

DOCKET NUMBER PR-70,72 et al.  
PROPOSED RULE (50 FR 34708) (13)



Portland General Electric Company

Bart D. Withers Vice President

'85 DEC 30  
December 27, 1985

Trojan Nuclear Plant  
Docket 50-344  
License NPP-1

Secretary of the Commission  
U. S. Nuclear Regulatory Commission  
Washington DC 20555  
ATTN: Docketing and Service Branch

Dear Sir:

Comments on Proposed Changes to  
Safeguards Reporting Requirements

Portland General Electric Company (PGE) appreciates the opportunity to comment on the proposed changes to the safeguards reporting requirements (10 CFR Parts 70, 72, 73, and 74) that were published on August 27, 1985 (50 Federal Register 34710). Our comments address the reporting requirements of 10 CFR 73.71 which apply to nuclear power reactors, and for which implementation guidance is provided in proposed Revision 1 to Regulatory Guide 5.62.

As a member of the Physical Security Coordinating Group, KMC, Inc., PGE endorses the position taken by the Group. We support the Commission's efforts to revise this area of regulation, however we believe that the proposed rule in its present form will lead to an increased reporting burden on licensees without a commensurate increased level of protection. PGE participated in comments provided to the Commission by the Physical Security Coordinating Group which support this position. We are not, however, in complete agreement with the Group's comments on safeguards events reportable within one hour.

It is our belief that the need for immediate NRC notification exists only when a security-related incident which poses a threat to the plant and/or the public health and safety has occurred or is believed to be imminent. The event described in Paragraph I(b), Appendix G of the proposed rule revision does not meet this criterion. The discovered failure or vulnerability of a safeguards system does not of itself present an imminent threat. If the circumstances surrounding the equipment failure involve any of the other one hour reporting events (such as theft, tampering, or entry by unauthorized persons), then immediate NRC notification seems prudent. In their absence, however, the reporting urgency lessens considerably. It

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Acknowledged by card... DEC 30 1985

Portland General Electric Company

Secretary of the Commission

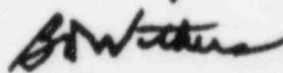
Page 2

December 27, 1985

is the act or imminent threat of theft, sabotage, or unauthorized access and not the failure of a particular security system component that could conceivably require immediate NRC (and other national level) involvement. This is true regardless of when compensatory measures are implemented. The failure of a system component should not require an emergency notification simply because compensation was not completed within 10 minutes. It is our belief that failure to meet a specific time criterion should more appropriately be the subject of a 30 day written report. This not to say that establishing proper compensatory measures is unimportant. Licensees are responsible for effective security programs which ensure prompt response to occasional equipment problems.

PGE supports the effort to clarify the reporting requirements for safeguards events, as well as eliminate unnecessary reports. Our specific comments, along with those of the Physical Security Coordinating Group, have been provided in the interest of achieving that objective.

Sincerely,



Bart D. Withers  
Vice President  
Nuclear

# The Light company

Houston Lighting & Power P.O. Box 1700 Houston, Texas 77001 (713) 228-9211

-70,72 et al. (14)  
(50 FR 34708)

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December 23, 1985  
ST-HL-AE-1552  
File No.: G23.3

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

Attention: Docketing and Service Branch

Subject: Changes to Safeguards Reporting Requirements Proposed Rule -  
50FR34706

Dear Mr. Secretary:

Houston Lighting & Power Company has reviewed the subject proposed rule regarding safeguards reporting requirements and offers the following comments.

We do not believe that the 24 hour recording and quarterly reporting requirements proposed in 73.71(c) provide sufficient aid to the Commission to warrant the burden being placed on licensees. It is our recommendation that licensees be required to maintain these records in a system that is convenient to the licensee (logs, computer printouts, data sheets, etc.) and have these records available for inspectors from the NRC Office of Inspection and Enforcement to review during routine inspections. A requirement to log each and every security system fault and to transmit a package of such reports to the Commission quarterly appears to be nonproductive.

Proposed Part 73 Appendix G Part I(a)(3) identifies "interruption of normal service" as a threshold for reporting. We believe that this should not be a threshold; rather, the rule should identify sabotage or intent to commit sabotage as a threshold for reporting.

Proposed Part 73 Appendix G Part I(b) defines "compensatory measure". We do not believe that it is necessary to describe this in 10CFR. Also, this part of Appendix G would be much clearer without it.

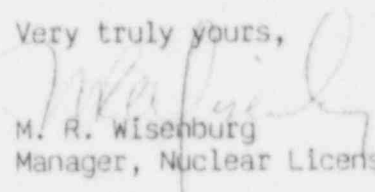
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add: Joseph Yordumian, 881 SS  
Priscilla A. Dwyer, 881 SS  
Wm. Almstead, 960471126

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ST-HL-AE-1562  
File No. G23.3  
Page 2

To aid in explanation of our comments, we have annotated the attached copy of the proposed changes to 10CFR73. If you have any questions, please contact me at 713-993-1330.

Very truly yours,

  
M. R. Wisenburg  
Manager, Nuclear Licensing

MAM/bjf

Attachment

cc: J. H. Goldberg  
J. G. Dewease  
G. G. Parker  
A. O. Hill  
D. E. Moore

ATTACHMENT

COMPARATIVE TEXT COMMENTS ON 73.71

§ 73.71 Reports of unaccounted for shipments, suspected thefts, or unlawful diversions and other safeguards events.

(a) (1) Each licensee subject to the provisions of § § 73.25, 73.26, 73.27(c), 73.37, 73.67(e), or 73.67(g) shall notify the NRC Operations Center within one hour after discovery of the loss or any shipment of SNM or spent fuel, and within one hour after recovery of or accountability for such lost shipment.

(2) This notification must be made to the NRC Operations Center listed in appendix A of Part 73 of the chapter via the Emergency Notification System, if the licensee is party to that system. If the Emergency Notification System is inoperative or unavailable, the licensee shall make the required notification via commercial telephonic service or other dedicated telephonic systems or any other method that will ensure that a report is received by the NRC Operations Center within one hour. The exemption of § 73.21(g) (3) applies to all telephonic reports required by this section.

(3) The licensee shall, upon request of the NRC, maintain an open and continuous communications channel with the NRC Operations Center.

(4) The initial telephonic notification must be followed within a period of thirty (30) days by a written report submitted to the U.S. Nuclear Regulatory Commission, Document Control Desk, Washington, D.C. 20555. The licensee shall also submit one copy each to the appropriate NRC Regional Office listed in Appendix A to this part and if applicable the appropriate NRC Resident Inspector.

(5) Significant supplemental information which becomes available after the initial telephonic notification to the NRC Operations Center or after the submission of the written report must be telephonically reported to the NRC Operations Center listed in Appendix A of Part 73 of this chapter and also submitted in a revised written report to the Regional Office, the Document Control Desk and if applicable the appropriate Resident Inspector. Errors discovered in a written report must be corrected in a revised report. The revised report must replace the previous report; therefore, the update must be a complete entity and not contain only supplementary or revised information. Each licensee shall maintain a copy of the written report of an event submitted under this section as a record for a period of three years from the date of the report.

(b) (1) Each licensee subject to the provisions of § § 73.20, 73.37, 73.50, 73.55, 73.60 and 73.67 shall notify the NRC Operations Center listed in appendix A of Part 73 of this chapter within one hour of discovery of the safeguards events described in paragraph I. (a) (1) of Appendix G to this part. Licensees subject to the provisions of

§ § 73.20, 73.37, 73.55, 73.60 and each licensee possessing strategic special nuclear material (SSMN) and subject to § § 73.67(d) and (e) shall notify the NRC Operations Center within one hour after discovery of the safeguards events described in paragraphs I. (a) (2), (3) (4), (b), and (c) of Appendix G of this part.

(2) This notification must be made in accordance with the requirements of paragraphs (a) (2), (3), (4), and (5) of this section.

(c) ~~(4)~~ Each licensee subject to the provisions of § § 73.20, 73.37, 73.50, 73.55, 73.60, and each licensee possession SSNM and subject to § § 73.67(d), and 73.67(e) shall ~~maintain a current log and~~ record the safeguards events described in paragraphs II. (a) and (b) of the Appendix G to this part within 24 hours of discovery by a licensee employee of the licensee's contract security organization. The licensee shall retain the ~~log of events~~ record ~~recorded under this section as a record for three~~ one year ~~after the last entry is made in each log.~~

~~(2) -- Every three months, each licensee shall submit to the NRC copies of all safeguards event log entries not previously submitted. Each licensee shall submit one copy of each of its log entries to the U.S. Nuclear Regulatory Commission, Document Control Desk, Washington, D.C. -- 20555, and if applicable the appropriate NRC Resident Inspector.~~

(d) Each licensee shall submit to the Commission the 30-day written reports ~~and copies of the safeguards event log entries~~ required

under the provisions of this section that are of a quality which will permit legible reproduction and micrographic processing. If the facility is subject to § 50.73 of this chapter, the licensee shall prepare the written report on NRC Forms 366 and 366A. If the facility is not subject to § 50.73 of this chapter, the licensee shall not use these forms but shall prepare the written report in letter format. In either case the report must include sufficient information for NRC analysis and evaluation.

(e) Duplicate reports are not required for events that are also reportable in accordance with §§ 50.72 and 50.73 of this chapter.

4. A new Appendix G is added to read as follows:

Appendix G - Reportable Safeguards Events

Pursuant to the provisions of 10 CFR §73.71(b) and (c), licensees subject to the provisions of 10 CFR §§ 73.20, 73.37, 73.50, 73.55, 73.60, and 73.67 shall report or record, as appropriate, the following safeguards events.

I. Events to be reported within one hour of discovery, followed by a written report within thirty days

(a) Any event in which there is reason to believe that a person has committed or caused, or attempted to commit or cause, or has made



a credible threat to commit or cause:

- (1) A theft or unlawful diversion of special nuclear material;  
or
  - (2) Significant physical damage to any facility possessing SSMN or its equipment or carrier equipment transporting nuclear fuel or spent nuclear fuel, or to the nuclear fuel or spent nuclear fuel a facility or carrier possesses; or
  - (3) ~~Interruption of normal operation of~~ Sabotage a licensed nuclear power reactor through the unauthorized use of or tampering with its machinery, components, or controls including the security system.
  - (4) Smuggle unauthorized materials into the facility where there is reasonable belief it might be used for sabotage.
- (b) Any failure of a safeguards system ~~or discovered noninherent vulnerability in a system that could allow unauthorized or undetected~~ which persists beyond 10 minutes without proper compensation and would allow unauthorized persons undetected access to a protected area, material access area, controlled access area, vital area or transport; ~~for which proper compensatory measures have not been established. A "proper compensatory measure"~~ for a particular or would allow entry

of unauthorized materials into those areas. Safeguards  
~~events as used in this Appendix means a measure that is~~  
~~specified in a security or contingency plan or security~~  
~~procedure, if the particular safeguards event is not de-~~  
~~scribed in a plan or procedure, then a "proper compensatory~~  
~~measure" means a measure implemented within 10 minutes of an~~  
~~event's discovery that provides a level of security essen-~~  
~~tially equivalent to that existing before the event.~~

(c) Any unauthorized entries through a required barrier (whether or not the event is properly compensated).

II. Events to be recorded within 24 hours and submitted in quarterly  
log.

(a) Any failure of a safeguards system or discovered vulnerability in a system that could allow unauthorized or undetected access to a protected area, material access area, controlled access area, vital area, or transport, or failure of equipment used in contraband search,  
~~for which proper compensatory measures have been established.~~

~~(b)---Any other failure of a safeguards system not included in~~  
~~paragraph II, (a) of this appendix if the failure degrades the effec-~~  
~~tiveness of the system.~~