



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

56
AB99-2
PDR

MAY 1 1985

MEMORANDUM FOR: William J. Dircks
Executive Director for Operations

FROM: Robert B. Minogue, Director
Office of Nuclear Regulatory Research

SUBJECT: CONTROL OF NRC RULEMAKING: RES INDEPENDENT REVIEW OF
ONGOING RULEMAKING SPONSORED BY NMSS

Based on our independent review of the ongoing rulemaking "Revised Criteria and Procedures for Determining Eligibility for Access to or Control Over Special Nuclear Material," (10 CFR Part 11), sponsored by NMSS, RES recommends that this rulemaking should continue. The basis for our recommendation is as follows.

The proposed rule amends 10 CFR Part 11 requirements for using only NRC clearance forms when requesting special nuclear material access authorizations. These revisions will allow utilization of other federal agency clearance forms for current active federal clearances based upon equivalent investigations for the purpose of granting NRC special nuclear material access authorizations. Specific considerations are:

- o The number of licensed fuel facilities having formula quantities of special nuclear material has been reduced significantly. All of the remaining facilities have requirements to varying degrees for NRC and/or DOE personnel access authorizations.
- o The levels of NRC and DOE personnel access authorizations are the same ("Q" and "L") and they are based upon the same type of investigations. Therefore, investigative data on file with either of these two agencies would be acceptable for granting the comparable level of access to special nuclear material.
- o An amendment to effect the changes to the rule would achieve all the objectives of the Commissions' special nuclear material access program and at the same time not require licensees to duplicate efforts and expenditures for equivalent investigations and application data which have already been accomplished to satisfy requirements for other federal agencies.

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MAY 1 1985

- o The estimate of reduced licensee burden is \$1,599,900 per year industrywide
- o The estimate of reduced cost to the Federal Government is \$10,170 per year.

The Director of NMSS, recommends that this rulemaking continue.

The complete RES independent review package has been sent to OEDO (Attn: DEDROGR) and to the Director, NMSS.

Robert B. Minogue
Robert B. Minogue, Director
Office of Nuclear Regulatory Research

RES INDEPENDENT REVIEW PACKAGE

RES INDEPENDENT REVIEW BOARD

VOTING SHEET

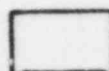
TO: F. P. GILLESPIE, CHAIRMAN, RIRB

FROM: K. R. Goller, Member, RIRB

TITLE OF RULEMAKING: Revised Criteria and Procedures for Determining Eligibility
for Access to or Control over SNM (Part 11)



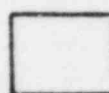
AGREE WITH RECOMMENDATIONS
IN RES RULEMAKING REVIEW
PACKAGE



REQUEST RIRB
MEETING.



MODIFY RECOMMENDATIONS IN
RES RULEMAKING REVIEW
PACKAGE AS INDICATED BELOW



NOT PARTICIPATING.

COMMENTS AND SUGGESTIONS:

Karl R. Goller

K. R. Goller
MEMBER, RIRB

4/22/85

DATE

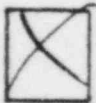
RES INDEPENDENT REVIEW BOARD

VOTING SHEET

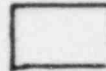
TO: F. P. GILLESPIE, CHAIRMAN, RIRB

FROM: G. A. Arlotto, Member, RIRB

TITLE OF RULEMAKING: Revised Criteria and Procedures for Determining Eligibility
for Access to or Control over SNM (Part 11)



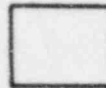
AGREE WITH RECOMMENDATIONS
IN RES RULEMAKING REVIEW
PACKAGE



REQUEST RIRB
MEETING.



MODIFY RECOMMENDATIONS IN
RES RULEMAKING REVIEW
PACKAGE AS INDICATED BELOW



NOT PARTICIPATING.

COMMENTS AND SUGGESTIONS:

G. A. Arlotto
G. A. Arlotto
MEMBER, RIRB

4/26/85

DATE

RES INDEPENDENT REVIEW BOARD

VOTING SHEET

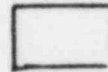
TO: F. P. GILLESPIE, CHAIRMAN, RIRB

FROM: W. M. Morrison, Member, RIRB

TITLE OF RULEMAKING: Revised Criteria and Procedures for Determining Eligibility
for Access to or Control over SNM (Part 11)



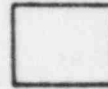
AGREE WITH RECOMMENDATIONS
IN RES RULEMAKING REVIEW
PACKAGE



REQUEST RIRB
MEETING.



MODIFY RECOMMENDATIONS IN
RES RULEMAKING REVIEW
PACKAGE AS INDICATED BELOW



NOT PARTICIPATING.

COMMENTS AND SUGGESTIONS:

Straight Approval.

W. M. Morrison

W. M. Morrison
MEMBER, RIRB

4/26/85

DATE

RES INDEPENDENT REVIEW ITEM

ROUTING AND TRANSMITTAL SLIP

Date APR 19 1985

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. W. M. Morrison, Member, RIRB		
2. K. R. Goller, Member, RIRB		
3. G. A. Arlotto, Member, RIRB		
4.		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS Revised Criteria and Procedures for Determining Eligibility for Access to Control Over SNM (Part II)

We are at step III.C.2, "RIRB deliberations," of the RES independent review procedures for the attached specific ongoing rulemaking sponsored by NMSS.

Please evaluate the attached draft independent review package and provide RAMRB with your voting sheet indicating your position on the rulemaking.

Your response by c.o.b. APR 29 1985 will assist in RES' making independent recommendations to the EDO in a timely manner.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
RAMRB staff	Phone No. 443-7885

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

DRAFT RES INDEPENDENT REVIEW PACKAGE

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- o The number of licensed fuel facilities having formula quantities of special nuclear material has been reduced significantly. All of the remaining facilities have requirements, to varying degrees for NRC and/or DOE personnel access authorizations.
- o The levels of NRC and DOE personnel access authorizations are the same ("Q" and "L") and they are based upon the same type of investigations. Therefore, investigative data on file with either of these two agencies would be acceptable for granting the comparable level of access to special nuclear material.
- o An amendment to effect the changes to the rule would achieve all the objectives of the Commission's special nuclear material access program and at the same time not require licensees to duplicate efforts and expenditures for equivalent investigations and application data which have already been accomplished to satisfy requirements for other federal agencies.

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DATE							

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Robert B. Minoque, Director
Office of Nuclear Regulatory Research

DISTRIBUTION:

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OFFICE	HFSG/DRA	HFSG/DRA	HFSG/DRA	DRA/DD	DRA/DIR	RES/DD	RES/DIR
NAME	S. Turel:ce	P. Ting	J. Norberg	B. Ernst	F. Gillespie	D. Ross	R. Minogue
DATE	4/11/85	4/11/85	4/12/85	4/17/85	4/17/85	4/17/85	4/17/85