



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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RES Mail Control No. RES-841230C

MEMORANDUM FOR: James A. Norberg, Chief
Human Factors and Safeguards Branch

FROM: Robert M. Bernero, Chairman
RES Independent Review Board

SUBJECT: CONTROL OF NRC RULEMAKING: RES INDEPENDENT
REVIEW OF ONGOING RULEMAKING

Enclosed is a rulemaking review package received from a sponsoring office for RES independent review. (Enclosure 1)

In accordance with procedures approved by the EDO on May 30, 1984, the rulemaking review package is assigned to your Division for action. (Enclosure 2)

The EDO-approved procedures allow a total of 20 working days for completing the RES independent review. To assist RES in completing its independent review in a timely manner, please submit the draft independent review package for this specific rulemaking to RAMRB by 5 working days from the date of this memorandum.

Robert M. Bernero
Robert M. Bernero, Chairman
RES Independent Review Board

Enclosure:

1. Reporting Requirements for Safeguards Events
2. Procedures for Conducting RES Independent Review of Rulemakings

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EVALUATION OF RULEMAKING

TITLE: REPORTING REQUIREMENTS FOR SAFEGUARDS EVENTS

1. The issues to be addressed:

The proposed rule would amend reporting requirements of §73.71 for unaccounted for shipments, suspected thefts, unlawful diversion, other safeguards events. The staff has found the present requirements confusing to licensees and, therefore, difficult for licensees to implement. These difficulties have produced safeguards event reports that lack uniformity and contain insufficient data for NRC analysis. Safeguards event reporting requirements are necessary to prompt response by the NRC to safeguards incidents and to identify and correct deficiencies in safeguards systems.

2. The necessity and urgency of addressing this issue:

Until the requirements for reporting are clarified and simplified, the problems identified above will continue to exist. This is considered to be a matter of moderate urgency.

3. Alternatives to rulemaking.

An alternative to rulemaking is issuance of additional or revised guidance on the present requirement. However, such guidance would lack regulatory authority. Since the problems have arisen over the abstract nature of the present requirement it appears the best solution is to correct the source of the problem by amending the existing rule.

4. How issue is addressed by rulemaking.

The proposed amendments redefine, in clearer terms, the events to be reported and classify certain of these events into different reporting categories. The current 24 hour telephonic notification is deleted. All events would be either telephonically reported within one hour or logged in licensee records to be submitted to the NRC quarterly. Concurrent with the rule revision, a revised regulatory guide is being developed which provides a format for reporting to the NRC and gives examples of what types of events should be reported and under what category.

5. Impact to the public, industry and NRC.

The public would benefit from the proposed rule because of the NRC's improved capability to assess safeguards adequacy at subject facilities. Cost impacts to the public are expected to be negligible. Benefits to licensees will be clearer, simpler regulations, a reduction in telephonic report-making, and use of standardized report formats. However, due to an increase in detail to reports, it is estimated that a net cost increase to industry of \$495K will be incurred on an annual basis. The benefits gained by the NRC will be fewer telephonic reports to analyze, and development of an improved data base for analyzing safeguards events. However, the increased manpower needed to analyze the more detailed reports will result in a net cost increase to the NRC of approximately \$22K per year.

6. NRC Resources Needed and Scheduling.

Resources: FY84: 0.65SY, FY85: 0.45SY

Scheduling: ANPRM: 07/00/84