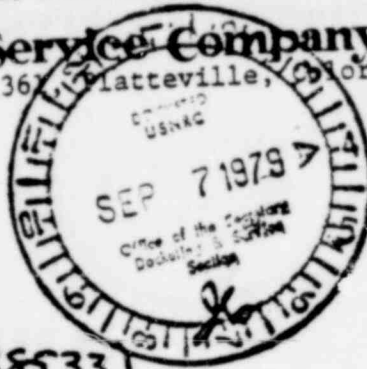


NRC PUBLIC DOCUMENT ROOM

Public Service Company of Colorado
P.O. Box 367, Boulder, Colorado 80651



August 31, 1979
Fort St. Vrain
Unit No. 1
P-79199

DOCKET NUMBER
PROPOSED RULE

7
FR - 25, 95 (44 FR 38533)

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

Docket No. 50-267

RE: Proposed Rules; 10CFR
Parts 25 and 95

Attention: Docketing and Service Branch

General Comments

- 1) We do not agree with the joint Energy Research and Development - Nuclear Regulatory Commission task force conclusions/intent that a plan for improving the control and protection of nuclear materials at NRC - licensed generating stations is necessary. The applicable portions of 10CFR2.790 and 10CFR73 provide adequate control and protection of nuclear materials and associated documentation at electric power generating facilities. Implementation of Parts 25 and 95 provide no significant increase in "protection of the public safety" or to national defense.
- 2) We do not agree with the Nuclear Regulatory Commission's "recommendation" that NRC - licensed facilities need "... access to classified information pertinent to the protection of their facilities."

Operating a nuclear powered electric generating station is not directly involved with national defense, nor is the national defense dependent upon the station operation. The physical protection of such a facility is not associated with national defense measures, and the physical protection is not dependent upon National Security Information and Restricted Data. Therefore, NRC - licensed personnel do not have a "need-to-know" classified information, or "need access" to classified information, and Parts 25 and 95 are not relevant.

- 3) Most of the documentation and activities that are proposed for classification are already a matter of public record,

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most of which has been widely disseminated in the form of Licensing Documents, Technical papers and job specifications. In most cases, therefore, the License is being imposed upon to control and classify information that is readily available. Costs and manpower commitments for these types of activities cannot be justified.

Part 25 - Specific Comments

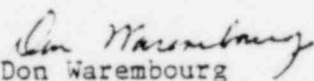
- 1) The licensee facility and associated physical security information is of a proprietary nature not related, or dependent in way, upon the national defense. The intent of 25.1 and 25.3 does not significantly add to the "protection of public safety" as presently mandated by 10CFR 73. (Ref. 25.1 and 25.3)
- 2) NRC - licensed facilities currently perform personnel screening prior to employment and restrict access to special nuclear material in accordance with 10CFR Part 73.55. Additional "clearances" or "controls" would be redundant and would serve no practical purpose. (Ref. 25.15 and 25.17)
- 3) We believe that the NRC Division of Security should not determine licensee employees "eligibility" because the employee is not employed by the NRC or as a NRC contractor performing work directly related to national defense contracts. (Ref. 25.19 and 25.21)
- 4) The procedures outlined in 25.17 and eligibility determined in 25.21 only present a "picture in time" and do not provide a significant degree of assurance against compromise of proprietary information, and do not significantly reduce present or future threats as defined in 10CFR73.55(a). (Ref. 25.21)

The licensee withstanding the financial and administrative burdens of compliance with both 25.17 and 10CFR73.55 screening requirements is unreasonable, not necessary and results in unwarranted distributive costs to the licensee's customers/tax payers.

Part 95 - Specific Comments

NRC - licensed facilities do not have access, use, process, reproduce or transmit any National Security Information and/or Restricted Data pertinent to national defense.

Respectfully submitted,


Don Warembourg
Manager, Nuclear Production

DW:dkm

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