



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

SEP 25 1984

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AB46-1  
PDR

MEMORANDUM FOR: John Davis, Director  
Office of Nuclear Material Safety and Safeguards

FROM: Victor Stello, Jr.  
Deputy Executive Director  
Regional Operations and Generic Requirements

SUBJECT: CRGR REVIEW OF PROPOSED REVISION OF 10 CFR 73.71  
AND REGULATORY GUIDE 5.62 CONCERNING NOTIFICATION  
REQUIREMENTS FOR SAFEGUARDS EVENTS

Your memorandum of August 14, 1984 forwarded the subject proposal to me and indicated that it should be exempted from CRGR review on the grounds that there would not be a substantial impact on NRC staff or licensees as a result of the proposal's implementation.

Although the proposal appears to improve the clarity and effectiveness of the existing rule, and may reduce the impact on licensees and NRC, CRGR review is appropriate because the Committee is intent on ensuring a consistent safety (including safeguards) threshold event reporting, especially where immediate notification is involved. In this regard, your staff should contact Walt Schwink (492-8639) to arrange for CRGR review of the proposal. This matter has been discussed with members of your staff who asked that we help identify areas of concern (T. Allen and P. Dwyer).

I expect that the Committee's review will focus on:

- (1) The rationale; i.e., need and urgency (relative to protecting of public health and safety and the environment or safeguarding nuclear materials and plants in the interest of national security) for requiring that each of the items (types of safeguards events) listed in the enclosure be reported within 1 hour to the NRC Operations Center.
- (2) The proposal's consistency with immediate and other reporting requirements contained in:
  - (a) 10 CFR Part 20, Standards for Protection Against Radiation (20.402 - Reports of Theft or Loss of Licensed Material),
  - (b) 10 CFR Part 50, Domestic Licensing of Production and Utilization Facilities (50.72 - Immediate Notification Requirements for Operating Nuclear Power Reactor (existing rule and evolving proposed rule revision), and 50.73 - Licensee Event Report System),

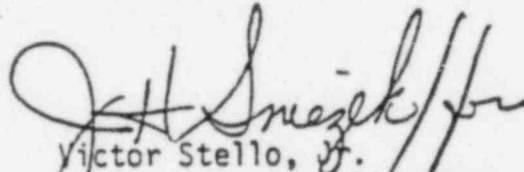
Contact:  
Walt Schwink, ROGR Staff  
492-8639

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- (c) 10 CFR Part 70, Domestic Licensing of Special Nuclear Material (70.52 - Reports of Accidental Criticality or Loss or Theft or Attempted Theft of Special Nuclear Material),;
- (d) 10 CFR Part 72, Licensing Requirements for the Storage of Spent Fuel in an Independent Spent Fuel Storage Installation (72.52 - Reports of Accidental Criticality or Loss of Special Nuclear Material),
- (e) 10 CFR Part 75, Safeguards on Nuclear Material - Implementation of US/IAEA Agreement (75.36 - Special Reports, Loss of Special Nuclear Material or Unexpected Changes in Its Containment),
- (f) 10 CFR Part 95, Security Facility, Approval and Safeguarding of National Security Information and Restricted Data (95.9 Communications and 95.57 - Reports),
- (g) 10 CFR Part 110, Export and Import of Nuclear Equipment and Material, and
- (h) Evolving requirements concerning Emergency Preparedness for Fuel Cycle and Other Radioactive Materials Licensees (ANPRM issued 6/3/81, NPRM: 1984).



Victor Stello, Jr.  
Deputy Executive Director  
Regional Operations and Generic  
Requirements

cc: W. J. Dircks  
CRGR Members  
H. Denton  
R. DeYoung  
Regional Administrators

I. Items to be reported within one hour

(a) Any event in which there is reason to believe that a person has committed or caused, or attempted to commit or cause, or has made a credible threat to commit or cause:

(1) A theft or unlawful diversion of special nuclear material, or

(2) Physical damage to any licensed facility or its equipment or carrier equipment transporting nuclear fuel or spent nuclear fuel, or to the nuclear fuel or spent nuclear fuel the facilities or carriers are licensed to possess, or

(3) Interruption of normal operation of a licensed nuclear power reactor through the unauthorized use of or tampering with its machinery, components, or controls including the security system.

(b) Any failure of the safeguards system or discovered vulnerability in that system that could allow unauthorized and undetected access to a protected area, material access area, controlled access area, or vital area, or to spent nuclear fuel or formula quantities of SSNM in transit, for which proper compensatory measures have not been established.

(c) All unauthorized entries through a required barrier whether or not the breach is properly compensated.

(d) A "proper compensatory measure" for a particular safeguards event as used in this Appendix means a measure that is specified in a security or contingency plan or security procedure. If the particular safeguards event is not described in a plan or procedure, then a "proper compensatory measure" means a measure implemented within 10 minutes of an event's discovery that provides a level of security essentially equivalent to that existing before the event.