

MAY 01 1984

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MEMORANDUM FOR: Phil Ting, Section Leader
Safeguards Section
Human Factors and Safeguards Branch
Division of Risk Analysis Operations
Office of Research

FROM: Willard B. Brown, Chief
Division of Safeguards
Office of Nuclear Material
Safety and Safeguards

SUBJECT: REVISION OF REGULATORY GUIDE 5.59

As a result of recent developments during the Atomic Safety and Licensing Board Hearings on the relicensing of the UCLA research reactor (Docket 50-142 OL), it was determined that certain portions of Regulatory Guide 5.59 could be interpreted to mean that protection against sabotage is required of licensees possessing, using or transporting special nuclear material of moderate or low strategic significance. Regulatory Guide 5.59, "Standard Format and Content Guide for a Licensee Physical Security Plan for the Protection of Special Nuclear Material of Moderate or Low Strategic Significance," according to its introduction, was issued to provide an explanation of the intent of the various provisions of the regulation. This was in addition to providing guidance for the standard format and content of the physical security plans. It is, therefore, imperative that a careful review be performed to remove any ambiguity whatsoever that there is any requirement to provide protection for nonpower reactors against sabotage, radiological sabotage, or industrial sabotage. This review and correction process should include any references in the Guide to ensure that the reference does not address sabotage or that the citation in the Guide is limited to that portion of the reference that deals with theft.

My staff will be happy to cooperate in any way possible to effect a prompt and complete expurgation of references to sabotage in Regulatory Guide 5.59. We would also be happy to support a review of any other guidance, now extant, which might be construed to support a conclusion that protection against sabotage is required at nonpower reactors. To this end, we are also prepared to identify a number of sections of the regulations which appear inconsistent with the section of Part 73 applicable to nonpower reactor requirements, §73.67.

Original signed by Willard B. Brown

Willard B. Brown, Chief
Fuel Facility Safeguards
Licensing Branch
Division of Safeguards
Office of Nuclear Material
Safety and Safeguards

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cc: Ed. Hill	RES	SGFF RRR	SGFF Brown			
		4/30/84	4/26/84			

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Date 5/1/84

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 Will call if don't get any questions
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 Arrive will advise today to call if he don't get for questions.

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REMARKS

ENCLOSED IS ADVANCE COPY OF TI 2545/1. JIM PARTLOW SIGNED TODAY, & WILL BE ISSUED SOON.

DO NOT use this form as a RECORD of approvals, concurrences, dispositions, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post) Room No.—Bldg.
 LOREN BUSH 472-2080

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
 Prescribed by GSA
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TEMPORARY INSTRUCTION 2545/1

PHYSICAL SECURITY INSPECTION PROGRAM FOR NONPOWER REACTORS

2545/1-01 PURPOSE

To provide temporary guidance to the Regions pending revision to the 81400 Series inspection procedures currently in use.

2545/1-02 OBJECTIVES

To clarify policy concerning conduct of the physical security inspection program at nonpower reactors, particularly in regard to the issue of protection against sabotage.

2545/1-03 RESPONSIBILITIES

- 03.01 Director, Office of Inspection and Enforcement. Establishes the inspection policies and programs.
- 03.02 Regional Administrator. Manages the implementation of the physical security inspection program.

2545/1-04 BACKGROUND

It has been determined that the Safeguards Inspection Program at nonpower reactors needs to be revised to assure consistency with current requirements as set forth in 10 CFR 73.60 and 73.67.

2545/1-05 POLICIES

- 05.01 Policy has been, and will continue to be, that inspectors are authorized and encouraged to go beyond compliance with the rules and requirements to determine overall adequacy of measures and programs. Furthermore, inspectors are encouraged where, in their professional judgment, any inadequacies are identified or suspected, to provide appropriate feedback to IE and the licensing office so that corrective actions, to include changes in rules, plans and programs, can be considered.

Issue Date:

2.

- 05.02 Inspection programs and procedures are generic in nature. Where an inspection requirement or procedure does not apply at a particular facility, the inspector will continue to indicate in the 766 System that the requirement or procedure has been closed with 0% completed.
- 05.03 Use of standardized terminology in correspondence transmitting inspection reports to licensees should be reviewed to ensure there are no incorrect or misleading phrases. For nonpower reactors, terms such as sabotage, industrial sabotage, and radiological sabotage are inappropriate.

2545/1-06 NONPOWER REACTOR SAFEGUARDS INSPECTION PROGRAM

- 06.01 Formula Quantity of Nonexempt Material. Inspection procedures 81405 through 81450 are to be used for nonpower reactors actually possessing a formula quantity of nonexempt SNM. IP 81455 and those portions of 81405 pertaining to sabotage are not to be used.
- 06.02 Less than a Formula Quantity of Nonexempt Material. The 81N00 Series of procedures are to be used until replaced, except that any portions which refer to sabotage are not to be used. IP 81480 concerning physical security inspections at nonpower reactors authorized to possess special nuclear material (SNM) of moderate (MSNM) and low (LSNM) strategic significance will be issued following commission action on SECY 83-500.

2545/1-07 EXPIRATION

This temporary instruction will remain in effect until September 30, 1985 or when a revised 81400 series of inspection procedures are issued for use at all nonpower reactors, whichever occurs first.

2545/1-08 CONTACT

Questions concerning this temporary instruction should be addressed to Loren Bush at (301) 492-8080.

END

Issue date: