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JUN 17 1983

SGFF:RLJ
70-687

Union Carbide Subsidiary B, Inc
(Company B)
Sterling Forest Research Center
ATTN: Mr. J. J. McGovern
Business Manager, Radiochemicals
P. O. Box 324
Tuxedo, New York 10987

Gentlemen:

During the past several years, there has been some misunderstanding with respect to the requirements of 10 CFR 70.57(b)(11). Some licensees have maintained that the generation of a single out-of-control point does not, in itself, mean that the system is out-of-control. Also, if in-control data is immediately generated following the out-of-control indication, some licensees have assumed that the system was never really out-of-control. Hence, they further assume that no remeasurement of unknowns is necessary. This, however, is contrary to our safeguards licensing position, that by definition a measurement system is out-of-control whenever an out-of-control data point is generated. Another concern is the duration of the out-of-control period. It should be noted that we do allow certain exceptions to the requirement that no measurement system be utilized for accounting purposes when out-of-control. There are also other areas in need of clarification, such as what constitutes "control data".

The purpose of this letter is to provide guidance and clarification to all licensees subject to the requirements of 70.57(b)(11). Such guidance is with respect to (1) intent and (2) permissible exceptions.

The enclosure to this letter contains the guidance referred to above. If you desire any of the exceptions listed in the guidance, you should submit revisions to your Fundamental Nuclear Material Control Plan that fully and clearly describe when and how an out-of-control system may still be utilized for accounting purposes. Modifications of these exceptions and/or additional exceptions will be considered on a case-by-case basis.

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It also should be noted that for the purpose of licensing fees, any FMIC Plan revisions submitted in this regard would not qualify as 70.32(c) changes, but would instead come under the Administrative Fee category.

Sincerely,

Original signed by Willard B. Brown

Willard B. Brown, Chief
Fuel Facility Safeguards
Licensing Branch
Division of Safeguards, NMSS

Enclosure:
Guidance for Out-of-Control Situations
Pertaining to Accountability Measurement
Systems

OFFICE	SGFF	SGFF	SGFF				
SURNAME	RJackson:ah	CNSm/Ch	WBBrown				
DATE	6/6/83	6/7/83	6/11/83				