

AP46-1



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

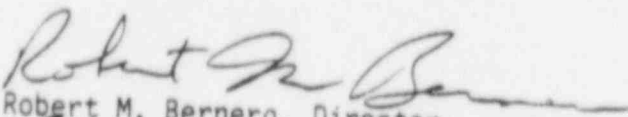
JUL 06 1984

MEMORANDUM FOR: James Malaro, Chief
Regulatory Analysis and Materials Risk Branch
Division of Risk Analysis and Operations
Office of Nuclear Regulatory Research

FROM: Robert M. Bernero, Director
Division of Risk Analysis and Operations
Office of Nuclear Regulatory Research

SUBJECT: RES INDEPENDENT REVIEW OF ONGOING RULEMAKING: "REPORTING
REQUIREMENTS FOR SAFEGUARDS EVENTS"

We have completed an independent review of the subject rulemaking package. Our comments are summarized in the attached Summary Sheet. We recommend that the NRC proceed with the rulemaking.


Robert M. Bernero, Director
Division of Risk Analysis and Operations
Office of Nuclear Regulatory Research

RES STAFF REVIEW SUMMARY SHEET

- 1) Review of the completeness of the Rulemaking Review Package.
 - a. The NRC Regulatory Agenda entry has been updated to reflect the most current status of the rule.
 - b. The rulemaking package as it is currently proposed for publication in the Federal Register is complete.
 - c. The office director's recommendations to the EDO concerning whether and how to continue with the rulemaking were not included. However, a recommendation for the approval of continued activity on this rule was stated in the cover letter dated May 9, 1984 from DNMS to the EDO.
 - d. The results of the sponsoring office review (Evaluation for Rulemaking) was complete.
 - e. A copy of the Commission paper, regulatory analysis, and a proposed revision to Regulatory Guide 5.62 were complete and included in the analysis. However, not found was the CRGR package and underlying documents relied upon by the sponsoring office in conducting its office review. Of particular importance is the analysis of the Safeguards Event Reports that show that the current safeguards Event Reports from the licensee contain insufficient data for NRC analysis purposes. Also lacking is the documentation on the justification for the level of detail in the Safeguards Events Reports to be required by the ongoing rulemaking.
 - f. No summary sheets, forms, or other documentation were requested by OEDO or "others" to assist in their review of the rulemaking therefore, no such items were included in the review package.

2) Results of Review by the RES Task Leader.

- a) The Evaluation of Rulemaking clearly addressed the issues of the intended rulemaking. However, the rulemaking package itself does not include the basis for one of the issues to be addressed. The issue is that the present reporting requirements are confusing to the licensees and are difficult to properly implement; therefore, the produced Safeguards Event Reports lack uniformity and contain insufficient data for analysis so that the NRC response to the safeguards incidents are not timely and possible generic deficiencies in the safeguards systems cannot be identified.
- b) If the issues in a) above are supported, then the necessity and urgency of the rulemaking are reasonable as presented in the package.
- c) The alternative to rulemaking discussed in the Evaluation of Rulemaking is sound.
- d) The issues addressed through the rulemaking, which are 1) redefinition and classification of the safeguards events, 2) deletion and addition of certain reporting requirements, and 3) the concurrent publication of a revised regulatory guide, are sound.
- e) An evaluation of the impact to the public, industry, and NRC by the proposed rule was performed. However, the evaluation does not support the contention that the detail of Safeguards Event Reports as proposed would benefit the public and industry by the development of an improved data base for analyzing safeguards events to the extent of the cost to the industry and NRC.
- f) The NRC Resources needed for this rulemaking and the scheduling were analyzed and judged to be reasonable.

3) General Comments and Recommendation

- a) The need for this rulemaking has been established even if it is only to clarify and simplify existing requirements. The rulemaking is consistent with applicable policies and planning guidance and as stated in the Abstract is a matter of moderate urgency relative to accomplishing the NRC's mandate.
- b) After a discussion with the NMSS contact for the subject rulemaking it is recommended at this time that the rulemaking should proceed. The contact stated that the missing background information and justification will be sent for review shortly. Deadline constraints will not allow the receipt and review of this information for this initial independent review. However, if the rulemaking were to proceed on the sole basis of clarification and simplification of §73.71 it would be well worth the effort.