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May 10, 1984 MAY 22 11:39

John H. Frye, III, Chairman
Dr. Emmeth A. Luebke
Glenn O. Bright
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

In the Matter of
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
(UCLA Research Reactor)
Docket No. 50-142 0✓
(Proposed Renewal of Facility License)

Dear Administrative Judges:

Enclosed please find the attachments to "CBG Response
to Applicant's Request for Reversal of the Board's April 13
Finding of Material False Statements" (May 9, 1984).

Sincerely yours,

Steven Aftergood

Steven Aftergood

cc w/ enclosures: service list

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PDR ADOCK 05000142
G PDR

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Attachments to
"CBG RESPONSE TO APPLICANT'S REQUEST FOR REVERSAL OF THE BOARD'S
APRIL 13 FINDING OF MATERIAL FALSE STATEMENTS" (May 9, 1984)

Attachment A	Letter of November 30, 1973 from AEC's Donald J. Skovholt to UCLA's NEL (1 page)
Attachment B	Regulatory Guide 1.17 (2 pages)
Attachment C	Letter of July 15, 1974 from Karl R. Goller to UCLA's NEL with 2 enclosures: (1) deficiencies in UCLA proposed security plan; (2) Interim Guidance for Organization and Content of Security Plans (5 pages)
Attachment D	Letter of November 18, 1974 from George Lear to NEL (1 page)
Attachment E	Letter of January 8, 1975 from George Lear to NEL (1 page)
Attachment F	Letter of September 30, 1976 from UCLA's Ivan Catton to NRC, indicating compliance with 10 CFR 73.40 (1 page)
Attachment G	Letter of July 11, 1977 from George Lear to UCLA (2 pages)
Attachment H	Memorandum of June 28, 1979 from James R. Miller to Robert Burnett (2 pages)
Attachment I	Letter of August 9, 1979 from Frank Pagano (1 page)
Attachment J	Excerpts from Sample Physical Security Plan, Revision 1, June 14, 1979 (3 pages)
Attachment K	Excerpts from SECY-79-187C, December 19, 1979 (2 pages)
Attachment L	United Press International wire service story, January 4, 1984 (1 page)



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

Attachment A

cket No. 50-142

November 30, 1973

The Regents of the University
of California
Nuclear Energy Laboratory
ATTN: Mr. Thomas E. Hicks
Director
Los Angeles, California 90024

Gentlemen:

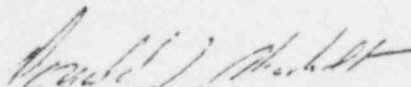
On November 6, 1973, the Commission adopted amendments to its regulations in 10 CFR Parts 50, 70, and 73 which are to strengthen the physical protection of reactor facilities and of special nuclear materials. The new rules require in part that licensees of production and utilization facilities submit a physical security plan to the Commission by January 7, 1974. A copy of the amendments is enclosed for your use.

The submitted plan should be as described in the new 10 CFR Part 50.34(c) and comply with the requirements stated in the new Part 73. Regulatory Guide 1.17, "Protection of Nuclear Power Plants Against Industrial Sabotage", states an acceptable Regulatory position for complying with this requirement. Reactor facilities other than power reactors should use the position in the Regulatory Guide to the extent practicable.

If you have previously submitted a security plan, please review it with respect to the requirements in these regulations. If you conclude that all applicable requirements of Part 73 are met by your plan, indicate this conclusion and provide specific reference to the plan. If all requirements are not met an amendment or revised plan should be filed.

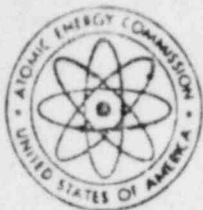
Three copies of your plan should be submitted. Your letter of transmittal should request that the plan be withheld from public disclosure pursuant to Section 2.790 of 10 CFR Part 2.

Sincerely,


Donald J. Skovholt
Assistant Director for
Operating Reactors
Directorate of Licensing

Enclosure:
Amendments to 10 CFR Parts 50, 70,
and 73 published November 6, 1973

APP
J. 11



REGULATORY GUIDE

DIRECTORATE OF REGULATORY STANDARDS

REGULATORY GUIDE 1.17

PROTECTION OF NUCLEAR POWER PLANTS AGAINST INDUSTRIAL SABOTAGE

A. INTRODUCTION

On February 1, 1973, the Atomic Energy Commission had published in the *Federal Register* proposed amendments to its regulation in 10 CFR Part 50, "Licensing of Production and Utilization Facilities." Proposed § 50.55c would require each licensee authorized to operate a nuclear reactor to provide appropriate protection against industrial sabotage. Proposed paragraph (c), "Physical Security Plan," of § 50.34 would require each application for an operating license to include a physical security plan. Proposed paragraph (p) of § 50.34 would require existing licensees who have not submitted a physical security plan to submit such a plan to the Commission for approval within 60 days after the publication of these amendments in effective form. Furthermore, § 50.34 requires that an application for a construction permit include the principal design criteria to be satisfied in meeting the requirements for structures, systems, and components essential to safety. This regulatory guide describes physical security criteria that are generally acceptable for the protection of nuclear power plants against acts of industrial sabotage which could lead to a threat to the health and safety of the public. The Advisory Committee on Reactor Safeguards has been consulted concerning this guide and has concurred in the regulatory position.

B. DISCUSSION

Subcommittee ANS-3 of the American Nuclear Society Standards Committee has developed a standard that provides criteria for industrial security programs to protect operational nuclear power plants from acts of industrial sabotage which could lead to a threat to the health and safety of the public. This standard, to be designated ANSI N18.17, "Industrial Security for Nuclear Power Plants,"¹ has been reviewed by American

¹Copies may be obtained from the American Nuclear Society, 244 E. Ogden Avenue, Hinsdale, Illinois 60521.

National Standards Committee N18 and is in final review by the American National Standards Institute (ANSI) Board of Standards Review.

In addition to the procedural measures described in ANSI N18.17, the design of structures, systems, and components important to safety (e.g., such features as redundancy, automation, independence, diversity, protection against common-mode failures, and the placement of facilities and equipment) can also provide protection against acts of industrial sabotage. Therefore, it is considered prudent to enhance this form of protection by protecting the vital equipment against surreptitious acts of industrial sabotage that could impair the performance of its intended safety functions. It is important that such protection be considered early in the design stage and that protective measures be described in the application for a construction permit. At a later stage, these measures would be described in greater detail in the applicant's security plan identified in proposed paragraphs (c) and (p) of § 50.34.

C. REGULATORY POSITION

The requirements and recommendations contained in the proposed ANSI Standard N18.17, "Industrial Security for Nuclear Power Plants," dated March 23, 1973, are generally acceptable and, with due consideration for the unique characteristics of the plant and its owner organization, provide an adequate basis for a physical security plan for the protection of nuclear power plants against industrial sabotage, as supplemented by the following:

I. Security Systems

a. The plant security forces should have onsite, armed, and uniformed individuals whose primary duties are the protection of facilities from acts that could endanger the health and safety of the public.

b. All security alarms should annunciate in a continuously manned, onsite central alarm station and in at least one other continuously manned station not

USAEC REGULATORY GUIDES

Regulatory Guides are issued to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations, to delineate techniques used by the staff in evaluating specific problems or postulated accidents, or to provide guidance to applicants. Regulatory Guides are not substitutes for regulations and compliance with them is not required. Methods and solutions different from those set out in the guide will be acceptable if they provide a basis for the findings requisite to the issuance or continuance of a permit or license by the Commission.

Published guides will be revised periodically, as appropriate, to accommodate comments and to reflect new information or experience.

Copies of published guides may be obtained by request indicating the divisions desired to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Regulatory Standards. Comments and suggestions for improvements in these guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff.

The guides are issued in the following ten broad divisions:

- | | |
|-----------------------------------|------------------------|
| 1. Power Reactors | 6. Products |
| 2. Research and Test Reactors | 7. Transportation |
| 3. Fuel and Materials Facilities | 8. Occupational Health |
| 4. Environmental and Siting | 9. Antitrust Review |
| 5. Materials and Plant Protection | 10. General |

necessarily onsite. All alarms should be self-checking and tamper indicating. The annunciation of an alarm at the onsite central alarm station should indicate the type of alarm (e.g., intrusion alarm, emergency exit alarm) and location. The annunciation at the other alarm station should, as a minimum, provide indications that an intrusion or illegal entry has occurred. The affected annunciator should be reset only after satisfactory communications have taken place between alarm stations. All intrusion alarms, emergency exit alarms, alarm systems, and line supervisory systems should, as a minimum, meet the level of performance and reliability indicated by GSA Interim Federal Specification W-A-00450 A (GSA-FSS).²

2. Equipment Testing

a. Security-related equipment, except for

²Copies may be obtained from business service centers of the General Services Administration Regional Offices located in the following cities:

Boston, Mass.
New York, N.Y.
Washington, D.C.
Ft. Worth, Texas

Denver, Colo.
San Francisco, Ca.
Atlanta, Ga.
Chicago, Ill.

Kansas City, Mo.
Los Angeles, Ca.
Seattle, Wash.

communication equipment, should be functionally tested for operability at the commencement and completion of each interval during which such equipment is used for security, but no less frequently than once each seven days.

b. Communication equipment used for security should be tested with a minimum frequency of once at the beginning of each security force work shift.

3. Protection of Vital Equipment

Appropriate design features and equipment arrangements should be provided and be consistent with other safety requirements to reduce the opportunity for successful industrial sabotage of vital equipment. To the extent feasible, these features should include measures to protect against undetected intentional acts that could impair equipment performance, such as automatic indication of inoperability.

Detailed security measures for the physical protection of the facility against industrial sabotage will be withheld from public disclosure as provided in § 2.790 of the Commission's regulations in 10 CFR Part 2.

DISTRIBUTION

Docket File
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~~RAPurple, L:OR-1~~
 Branch Chief, OR
 Project Manager, OR
 Licensing Assistant, OR
 TPFlood, L:OR-1
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 RHouston, L:OSB

JUL 15 1974

Docket No. 50-142

The Regents of the University
 of California
 Nuclear Energy Laboratory
 ATTN: Mr. Thomas E. Hicks
 Director
 Los Angeles, California

Gentlemen:

We have reviewed your proposed security plan dated January 14, 1974.
 At this time, we are unable to complete our evaluation with the infor-
 mation provided. Enclosure 1 identifies deficiencies in your plan with
 respect to the interim guide, enclosure 2, against which your plan was
 evaluated. (Enclosure 2 titled "Interim Guidance - Organization and
 Content of Security Plans for Power Research and Training Reactors"
 is furnished for your guidance.)^{Low}

We request that you amend your plan to incorporate the information indi-
 cated in the interim guide. Also, identify any feature of your plan
 that cannot be implemented within 30 days and describe the interim
 measures that would be taken to provide an equivalent level of protection.
 We request that your revised plan be submitted within 30 days from the
 date of this letter. Your security plan submittal is exempt from public
 disclosure pursuant to 10 CFR Part 2, Section 2.790(d) and should be so
 marked when transmitted.

Sincerely,

Original Signed by
 Karl Goller _____

Karl R. Goller, Assistant Director
 for Operating Reactors
 Directorate of Licensing

Enclosures:

1. Request for Additional Information
2. Interim Guidance

OFFICE →	L:OR-1	L:ORPM	L:ORBC	L:OR		56
SURNAME →	TPFlood:dc	DJaffee	GLear	KRGoller		
DATE →	6/11/74	7/15/74	7/15/74	6/12/74		

WITHHELD FROM PUBLIC DISCLOSURE

Docket No. 50-142

Enclosure No. 1

The following paragraph numbers refer to those sections of the interim guidance document (Enclosure 2) which are not addressed in sufficient detail to permit a thorough evaluation of your security plan.

<u>Paragraph No.</u>	<u>Subject</u>
I.A.	Essential Equipment
I.B.	Security Area
I.C.	Security Systems
II.A.	Organization
II.B.	Access Control
II.C.	Surveillance
II.D.	Procedures
II.E.	Security Program Review

You are reminded that since your license authorizes possession of SNM in excess of 5 kilograms U-235, that compliance with 10CFR73.50 and 73.60 would be required if your inventory of non-exempt SNM equals or exceeds the formula quantity specified in 10CFR73.1.

WITHHELD FROM PUBLIC DISCLOSURE

Interim Guidance - Organization and Content of Security Plans for
Low Power Research and Training Reactors

Applicability - This interim guidance is for use in developing and evaluating security plans for low power research and training reactors. For purposes of this guide, these reactors are defined as TRIGA reactors with authorized power levels less than or equal to 250 KW and all other research and training reactors with power levels less than or equal to 100 KW, including AGN's, zero power, and critical facilities.

Purpose - The purpose of the security plan developed according to this guidance is to protect the reactor against acts of sabotage. It is intended for use by the licensee to demonstrate compliance with 10CFR50.34(c) and 10CFR73.40. Conformance with this guide will not assure compliance with 10CFR73.50 and 10CFR73.60, if these parts are applicable to the licensee.

I. Design Features

- A. Essential Equipment - Essential equipment should be designated in the security plan. This should include, but not necessarily be limited to, the following: the reactor, the reactor coolant system, reactor controls, and any associated equipment the

failure of which could endanger the health and safety of the public.

- B. Security Area - security areas should be identified and described, including plan drawings or sketches showing these in context of the site location and showing access points. At least the fuel storage area, the reactor control room, and the reactor room or building should be described as security areas.
- C. Security Systems
 - 1. Locks and Keys - a description of the lock and key system should be provided; describe how keys are controlled; identify the specific individual (by position title) responsible for the security of the keys.
 - 2. Communications - the communication system to be used in the event of a security violation should be described.

II. Administrative Controls

- A. Organization
 - 1. Security organization - the person responsible for the facility security program should be identified (by position title); the person(s) or group(s) having security functions and responsibilities on a day to day basis should be identified.

2. Local Law Enforcement Authorities - arrangements with the local law enforcement agencies for aid in the event of a security violation at the reactor facility should be described.

B. Access Control

1. Personnel - the categories of personnel who are authorized to enter security areas should be identified.
2. Control - the means employed to control access to security areas should be described.

- C. Surveillance - Plans for providing surveillance of essential equipment and security areas during working and non-working hours should be described.

- D. Procedures - procedures and plans for dealing with the following situations should be briefly described:

1. Response to detected unauthorized intrusions of security areas.
2. Security violations by authorized personnel.
3. Bomb threats.
4. Acts of civil disorder.

E. Security Program Review

1. The security program should be reviewed not less frequently than once every two years by the individual designated in item II.A.1. This provision should be documented in the security plan itself. In this connection the licensee is directed to the provisions of 10CFR50.54(p).

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ocket No. 50-142

NOV 18 1974

The Regents of the University
 of California
 Nuclear Energy Laboratory
 ATTN: Mr. Thomas E. Hicks
 Director
 Los Angeles, California

Gentlemen:

Your letter of October 28, 1974 stated that UCLA was considering methods to reduce their Special Nuclear Material inventory below the formula quantity specified in Title 10, Code of Federal Regulations, Part 73.

As of this date we have not received a written confirmation that you have reduced your Special Nuclear Material inventory nor have we received a request to review your security plan assuming the inventory was reduced. You are reminded that your original plan, as submitted, was not acceptable and that you may be in violation of Title 10, Code of Federal Regulations, Part 73. Noncompliance with the Regulations would require that appropriate enforcement action be taken by us.

Your response is requested within seven days of the receipt of this letter.

Sincerely,

Original Signed

George Lear, Chief
 Operating Reactors Branch #3
 Directorate of Licensing

OFFICE	ORB#3	ORB#3				
SURNAME	DJaffe	GLear				
DATE	11/18/74	11/18/74				

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Docket No. 50-142

The Regents of the University
of California
Nuclear Energy Laboratory
ATTN: Mr. Thomas E. Hicks
Director
Los Angeles, California 90024

Gentlemen:

We have reviewed your reactor security plan dated August 21, 1974, and the revision dated August 29, 1974. Based upon your reduction in SNM inventory, communicated in your letter dated December 12, 1974, we find that your plan complies with the requirements of 10 CFR Part 50 Section 50.34 (c) and is acceptable.

Sincerely,

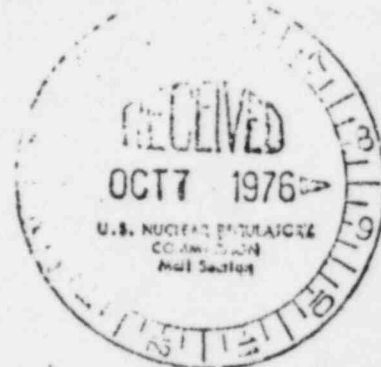
Original Signed

George Lear, Chief
Operating Reactors Branch #3
Directorate of Licensing2-14-75
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OFFICE	ORB#3	ORB#3	ORB#3			
SURNAME	SATEets	DJaffe	GLear			
DATE	1/6/75	1/7/75	1/8/75			

SCHOOL OF ENGINEERING AND APPLIED SCIENCE
LOS ANGELES, CALIFORNIA 90024

September 30, 1976



Mr. Bernard C. Rusche, Director
Office of Nuclear Reactor Regulation
United States Nuclear Regulatory Commission
Washington, D. C. 20555

Docket 50-142

Dear Mr. Rusche:

The attached Draft-Security Plan is intended to replace our existing, approved Plan and Amendments thereto. The Draft Plan relegates many details of the existing Plan to the status of Written Procedures subject to review and approval by a laboratory Security Committee. Neither current circumstances nor current planning demand immediate changes in the provisions of the existing Plan, however we believe that the approach taken here will supply greater flexibility to meet the increasing activity and changing space allocation/utilization within the Nuclear Energy Laboratory.

Please note that the locations of alarm system transducers (Figures 11, 12, and 13) remain a portion of the Draft Plan, but that adoption of the Plan will remove the door-keying information from those figures to a written procedure status.

It is our intent to secure an "Approval in Principle" of the Draft Plan before proceeding with the creation of the Security Committee and the compilation of Written Procedures for approval by that committee. During this interim period we shall continue to operate under the existing, approved Security Plan.

The Draft Plan is believed to be in conformity with the requirements of 10 CFR Part 73.40. Due to the sensitive nature of the contents of this letter, we request that this document be withheld from public disclosure pursuant to Section 2.790 of 10 CFR Part 2.

Sincerely,

Ivan Catton
Ivan Catton, Director
Nuclear Energy Laboratory

CEA:NCO:vl

cc: Mr. V.N. Rizzolo, Chief, Safeguards Branch, U.S. Nuclear Regulatory Comm.,
Region V, Suite 202, Walnut Creek Plaza, 1990 N. California Blvd.
Walnut Creek, California, 94596

(In accordance with our letter of August 20, 1976)

10149

JUL 11 1977

" F "

Docket No. 50-142

The Regents of the University
of California

ATTN: Mr. Harold V. Brown
Environmental Health
and Safety Officer
Los Angeles, California 90024

Gentlemen:

I am pleased to respond to the enclosed letter of May 27, 1977 which has been forwarded to me for reply. You forwarded a letter dated May 19, 1977 from Ivan Catton, Director, Nuclear Energy Laboratory. We have reviewed Dr. Catton's letter requesting (1) a clarification of the status of the UCLA Security Plan with regard to the Facility Operating License for the UCLA Training Reactor, and (2) whether the Security Plan is conceived as having radiological safety aspects that interact with the license.

With regard to the status of your Security Plan, 10 CFR Part 50, Section 50.34, "Contents of Application; Technical Information" and Section 50.54, "Conditions of Licenses" clearly require you to have a security plan and also provide guidance for making changes to the plan. Although your Security Plan is not specifically incorporated in your license, we consider it to be a part of the license. In fact, we are presently requesting licensees to agree to incorporating the security plan in the license by reference. We have already contacted your staff on this subject.

With regard to radiological safety aspects of your Security Plan, implementation of the plan provides reasonable assurance that sabotage and the theft or diversion of Special Nuclear Material (SNM) will not take place. Theft of SNM can have radiological implications far in excess of those activities for which your license was issued. The security plan, thus, is similar to other safety related components of your facility in that it provides reasonable assurance that occurrences which have unacceptable consequences will be prevented.

The Regents of the University
of California

- 2 -

If we can be of further assistance in this matter, please contact us.

Sincerely,

Original signed by

George Lear, Chief
Operating Reactors Branch #3
Division of Operating Reactors

Enclosure:
Letter dated May 27, 1977,
H. Brown to E. Case

cc:
University of California
ATTN: Dr. Ivan Catton, Director
Nuclear Energy Laboratory
Los Angeles, California 90024

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OFFICE	ORB#3	SB	ORB#3			
SURNAME	*DJaffe:acr	*RClark	GLear <i>h</i>			
DATE	7/6/77	7/6/77	7/ <i>h</i> /77			

JUN 28 1979

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

FROM: James R. Miller, Assistant Director for Site and Safeguards,
DOR

SUBJECT: NEW COMMISSION PAPER ON "UPGRADE RULE"

I understand that you are proceeding on the subject paper on a schedule that would have the paper to the Commission by Monday, July 2, 1979. Since some of the Commission's questions were directed at reactors, I am available to assist you on whatever schedule you desire. My basic interests are:

- 1) As suggested by Commissioner Kennedy, the following footnote should be added to §73.55:

Footnote: In the physical protection of all nuclear reactors, the term "High Assurance" has the same meaning as the term "Reasonable Assurance" as is used in reactor public health and safety determinations.

- 2) We suggest that an urgent meeting be held with ELD to discuss some of the language that you presented to the Commission dealing with "... objective to provide high assurance. . . ." My specific concern is legal backup during a public hearing.
- 3) As we have discussed, non-power reactors must be deferred from the Upgrade Rule. Attached is NRR and Standards final commission paper on this subject. NRR believes the deferral will be for a period of about 2 - 3 years because of the indepth studies we will be conducting. During this period, we will rely on §73.60 for those facilities with greater than formula quantities of SSNM and §§73.40 and 73.47 for all others. This will maintain the status quo and closely parallels the comments of Chairman Hendrie. Also NRR will continue studying the need for a separate rule for non-power reactor facilities and commence preparing such a rule should it be determined necessary.
- 4) As to any investigation into the Surry incident, it must be fully coordinated with NRR and I&E. We will provide any assistance necessary in this matter and a joint meeting laying out the plan of attack should be held prior to any efforts expended.

151
James R. Miller, Assistant Director
for Site and Safeguards
Division of Operating Reactors

cc. See page 2						
OFFICE						
SURNAME						
DATE						

Robert Burnett

- 2 -

JUN 28 1979

cc: E. Howard, I&E
R. Purple, SD
F. Pagano
S. Ramos

DISTRIBUTION:

Central Files
NRR Reading (P-428)
S&S Reading
J. Miller

OFFICE	S&S/DOR	ADYS&S/DOR				
SURNAME	SRamos	JM Miller				
DATE	6/28/79	6/28/79				



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

Attachment 1

AUG 9 1979

Mr. Don Alger
University of Missouri
Columbia, Missouri 65201

Dear Mr. Alger:

SUBJECT: SAMPLE PHYSICAL SECURITY PLAN FOR NON-POWER NUCLEAR
REACTOR FACILITIES POSSESSING SPECIAL NUCLEAR MATERIAL
OF MODERATE STRATEGIC SIGNIFICANCE

The Commission has amended its regulations to require physical protection measures at non-power reactors, to detect theft of special nuclear material of moderate and low strategic significance. This new regulation (73.47) is designed to provide a level of protection equivalent to the recommendations of Information Circular 225 Rev. 1 published by the International Atomic Energy Agency. Concurrently, the Commission published a regulatory guide entitled, "Standard Format and Content for the Licensee Physical Security Plan for the Protection of Special Nuclear Material of Moderate or Low Strategic Significance."

Applicable non-power reactor licensees must meet these requirements for detection of theft in addition to previous regulatory requirements for protection against sabotage. As a result of discussions with the non-power reactor licensees, we have drafted the attached Sample Plan as an aid to uniformity and completeness in the preparation of physical security plans.

I would appreciate your comments on the proposed Sample Plan by September 15, 1979.

Sincerely,

A handwritten signature in dark ink, appearing to read "Frank G. Pagano", is written over the word "Sincerely".

Frank G. Pagano, Chief
Reactor Safeguards Development Branch
Division of Operating Reactors

Enclosure:
Proposed Sample Plan

ENCLOSURE

Sample Physical Security Plan
for Non-Power Nuclear Reactor
Facilities Possessing Special Nuclear
Material of Moderate Strategic Significance

Reactor Safeguards Development Branch
Division of Operating Reactors
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission

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Purpose

This security plan describes the physical protection system and security organization which will provide protection against radiological sabotage and detect the theft of special nuclear material at the Sample Facility. It demonstrates compliance with 10 CFR 50.34(c), 10 CFR 73.40 and 10 CFR 73.47.

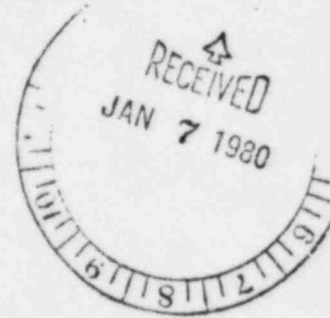
UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

Attachment K

December 19, 1979

SECY-79-187C

INFORMATION REPORT



For: The Commissioners

From: William J. Dircks, Director
Office of Nuclear Material Safety and Safeguards

Thru: Executive Director for Operations *ES for LVI*

Subject: IMPACT OF THE SAFEGUARDS UPGRADE RULE ON NONPOWER REACTOR
LICENSEES

Purpose: To provide the Commissioners with the following information: a status report on the impact of the Safeguards Upgrade Rule on the 22 nonpower reactor (NPR) licensees listed in SECY 79-187B; review of safeguards measures in force at NPRs; the status of the reevaluation of the 100 rem/hr at 3 feet self-protection exemption criterion; and the status of NRC staff reviews and studies which might lead to giving safeguards credit for enrichment, type and form of the SSNM located at NPRs.

Discussion: Background

On July 24, 1979, the Commission held an open meeting on the impact of the Safeguards Upgrade Rule on nonpower reactor licensees (SECY 79-187B). The discussion concerned the staff recommendation that nonpower reactor licensees be deferred from implementing the requirements of the Safeguards Upgrade Rule and that in the interim the new Category II (§73.67) physical protection requirements as well as the current (§73.60) requirements be applied to nonpower reactor licensees with greater than formula quantities of SSNM. During the meeting the Commissioners asked questions concerning the number of Category I nonpower reactors that would be subject to the physical protection requirements of the Safeguards Upgrade Rule as well as what physical protection is presently in place at those nonpower reactors. The Commissioners were also concerned with what physical protection requirements were actually needed at Category I nonpower reactor facilities given the unique type form and enrichment level of the reactor fuel. This concern was expressed in relation to the amount of time nonpower reactors should be deferred from implementing the requirements of the Safeguards Upgrade Rule. The Commission asked the staff for an interim status report in 120 days which would give a more definitive explanation of the Category I nonpower reactor problem and actions being taken to determine the appropriate physical protection requirements for these facilities. This Commission paper is the interim status report.

Contact:
C. K. Nulsen
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Additionally eleven NPR licensees indicated that they could be exempted from the Upgrade Rule requirements based solely on the 100 rem/hr at 3 feet exemption as discussed earlier. However, the licensees cited a variety of problems that they may encounter. Enclosure 2 enumerates these problems and includes a table that has been developed to give a quick breakdown by licensee on the ease with which each one can maintain its fuel at the 100 rem/hr radiation level. Again it should be noted that some may not meet the radiation levels during short periods of time.

One course of action that the staff is investigating is the idea of requiring increased physical protection, on an interim basis, for the NPR SNM during the periods it is not self-protecting.

Current NPR Safeguards Measures in Force

Since late 1973 NPR licensees have been required to submit a physical security plan as part of their application for a license to operate. NPR licensees who possessed less than a formula quantity of SSNM were subject to the provisions of §50.34(c) and §73.40 and those who possessed more than a formula quantity of SSNM were subject to the provisions of §73.50 and §73.60, as applicable, in addition to §50.34(c) and §73.40. In 1974, the staff developed guidance in support of the foregoing requirements to aid applicants and licensees in the development of security plans to protect reactors against acts of sabotage. The guidance was contained in 3 documents and was sent to appropriate licensees. The guidance documents addressed security systems that were applicable to NPRs of three different power levels: (1) <250* kw, (2) ≥250 kw, but <5000 kw and (3) ≥5000 kw.

All of the currently approved security plans for the reactors in question were reviewed and analyzed with respect to preventing sabotage and a few were evaluated by NRR to determine the adequacy of their physical protection system to protect against the theft or diversion of SNM. All NPRs have been inspected against their security plans for compliance during the period 1975-1979. While some items of noncompliance have been noted, there was no adverse effect on public health and safety. In addition, staff members of NRR have visited and assessed 50 NPRs in the past two years. All 22 NPRs which SECY 79-187B listed as Category I facilities, based on authorized possession limits, have security systems in place and have been inspected and found in compliance with their security plans which are based on present requirements under §50.34(c), §73.40, §73.50 and §73.60, as applicable. The security systems at all 22 NPRs have been examined during visits by staff members of NRR.

*This is the Category limit for TRIGA reactors, the training reactor limit was > or <100 kw.

1-4-84
**Nuclear foes: Terrorists
may attack UCLA reactor**

LOS ANGELES (UPI) — Anti-nuclear activists say UCLA's nuclear reactor could be the target of a possible terrorist attack during the 1984 Olympics, and have asked the federal government to shut it down before the Summer Games.

The Committee to Bridge the Gap said in papers filed with the Nuclear Regulatory Commission that the security plan for the 23-year-old research reactor is not designed to protect against sabotage.

UCLA took the same position in separate papers, but maintained that research reactors are not required by federal regulation to have sabotage protection.

The NRC Atomic Safety and Licensing Board is scheduled to examine the security question when relicensing hearings continue next month.

Reactor opponents said this means there will not be enough time to remove the fuel before the Olympics if the board decides such an action is needed.