



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

JUN 8 1984

MEMORANDUM FOR: Robert F. Burnett, Director
Division of Safeguards, NMSS

FROM: Edson G. Case, Deputy Director
Office of Nuclear Reactor Regulation

SUBJECT: IMPLEMENTATION OF REGULATORY EFFECTIVENESS REVIEW (RER)
RECOMMENDATIONS

In response to your note dated May 10, 1984, we have reviewed the draft memo from Davis to Denton on the above subject and have the following comments.

1. We recommend that Part I of the RER report be separated into three action categories as follows:
 - a) Actions related to adequacy of Commission regulations and guidance should be clearly addressed to the staff for resolution and to the licensee for information only. Any changes which would be required subsequently would be handled in accordance with established procedures, e.g. prior CRGR consideration of backfitting;
 - b) Actions related to compliance with approved safeguards plans should be referred to the appropriate Regional Office for resolution and forwarded to the licensee for information only; and
 - c) "Significant Safeguards Inadequacies" and "Safeguards Program Concerns" resulting from identified weaknesses and deficiencies should be addressed to the licensee, after appropriate NRR review, for resolution in conformance with established policies and procedures.
2. We believe that those "Potential Sabotage Vulnerabilities" that the Director, Office of Nuclear Materials Safety and Safeguards, determines to require prompt corrective action to protect public health and safety or the common defense and security should be resolved in accordance with Section IV.B of the Plant-Specific Backfitting Procedure, if not corrected voluntarily. As provided for in the Procedure, an Order should be issued immediately, not after licensee review of the RER report, which could involve a delay of several months. Even if the licensee agrees to correct the deficiency voluntarily, the staff should consider issuing a Confirmatory Order if justified by the severity of the problem.

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IMMEDIATE
EFFECTIVENESS
RULE*

- 3. Regarding Part II of the RER report, Vital Area Definition, we agree that those vital area commitments in licensee security plans that were approved previously subject to subsequent validation need not fall under the backfit procedures. However, we believe that the requirements associated with the more expanded equipment guidelines presently being considered must be reviewed by CRGR. Subsequent problems associated with their implementation would then be handled in accordance with established procedures.

We are holding the North Anna and Surry RER reports transmitted to Darrell G. Eisenhut by separate memorandum dated May 4, 1984 pending resolution of the above concerns. We would be pleased to discuss these matters further with you.

Original Signed By
E. G. Case

Edson G. Case, Deputy Director
Office of Nuclear Reactor Regulation

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Docket File *w/incoming

- NRC PDR*
- LPDR*
- DCS*
- SSPB Reading*
- C. Thomas
- E. McPeck
- P. Anderson
- H. Denton/E. Case
- D. Eisenhut/R. Purple
- M. Jambor
- F. Miraglia/Lee
- K. Bowmann w/original ticket
- Attorney, OELD
- E. Jordan
- J. Taylor

SSPB:DL
EMcPeck:ls
6/1/84

SSPB:DL
HBerkow
6/1/84

SSPB:DL
CThomas
6/1/84

AD/SW/DL
FMiraglia
6/4/84

DEisenhut
6/6/84

DD:NRR
ECase
6/8/84

173 6/8/84

JUN 8 1984

3. Regarding Part II of the RER report, Vital Area Definition, we agree that those vital area commitments in licensee security plans that were approved previously subject to subsequent validation need not fall under the backfit procedures. However, we believe that the requirements associated with the more expanded equipment guidelines presently being considered must be reviewed by CRGR. Subsequent problems associated with their implementation would then be handled in accordance with established procedures.

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Edson G. Case, Deputy Director
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