not provide a commensurate benefit to public safety.

10CFR73.55(e)(1) currently states the following, in part:

"(e) Detection aids. (1) All alarms required pursuant to this part must annunciate in a continuously manned central alarm station located within the protected area and at least one other continuously manned station not necessarily on site, so that a single act cannot remove the capability of calling for assistance or otherwise responding to the alarm."

We are proposing to exempt Supply System Nuclear Plant WNP-2 from the requirement to continuously staff the duplicate alarm station. With the requested exemption, a single security alarm station would be staffed at any given time. We believe that the intent of 10CFR73.55(e)(1) is to provide defense-in-depth and to reduce the insider threat.

The proposed changes to the Physical Security Plan, which would implement this exemption request, will be transmitted by means of separate correspondence following approval of this exemption request.

### 3.2 Defense-in-Depth

The requirement in 10CFR73.55(e)(1) for a duplicate, continuously manned alarm station provides for defense-in-depth. The phrase "...so that a single act cannot remove the capability of calling for assistance or otherwise responding to an alarm," is a reference to the defense-in-depth concept.

Defense-in-depth is provided for security under this proposed exemption with only one security alarm station continuously staffed at any given time. It could not be certain that an attack to disable one security alarm station would be directed toward the currently staffed security alarm station. Therefore, the probability of success for such an attack is reduced and defense-in-depth would be provided against such an attack. Even if the correct security alarm station were attacked, the roving patrols, the access control station security officers, the control room operators, and the other staff on the plant site with various communication equipment could be used to request off site assistance.

### 3.3 Insider Threat

The potential for insider activity by security officers in the central alarm station is effectively served by the Access Authorization (10CFR73.56) and Fitness for Duty (10CFR26) Rules, and is not a significant threat. Other factors such as the continual changing of security officers to reduce fatigue and boredom make insider activity difficult to coordinate. The existence of a duplicate alarm station, which could be manned during hypothetical insider activity, is another deterrent.

With the implementation of the Access Authorization and Fitness for Duty Rules, the insider threat is mitigated and the requirement to continuously man a duplicate alarm station becomes an unnecessary duplication of effort for reduction of such a threat. Because the duplicate alarm station provides the capability of occasionally monitoring the operator of the other alarm station, insider activity by an alarm station operator involves risk of discovery.

Since the adoption of 10CFR73.55, additional regulations have been adopted to reduce the insider threat, including the Access Authorization and Fitness for Duty Rules. These enhanced regulations minimize the concern for a security officer acting as an insider, and assures that this exemption will not endanger life or property or the common defense.



In addition, administrative controls are available to further reduce the insider threat. These controls include increasing the rotation of officers in the alarm station (random intervals controlled by the security supervisor), and not posting shift duty assignment rosters until the beginning of the shift.

### 3.4 Summary

The requirement of 10CFR73.55(e)(1) provides prescriptive defense-in-depth for security operations in a manner that is not applied to nuclear safety operations. The existence of two stations reduces the probability of an attack targeted at the currently staffed security alarm station. Since the adoption of 10CFR73, technological advances have placed improved communication equipment into the hands of individuals, which provides additional communication capability for other plant staff to request off-site assistance in the event of an attack. Staff with improved communication equipment could perform the function of the duplicate alarm station, in the event of an attack.

A detailed review of the Statements of Consideration for 10CFR73 found no statements concerning the requirement to have the duplicate alarm station continuously manned.

The cost for compliance with the duplicate alarm station staffing requirement of 10CFR73.55(e)(1) is estimated at approximately \$200,000 per year, or \$5.6 million for the current license term of the WNP-2 Nuclear Plant. This is a significant impact on operating costs for a minor postulated threat.

A substantial labor cost is required to staff the secondary alarm station, the primary function of which is to provide defense-in-depth and monitor the central alarm station in case of insider activity. Due to the low probability of occurrence of an insider threat and processes which are available to ensure that a single act cannot remove the capability of calling for assistance or otherwise responding to an alarm, the additional labor cost is not warranted. Furthermore, the public interest would be better served by deleting duplicate efforts and reallocating the savings to strengthen other areas of plant operation.

#### 4.0 JUSTIFICATION FOR EXEMPTION

Exemption from the requirements of 10CFR73.55(e)(1) is justified in accordance with 10CFR73.5, "Specific Exemptions," for the following reasons.

- 4.1 The commission is authorized by law to make such regulations and orders under 42USCS2201(i)(2), which reads:

"In the performance of its functions the Commission is authorized to. . . (1) Regulations or orders. Prescribe such regulations or orders as it may deem necessary .... (2) to guard against the loss or diversion of any special nuclear material acquired by any person pursuant to section 53 [42USCS2073] or produced by any person in connection with any activity unauthorized pursuant to this Act."

Title 10CFR73.5 provides specific authority for the Commission to grant exemptions to 10CFR73 requirements.

Also, the requirements of 10CFR73.55(e)(1) were adopted without reference to any statute, and without any discussion in the statements of consideration for 10CFR73.

- 4.2 The exemption will not endanger life or property and will not endanger the common defense and security. It also will not present an undue risk to the public health and safety.

The insider threat has been significantly reduced by the Access Authorization and Fitness for Duty Rules. The duplicate alarm station adds only marginally to plant security in the unlikely event that the operator at the central alarm station is cooperating with a threat to plant security. The continual changing of security officers for normal relief would make coordination with an outside threat difficult. The risk of surveillance of this insider behavior from the duplicate alarm station also mitigates this threat.

The duplicate alarm station and other communication capability also provides defense-in-depth against various threats. Therefore, an exemption of this nature does not increase the risk to the public health and safety, and the common defense and security are not negatively impacted.

4.3 Granting this exemption request is in the public interest.

Compliance with the requirement to continuously staff the duplicate alarm station involves significant costs while providing little, if any, benefit to plant security or to the public.

This exemption would allow Supply System resources and management attention to be more focused on areas of nuclear safety significance. Generally, the public interest would be better served by reducing the Supply System resources currently dedicated to the continuous manning of both alarm stations.

4.4 Application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule.

The underlying purpose of 10CFR73.55(e)(1) is to ensure that there is defense-in-depth and that the insider threat is reduced. Other applications of defense-in-depth in NRC regulations require redundant safety equipment, but do not require duplicate operators to perform specific safety operations. Also, there are other means of communication to request assistance in the unlikely event of an insider threat.

Since the adoption of 10CFR73, implementation of the Access Authorization and Fitness for Duty Rules have provided measures that address the insider threat. If a security officer in the central alarm station cooperated with an attack on the facility, there is even less likelihood of other insiders cooperating due to the current Access Authorization and Fitness for Duty Rules.

Because the defense-in-depth is provided and the insider threat has been reduced, we believe that the continuous manning of the duplicate alarm station is not necessary to achieve the underlying purpose of the rule.

4.5 Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated.

Although we cannot speak to the costs contemplated when the regulation was adopted, it is possible to compare costs with other similarly-situated nuclear plants in other nations which face comparable security threats but do not require a duplicate alarm station.

When the regulation was adopted, it served to reduce the insider threat because the work force was not thoroughly tested and screened for security purposes. The costs of continuous manning of the duplicate alarm station are significant and present a hardship when compared to the small security benefit realized.

- 4.6 The duplicate alarm station will be maintained operable for contingency purposes.

The duplicate alarm station equipment will be functional if the other alarm station becomes inoperable.

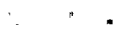
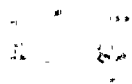
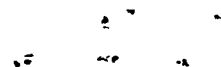
## 5.0 NO SIGNIFICANT HAZARDS CONSIDERATION

The Supply System has evaluated the proposed changes to the WNP-2 Physical Security Plan and have determined that the changes would not involve a significant hazards consideration based on the criteria established in 10CFR50.92(c). Operation and protection of the WNP-2 Nuclear Plant in accordance with the proposed amendment will not:

- 5.1 Involve a Significant increase in the Probability or Consequences of an Accident Previously Evaluated.

The added assurance from the Fitness for Duty and Access Authorization Rules and the possibility of monitoring alarm station operators from the other "unmanned" alarm station address concerns for insider activity. Administrative controls available serve to further address insider activity threat. These controls include increased rotation of officers working the alarm station post including random intervals controlled by the security supervisor, and not posting the duty assignment roster until the beginning of the shift.

The existence of the functional equipment in the duplicate alarm station and other means of requesting off-site assistance provides for defense-in-depth response capability. Addressing insider activity concerns and providing for defense-in-depth assures that the probability or consequences of security threats will not significantly increase as a result of this exemption. Therefore, this exemption does not involve a significant increase in the probability or consequences of an accident previously evaluated.



**5.2 Create the Possibility of a New or Different Kind of Accident From any Previously Analyzed.**

Each of the alarm stations will meet the current requirements, except for staffing the duplicate alarm station, when staffed by an operator. This includes the use of proven technology and procedures. No new kind of threat would be introduced by granting this exemption. Therefore, this exemption does not create the possibility of a new or different kind of accident from any previously analyzed.

**5.3 Involve a Significant Reduction in a Margin of Safety.**

Continuous manning of the duplicate alarm station only provided the opportunity to observe an operator in the central alarm station assisting in a threat to plant security, the loss of which is not a significant contributor to the threats to security. Also, other means exist for requesting off-site assistance. The equipment of the duplicate alarm station will be maintained operable for use in contingencies.

Furthermore, the added assurance from the Fitness for Duty and Access Authorization Rules serves to reduce the potential for security threats. As previously stated, the potential for security threats is further reduced by administrative controls such as increased rotation of officers working the alarm station post including random intervals controlled by the security supervisor, and not posting the duty assignment roster until the beginning of the shift.

These measures maintain a similar margin of safety from security threats. Therefore, this exemption does not involve a significant reduction in a margin of safety.