July 17, 2000

MEMORANDUM TO: Joseph A. Murphy, Chairman
Committee to Review Generic Requirements

FROM: Samuel J. Collins, Director **/RA/JJohnson for**
Office of Nuclear Reactor Regulation

SUBJECT: NRR INPUT REGARDING THE VALUE ADDED BY CRGR OF STAFF PROPOSALS

In response to your memorandum dated June 16, 2000, my staff has provided the attached feedback regarding the Committee to Review Generic Requirements (CRGR) review of proposals sponsored by the Office of Nuclear Reactor Regulation from June 1999 through May 2000. In general, CRGR's review has provided value in ensuring that significant technical and legal issues were appropriately addressed. Staff efforts expended in addressing CRGR comments and the corresponding impact on schedules varied dependent upon the significance of the issues raised and ability to reach a consensus amongst internal stakeholders, but in general, was reasonable. Specific comments addressing the four items you requested for each CRGR meeting are provided in the attachment. We look forward to further productive efforts in our interactions with the CRGR.

Attachment: As stated

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Attachment: As stated
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ATTACHMENT

NRR INPUT REGARDING THE VALUE ADDED BY CRGR OF STAFF PROPOSALS

For each topic that was reviewed by CRGR, the NRR staff answered the following four questions. Only the response to the questions is listed for each topic.

(1) Your assessment of the “value added” by the CRGR review (e.g., improvement in the quality of the product from the standpoint of underlying safety concerns and backfit considerations, completeness, and consistency with the Commission’s policies, rules, and regulations).

(2) The staff efforts expended in addressing CRGR comments and recommendations, excluding the time required for OGC and program office re-concurrence.

(3) Impact on schedule, if any, and

(4) Your assessment of the significance of the issues and associated costs in terms of overall impact on schedules and resources.

CRGR Meeting NO. 342 (June 22, 1999)

CRGR Re-review and Endorsement of the Graded Quality Assurance Inspection Guidance

(1) Although the staff had modified the inspection guidance based on previous comments by CRGR regarding expectations of inspector skills, CRGR continued to believe that the guidance was too subjective and may be open to inspector interpretation that could result in imposition of unauthorized backfits. In addition, CRGR requested that the staff make it clearer that the procedure would be used only for reactive inspections.

(2) The staff expended approximately 100 hours revising the procedure to address CRGR’s comments.

(3) Resolution of CRGR comments delayed the schedule for approximately 6 weeks. This delay impacted licensing action review work, but not to a degree that it affected the staff’s ability to meet its performance goals.

(4) The issues raised by the Committee were appropriately focused on concerns related to the potential for imposition of unauthorized backfits.

CRGR Meeting NO. 343 (July 13, 1999)

Draft final rule, “Changes to Requirements for Environmental Review of Nuclear Power Plant Licenses”

(1) The "value added" by CRGR was minimal; but, the reason for this was that the rule and supporting study, NUREG-1437, Addendum 1, had already gone through extensive review in NRR, NMSS, and OGC due to its controversial subject.

(2) One hour.

(3) No impact on the schedule.

(4) Minimal impact.

CRGR Review and Endorsement Regulatory Guide 1.81, “Content of the Updated Safety Analysis Report in Accordance with 10 CFR 50.71(e)”

(1) The CRGR review made a modest improvement in the overall quality of the product from the standpoint of underlying safety concerns, backfit considerations, completeness, and consistency with the Commission’s policies, rules, and regulations.

(2) The staff expended a moderate amount of effort to obtain agreement among the CRGR members in addressing CRGR comments and recommendations. In part, this was a result of not having a clear statement of what was required to address CRGR recommendations.

(3) The schedule was impacted slightly, primarily due to difficulty in obtaining the agreement of CRGR as a whole.

(4) Some of the CRGR comments and recommendations were requests for changes in wording that did not appear to be substantive and therefore the significance was considered low and not proportional to costs in terms of overall impact on schedule and resources. Other comments were significant but may have been outside of the CRGR charter, i.e. CRGR appeared to be asking to impose a generic requirement, such that licensees would have to provide an explanation of the basis for certain changes to their Final Safety Analysis Reports.

CRGR Review and Endorsement of the final rule, “Respiratory Protection and Controls to Restrict Internal Exposures,” 10 CFR 20, and Revision 1 to Regulatory Guide 8.15, “Acceptable Programs for Respiratory Protection”

(1) The CRGR review of this rulemaking resulted in (1) adding additional quantitative arguments to the backfit statement, (2) expanding the regulatory analysis to include about 150 materials licensees, and (3) clarifying the use of an ANSI standard fit factor of 100 verses OSHA endorsement of 500. All of these changes enhanced the final product and CRGR review was valuable in that it required the staff, in anticipation of such a review, to consider all aspects of their proposed rule, and to be prepared to defend any

new positions adopted in the rule. Such anticipatory preparations, reviews, and discussions amongst the staff is valuable in improving the quality of the rule, and in avoiding the imposition of any requirements that are not clearly warranted.

(2) Preparation for the CRGR review required about 50 hours of staff time. The material prepared was also useful in other applications, such as strengthening the supporting rulemaking documents.

(3) Impact on the rulemaking schedule was minimal, but the delay was deemed to have been worthwhile to ensure a high quality product.

(4) Changes resulting from CRGR review were useful and cost beneficial. The overall impact on schedule and resources were minimal.

CRGR Meeting NO. 344 (August 4, 1999)

Draft Inspection Procedure 35703, "Graded Quality Assurance (GQA)"

(1) The staff revised the inspection procedure to address CRGR concerns from Meeting Number 342. However, CRGR continued to express concern that the inspection procedure contained subjectivity that would entail unnecessary risk of unauthorized backfits.

(2) The draft procedure was canceled; therefore, no additional time was expended addressing CRGR comments.

(3) No impact on schedule, as the procedure was canceled.

(4) The procedure would have been used only to assess whether the implementation of a graded quality assurance program contributed to a performance problem at an affected facility. At this time and for the foreseeable future, there is only one such facility - South Texas Project. Significant staff effort was expended to address the Committee's comments from three previous meetings for a procedure that would rarely, if ever, have been used. The likelihood of application in the context of the revised reactor oversight process was even less. Therefore the procedure was canceled rather than expending further resources on it.

Integrated Risk-Informed Baseline Inspection Program

(1) The purpose of the meeting was to inform the CRGR of the various elements that comprise the new risk-informed baseline inspection program and to answer their questions about the program. No changes were made to the program as a result of the meeting.

(2) No additional staff efforts were required as a result of the meeting.

(3) No affect on the schedule for implementing the new baseline inspection program.

(4) No significant issues were raised during the meeting and no additional agency costs were incurred as a result of the meeting.

CRGR Review and Endorsement of draft Regulatory Guide DG -1082

Not applicable. After rescheduling the meeting at least twice, CRGR decided not to review the draft guide, but indicated that they would review the final Regulatory Guide.

CRGR Review and Endorsement of draft final amendments to 10 CFR 50.55a, "Codes and Standards"

(1) The draft final amendment to 10 CFR 50.55a to incorporate by reference the 1995 Edition/1996 Addenda of the ASME Code into the NRC regulations was an extensive rule package that addressed over 400 public comments on the proposed rule. CRGR provided a broad review of the package that helped to ensure that the rule package was consistent with the Commission's policies and practices. CRGR provided several comments to improve the completeness of the package. CRGR requested followup discussions on one particular issue that remained under consideration at the conclusion of this briefing.

(2) Less than one staff day was necessary to address the CRGR comments.

(3) The consideration of CRGR comments did not impact the schedule for rule issuance because staff efforts to resolve the comments were performed in parallel with other actions to finalize the rulemaking package.

(4) The CRGR comments were of medium-level significance and were addressed promptly as part of the rulemaking package without impacting the schedule. The primary benefit of the CRGR review was the broad overview perspective provided by the CRGR on this extensive rulemaking package.

CRGR Meeting NO. 345 (August 25, 1999)

Discussion on the draft final rule 10CFR 50.55(a), "Codes and Standards"

(1) The CRGR review focused on a specific issue (High Pressure Safety Injection (HPSI) piping welds) in the draft final rulemaking package for incorporating the 1995 Edition/1996 Addenda of the ASME Code into the NRC regulations. The CRGR review of this specific issue provided an independent evaluation of the staff's planned treatment of this issue in the rulemaking package to help ensure consistency with the Commission's policies.

(2) The staff did not expend any significant effort in response to the CRGR briefing on this specific issue.

(3) The CRGR briefing did not have a significant impact on the issuance date of the final rule.

(4) The development of an appropriate approach for resolving the HPSI piping weld issue was an important action for the staff. The CRGR review provided an independent evaluation without significant impact on schedules or resources.

CRGR review and Endorsement of proposed revision to Standard Review Plan (NUREG-800), Chapter 13, “Conduct of Operations,” Sections 13.1.1, “Management and Technical Support Organization,” and 13.1.2-1.3, “Operating Organization”

(1) The CRGR had no comments on the revised SRP.

(2) None, see response to (1) above.

(3) No adverse effect on schedule.

(4) Though the CRGR had no comments, the staff did spend a significant level of effort in preparing the briefing package and presentation materials. Less effort would have been expended had the CRGR reviewed the briefing package and made their decision before the briefing was conducted.

Rulemaking Plan for Physical Protection Programs (10 CFR 73.55)

This was only a "heads-up" briefing for the CRGR. The CRGR did not respond with any formal questions or recommendations. The staff expended about 15 hours preparing for the briefing.

CRGR Review and Endorsement of the draft final rulemaking on alternate source term, and accompanying draft Regulatory Guide DG-1081 and draft Standard Review Plan

(1) Value was added by the CRGR review through the identification of three areas that warranted correction. First, the rule language unnecessarily excluded plants with renewed licenses from using 10 CFR 50.67. Second, the CRGR recommended eliminating the language in the draft Regulatory Guide discouraging control room habitability system modifications. Third, the CRGR recommended clarifying the draft regulatory guide regarding the generic safety issue associated with cesium impacts on environmental qualification. Resolution of these concerns improved the rule and the draft regulatory guide.

(2) Staff effort expended in resolving these issues is estimated to be less than 20 hours.

(3) The schedule was not impacted by the effort to resolve the CRGR concerns. However, due to scheduling difficulties involving both ACRS and CRGR meetings, the staff requested a two-week delay in submitting the rulemaking package to the EDO.

(4) The issue regarding the inadvertent exclusion of plants with renewed licenses was significant. Resolving this issue before the final rule was published prevented a future

rule change to correct this deficiency. The other two issues were not deemed to be significant.

CRGR Meeting NO. 346 (September 14, 1999)

Guidance on Managing Quality Assurance Records in Electronic Media

(1) CRGR recommended that the applicability of the purposed generic letter be expanded to include material licensees. As such, significant value was added for nuclear materials stakeholders.

(2) Staff effort to revise the generic letter and achieve buy-in from necessary individuals was large. The generic letter was revised to address the needs of material licensees.

(3) Significantly increased the time required for issuance of the generic letter. The GL is currently with NMSS for concurrence.

(4) The increase in time for issuance of the Generic Letter is appropriate to help complete the cycle for managing electronic records.

CRGR Meeting NO. 348 (October 12, 1999)

Rulemaking plan for risk-informing special treatment regulations

(1) The briefing provided to the CRGR was for information only, and CRGR did not review the rulemaking plan. Therefore, no specific value added can be ascribed to this briefing.

(2) As an informational briefing, the CRGR did not provide formal comments or recommendations.

(3) There was no impact on schedule.

(4) CRGR did not raise any significant issues with the approach in the rulemaking plan. There were no associated schedule or resource impacts.

CRGR MEETING NO. 349 (October 21, 1999)

Proposed changes to Part 55 regarding the use of simulators in operator training

(1) The Committee discussed the proposed changes, including the change to remove the simulator certification process as contained in the current 10 CFR 55.45(b)(V). The Committee expressed concern that the removal of this certification process may cause licensees to use simulators that are not evaluated and determined to have "fidelity" with the actual control room. The staff assured CRGR that the draft regulatory analysis included provisions for revisions to existing regulatory guidance and examination

standards to ensure fidelity assessments were performed at the time of NRC examinations or requalification inspections. It was also noted that these assessments would provide more up-to-date feedback than the certification process currently in place.

(2) The Committee provided a few comments which required direct staff effort to address. The staff was required to follow up on one process-related concern identified by the Committee. The Committee requested that the final rule change and associated Regulatory Guide be presented to CRGR prior to issuance. At that time, given the level of agreement with the current approach, CRGR may endorse the proposal through negative consent.

(3) The CRGR briefing, at this early stage of the rulemaking process, added 3-4 months to publication of the proposed rule for comment. Schedule coordination with CRGR, inter-office correspondence at the Deputy Director level, completion of briefing materials, and submission of CRGR's unique questionnaire, results in a labor intensive effort.

Unfortunately, to request a waiver of CRGR review or postponement until formal review, requires as much effort and time as preparing for a full review. The net effect of attempting to expedite the process will likely be a duplication of effort because CRGR opts to review that material which the sponsoring office seeks to defer in order to decide whether or not a review is necessary. Even then, the CRGR agenda will likely state that the presentation is considered by CRGR to be for information, not for decision; thus virtually ensuring another level of briefing.

(4) The issues raised by CRGR were not significant in that they were well addressed in the associated draft regulatory analyses and backfit analyses. Even so, the Committee opted for further review of the rulemaking package prior to final issuance. The subsequent effect on schedule and level of effort may be comparable to that which the staff has already realized.

CRGR MEETING NO. 350 (October 29, 1999)

Status of the Control of Hazard Barrier Topical Report review

This meeting was canceled.

Proposed Draft Regulatory Guide DG-1093: "Guidance and Examples for Identifying 10 CFR 50.2 Design Bases"

CRGR did not discuss the proposed draft regulatory guide DG-1093 at this meeting. This topic was on the CRGR's agenda several times but was pre-empted by higher priority issues. Eventually, CRGR defered their review until the final Regulatory Guide stage.

CRGR MEETING NO. 351 (February 22, 2000)

Final rule amending 10 CFR Part 50, Appendix K, ECCS Evaluation Models

(1) CRGR previously reviewed this rule change in its proposed form and made recommendations at that time. The specific meeting cited here was informational in nature and resulted in no changes to the final rule package. Among the questions addressed at the meeting was one regarding implementation of the change, specifically, responsibilities that inspectors would have under the revision. The staff's responses demonstrated that the package sufficiently addressed the questions, therefore, the value added by the Committee review was to confirm the completeness of the final rule revision.

(2) The staff expended minimal effort to address CRGR comments and recommendations.

(3) The CRGR review had a minimal impact on schedule.

(4) The overall impact of the issues raised by CRGR was minimal.

CRGR MEETING NO. 353 (March 28, 2000)

Final Rule, "Elimination of the Requirement for Noncombustible Fire Barrier Penetration Seal Materials and Other Minor Changes"

(1) The "value added " by CRGR review includes an increased emphasis on the health and safety aspects of the rule and completeness in response to some of the public comments received.

(2) The time needed to incorporate corrections was approximately five hours.

(3) No impact on the schedule.

(4) The associated cost in terms of overall impact on resources was well worth the contribution CRGR made to the quality of the final product.

CRGR MEETING NO. 355 (April 25, 2000)

Status of the Draft Regulatory Guide DG-1095, "Guidance for Implementation of 10 CFR 50.59, Changes, Tests, and Experiments"

(1) The briefing provided to the CRGR was for information only. Therefore, no specific value added can be ascribed to this briefing.

(2) As an informational briefing, the CRGR did not provide formal comments or recommendations.

(3) There was no impact on schedule.

(4) CRGR did not raise significant issues with the approach in the rulemaking plan. There were no associated schedule or resource impacts.

CRGR MEETING NO. 356 (May 23, 2000)

Draft Regulatory Guide DG-1096 and its associated draft Standard Review Plan (proposed section 15.0.1) on the review of analytical codes that are used for safety analysis

(1) CRGR was helpful in evaluating backfit considerations for the use of the new standard review plan (SRP) and regulatory guide.

(2) Staff effort to revise the standard review plan was on the order of 40 hours. The majority of the effort was expended on making the SRP and regulatory guide consistent.

(3) Revising the two documents added about 2 months to the completion of the effort.

(4) This was not a high priority review action. Therefore, impacts on the schedule were not significant. CRGR raised very important issues related to the content of the regulatory guide and subsequently the SRP that when modified will substantially improve the utility of the two documents.

CRGR MEETING NO. 357 (May 30, 2000)

Modifications to Regulatory Documents regarding Use of Risk-Informed Decisionmaking in License Amendment Reviews

(1) CRGR review did not substantially impact the staff product or approach, but did serve to identify several areas where clarifying changes in the guidance documents were needed.

(2) Minimal staff effort was required to address CRGR comments and recommendations

(3) Involvement of CRGR up to this point (i.e., CRGR briefing) has not had any impact on the schedule since the briefing was done in parallel with other activities. No future CRGR impact is foreseen since CRGR indicated no additional review was needed.

(4) The costs were minimal and justified by the value added; even though the product was not substantially impacted.