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ALL NONPOWER REACTOR LICENSEES

On January 7, 1980, you were sent a letter describing certain nonpower reactor (NPR) physical protection requirements. Recent discussions between personnel from the NRC's Division of Safeguards and staff members of several licensees have identified what appears to be a misunderstanding of regulatory requirements relating to the protection of formula quantities of strategic special nuclear material; special nuclear material (SNM) of moderate strategic significance; and SNM of low strategic significance. As a result of this, the NRC has prepared a summary of certain NPR physical protection requirements. The summary, which is enclosed, supplements the January letter and should aid you in determining the safeguards (security) requirements applicable to your facility.

If you have any questions regarding this letter, please contact your appropriate project manager.

Sincerely,

ORIGINAL SIGNED BY:
JAMES R. MILLER

James R. Miller, Chief
Standardization and Special
Projects Branch
Division of Licensing

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cc: Regional Offices / D. Kasun

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ATTACHMENT TO GENERIC LETTER TO
ALL NONPOWER REACTOR LICENSEES

DOCKET NO.

50-70
50-184
50-13
50-360
50-225
50-394
50-77
50-276
50-284
50-538
50-106
50-59
50-598
50-406
50-98
50-
50-112
50-72
50-228
50-170
50-208
50-157
50-264
50-163
50-89
50-274
50-188
50-294
50-187
50-243
50-5
50-288
50-128

DOCKET NO.

50-113
50-224
50-326
50-357
50-151
50-166
50-192
50-407
50-156
50-131
50-27
50-99
50-262
50-97
50-73
50-160
50-116
50-199
50-20
50-297
50-375
50-150
50-182
50-193
50-57
50-54
50-142
50-433
50-83
50-356
50-148
50-223
50-2

DOCKET NO.

50-185
50-123
50-396
50-62
50-139
50-124
50-87
50-134

NONPOWER REACTOR PHYSICAL PROTECTION REQUIREMENTS

1. Presently NPR licensees are not required to meet the provisions of the "Physical Protection Upgrade Rule" (Federal Register Notices 68184-68199) as it pertains to the possession or use of formula quantities of strategic special nuclear material (SSNM) at any fixed site or contiguous sites (§73.20, §73.45 and §73.46). NPR licensees who possess or use such material at this time have been temporarily exempted from implementing these requirements while certain NPR safeguards studies are being completed. These studies are intended to determine whether or not safeguards credit can be given for unique features associated with NPR's.
2. In the interim, licensees who possess or use formula quantities of SSNM (not exempt pursuant to §73.6(b)) are required to implement the requirements identified in §73.60, §73.70 and §73.40(b). These regulations generally require additional physical protection measures at facilities where formula quantities of SNM are possessed; require certain records to be maintained; and requires that a safeguards contingency plan be prepared in accordance with criteria set forth in Appendix C to 10 CFR Part 73. In addition, licensees are required to implement the requirements identified in §73.67(a), (b), (c) and (d). A security plan or an amended security plan must be prepared which describes how you plan to comply with these requirements and must be submitted to the NRC by August 25, 1980. The security plan must then be fully implemented on March 25, 1981 or 90 days after the plan is approved, whichever is later. The only exception which may be granted to the full implementation schedule is for modification of structures and/or installation of major equipment. In these cases the date for full implementation may be extended to August 25, 1981.
3. If you possess, store, use, transport, export or deliver to a carrier for transport SNM of moderate strategic significance, as specified in §73.2(x)(1) and/or (2), you are required to implement §73.67 (a), (b), (c), (d) and (e), as appropriate. A security plan must be prepared which describes how you plan to comply with these requirements and must be submitted to the NRC by May 18, 1980. The security plan must then be fully implemented on September 21, 1980 or 30 days after the plan is approved, whichever is later. Please note that the date for the submittal of the security plan and the date for the full implementation of the plan have been changed. This change was published in Federal Register March 25, 1980 (45 FR 19215).
4. If you possess, store, use, transport, export or deliver to a carrier for transport SNM of low strategic significance, as specified in §73.2 (y)(1), (2) and/or (3), you are required to implement §73.67 (a), (b), (c), (f) and (g), as appropriate. If you possess or transport 10 kilograms or more of the above material, you must submit a security plan to the NRC by May 18, 1980. The security plan must be fully implemented on September 21, 1980 or 30 days after the plan is approved, whichever is later.

5. With regard to paragraphs 1 through 4 above, the application of the exemptions allowed by §73.6(b) and §73.67(b)(1)(i) will normally be used by licensees when determining physical protection requirements for their facilities. If these exemptions are applied, and the radioactive SNM or SSNM subsequently falls below the criteria established by the exemptions, for any reason, licensees will have to initiate measures to increase the physical protection to a level consistent with current rules and regulations. On the basis of the above, it is necessary for the licensees to describe in their security plan submittals measures to be taken should such an event occur or describe why such an event is not possible at your facility.
6. In addition to the above, other sections of Part 73 also apply to NPR licensees (e.g. §73.24, Prohibitions; §73.37, Protection of Spent Fuel Shipments; §73.71, Reports of Unaccounted Shipments; §73.72, Advance Notice of Shipment of SNM).