

September 1, 2000

MEMORANDUM TO: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

FROM: William D. Travers */RA/*
Executive Director for Operations

SUBJECT: PERIODIC ASSESSMENT OF THE ACTIVITIES OF THE
COMMITTEE TO REVIEW GENERIC REQUIREMENTS

This report contains an evaluation of the Committee To Review Generic Requirements' (CRGR) activities from June 1, 1999 through May 31, 2000, in response to the Staff Requirements Memorandum (SRM), "SECY-97-052 - Committee To Review Generic Requirements (CRGR) - Scope of Review and Periodic Review Activities," dated April 18, 1997.

PURPOSE:

The purpose of this report is to inform the Commission of the staff's assessment of value added to various proposed generic actions presented during this assessment period for CRGR review and endorsement. This assessment is based on both program office input and the CRGR's self assessment of its activities and contributions to the agency's mission.

BACKGROUND:

The CRGR is composed of a Chairman reporting to the Executive Director for Operations, and senior managers from the Offices of General Counsel, Nuclear Regulatory Research, Nuclear Reactor Regulation, Nuclear Material Safety and Safeguards, and a Region.

The CRGR Charter was revised during this assessment period. Revision 7 of the CRGR Chapter, effective November 18, 1999, describes the CRGR's current mission and scope of activities.

The CRGR's mission is to ensure that proposed generic backfits to be imposed on the NRC-licensed power reactor and selected nuclear materials licensees are appropriately justified based on backfit provisions of applicable NRC regulations and the Commission's backfit policy.

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These include the applicable provisions of Title 10 of the Code of Federal Regulations (CFR) §50.109, 10 CFR §50.54(f), and 10 CFR §2.204 for power reactors; and NRC Regulatory Analysis Guidelines (NUREG/BR-0058, Revision 2), 10 CFR §72.62, and 10 CFR §76.76 for nuclear materials facilities.

The CRGR's primary responsibilities are to recommend to the Executive Director for Operations (EDO) either approval or disapproval of the staff proposals of new or revised generic requirements and to provide guidance and assistance to the NRC program office to help them implement the Commission's backfit policy.

To accomplish its mission, the CRGR reviews and evaluates all proposed new and revised power reactor regulatory requirements, generic correspondence, regulatory guidance, and selected NRC staff guidance on licensing, inspection, assessment, and enforcement which could impose a backfit.

The CRGR reviews and evaluates selected nuclear fuel cycle facility, and spent fuel transportation and storage-related regulatory requirements, generic correspondence, and regulatory guidance, as requested by the Director, Office of Nuclear Material Safety and Safeguards (NMSS), or the EDO. CRGR review of inspection or enforcement guidance may also be self-initiated. CRGR focuses on major rulemakings, especially when significant departures from risk-informed approaches are proposed.

The CRGR reviews NUREGs only if they delineate a new staff position. It reviews safety evaluation reports endorsing generic vendor initiatives only at the program office director's request. The CRGR will also focus on the NRC's administrative generic backfit practices to verify that they are sufficient and the staff guidance is comprehensive and clear. CRGR members visit nuclear power reactor and nuclear materials facilities, and hold meetings with stakeholders, as appropriate.

DISCUSSION:

The CRGR has reviewed proposed new generic requirements and evaluated their potential for improper or unjustified backfits consistent with its new Charter. In doing so, the CRGR also identified pertinent technical, procedural and legal issues.

During the 16 meetings held from June 1999 to May 2000, the CRGR reviewed 23 items (18 proposed generic actions and 5 information briefings). Twelve of these meetings concerned nuclear power reactors and 3 concerned nuclear materials waste and safety issues. The CRGR held one special meeting to support the staff's commitments to the EDO and the Commission. The Committee agreed to review still evolving proposals, before all the office concurrences were obtained, on condition that the cognizant staff promptly informed the CRGR of the changes made following the CRGR review. This concession led in some instances to repeated reviews. Attachment 1 contains a list of items reviewed by the CRGR during this period.

Of the items presented to the CRGR, 19 were sponsored by The Office of Nuclear Reactor Regulation (NRR), 1 was sponsored jointly by NRR and the Office of Nuclear Regulatory Research (RES), 1 was sponsored by RES, and 3 were sponsored by NMSS. Of these, 1 was

a generic letter; 12 were rulemakings; 5 were regulatory guides; 3 were inspection guidance, and 2 involved multiple regulatory documents. The staff withdrew 1 proposed inspection procedure. No issues were raised to the EDO's attention for decision making. Approximately one quarter of the items reviewed (6 of 23), were significantly affected by CRGR review and comments.

Two factors combined during the past few years to make the CRGR more efficient while maintaining its effectiveness. First, CRGR has focused, under its new Charter, on the adequacy of backfit determinations. Since Regulatory Guides express one way of meeting staff expectations, but not the only way, Regulatory Guides should not involve backfits. Hence, CRGR review of proposed Regulatory Guides has been greatly reduced. The CRGR Chairman and staff continue to screen all Regulatory Guides for the potential for backfits. However, only those actually having backfit potential or those dealing with key issues before the Commission are brought to the full Committee. In those cases, the CRGR is usually briefed by the staff, which requires less effort than a full review by both the program office and the CRGR.

Second, the program offices have sharply reduced the use of 10 CFR §50.54(f) letters to obtain generic information. Such letters require CRGR review because they require a response. The staff now relies almost exclusively on voluntary requests for information. These may be escalated to a 10 CFR §50.54(f) request if information is not voluntarily submitted. The wording of these voluntary requests makes it clear that a response is voluntary and, thus, do not involve a backfit. As with Regulatory Guides, these voluntary information requests are screened by the CRGR Chairman and staff to determine if the backfit procedures in the program offices are effective, but they are generally not reviewed by the full CRGR.

These factors have permitted the CRGR to increase its focus on the material brought to it. This has increased not only the CRGR's efficiency, but also its effectiveness. While the workload on CRGR members has been significantly reduced, important matters still receive full attention. We believe this has been confirmed by the comments from the office directors.

For a formal self-assessment, the criteria used by the CRGR were:

- (1) The CRGR's identification of improper, unjustified, or implicit backfits.
- (2) The CRGR's identification of technical, procedural, or legal deficiencies, or flaws with respect to policy when presented to the CRGR.
- (3) The significance of the issues raised compared to impact on schedules and resources expended to address those issues.

Specific examples of value added using each of the above criteria are discussed below:

- (1) Identification of improper, unjustified, or implicit backfits

The CRGR's mission is to ensure that proposed generic backfits to be imposed on NRC-licensed power reactor and selected nuclear materials licensees are appropriately justified based on backfit provisions of applicable NRC regulations and the Commission's backfit policy. Appendices C and D of the CRGR Charter require detailed backfit analyses in packages submitted to the CRGR. Thus program staff removes improper, unjustified, or implicit backfits from their packages before they are presented to the CRGR. The CRGR staff also discussed backfit wording with program staff prior to formal CRGR review. This process eliminated the vast majority of improper backfits before the CRGR had to deal with them.

in response to public comments, NMSS revised 10 CFR §70 to include a proposed backfit provision with its final rulemaking. CRGR was asked to provide insights on the backfit provision and comment on whether adding the provision was prudent and the wording was adequate based on Committee experience. CRGR concluded that adding the backfit provision was prudent and the language was acceptable, and that the backfit provision, as applied to Subpart H requirements, should become applicable when the licensee integrated safety analysis (ISA) summary is approved.

Despite revisions to address CRGR concerns from three previous meetings, the CRGR remained concerned that the Graded Quality Assurance Inspection Guidance was too subjective and may have been open to inspector interpretation that could result in the imposition of unauthorized backfits. NRR finally canceled the proposed guidance rather than expend further resources on it.

- (2) Identification of technical, procedural, or legal deficiencies, or flaws with respect to policy when presented to the CRGR

In addition to the technical expertise from the program offices, a senior manager from the Office of General Counsel participates in the CRGR review process to identify legal deficiencies or flaws with respect to Commission rules, policies, and directives.

Examples of staff proposals which benefitted from CRGR reviews, especially by assuring consistency with Commission's rules, policies, and directives, or resulted in improvements from process perspective were: (i) Respiratory protection, programs, and controls to restrict internal exposures; (ii) an approach to resolving a HPSI piping weld issue in an amendment to 10 CFR §50.55a; (iii) inclusion of plants with renewed licenses to use the revised 10 CFR §50.67 alternate source term that avoided a future rule change to correct this deficiency; (iv) removal of the simulator certification process from 10 CFR §55.45(b)(V); (v) elimination of the requirement for noncombustible fire barrier penetration seal materials; (vi) review of analytical codes used for safety analysis.

- (3) Significance of the issues raised compared to impact on schedules and resources expended to address those issues

The impact of the CRGR review on schedules and resources was assessed by both the CRGR's self-assessment of its activities as well as by soliciting input from the program offices. Some examples of positive contributions are: (i) The CRGR recommended including a proposed backfit provision in 10 CFR §70 after completion of the ISA summary to provide a baseline, based on past backfit experience, and the NMSS staff spent two days following up on CRGR recommendations. This recommendation was accepted by staff and was approved by the Commission; (ii) The staff preparation for a CRGR presentation on respiratory protection, programs, and controls to restrict internal exposures required about 50 hours of staff time. As a result of this effort and the recommendations from CRGR, NRR found that the delay was worthwhile to ensure a high quality product; (iii) The CRGR recommendations on the draft final rulemaking on the alternate source term resulted in 20 hours of staff time to respond to CRGR recommendations that prevented a future rule change to correct three deficiencies; (iv) NRR needed only 5 hours to incorporate corrections suggested by the CRGR in the final rule on the elimination of the requirement for noncombustible fire barrier penetration seal materials; (v) After the CRGR raised very important issues related to their content, NRR expended 40 hours

to make the regulatory guide and the standard review plan consistent regarding the review of analytical codes used for safety analysis.

Attachment 2 provides a summary of the comments received from program offices in response to the CRGR request in a memorandum of June 16, 2000, for assessment of its functions and activities. The CRGR agrees with the program office directors that in addition to preventing improper backfits, the CRGR provides an independent third party peer review of various proposed generic actions. In their assessment of value added by the CRGR review, the offices indicated that, in general, the CRGR review was beneficial. The CRGR comments and recommendations improved the staff proposals by helping the staff focus on the underlying safety concerns, improving the quality of the final products, and making the products consistent with the Commission's policies, rules, and regulations. In most cases no significant delay was caused by staff having to address the CRGR comments and recommendations. In selected cases where significant staff efforts were expended to address CRGR recommendations, the impact on resources was determined to be commensurate with the significance of the issues raised.

NRR stated that, ". . . In general, CRGR's review has provided value in ensuring that significant technical and legal issues were appropriately addressed during the development of staff proposals, thereby improving NRR's effectiveness and efficiency." In addition, NRR believes ". . . CRGR's role in the review and evaluation of new staff positions increases public confidence through assurance that the backfitting process has been adhered to. 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."

RES stated that CRGR comments were ". . . helpful in producing documents that were consistent with Commission policy and practices," and ". . . provided a quality check and reexamination of the issues from a different and perhaps broadened perspective at minimal cost." NMSS stated that in general the benefit of the ". . . CRGR's review, positive feedback, and recommendations outweighed the cost in terms of staff time expended."

The CRGR recognizes the resources program offices expend to prepare a presentation to the CRGR. To address the NRR and NMSS feedback that the CRGR causes delays in some packages by their having to present to CRGR and address CRGR questions, the CRGR now works with the offices early in their processes to ensure they understand what is needed and to schedule a CRGR meeting at the appropriate time. The Chairman of the CRGR provided expectations to members and controls the meeting to screen out questions in an effort to focus CRGR conclusions on appropriate issues. The CRGR will seek feedback from those who come before the CRGR to sensitize the Committee to potential concerns.

Overall, the offices concluded that value was generally added and the impact on resources was commensurate with the significance of the issues raised. The CRGR believes that it has contributed to the agency's mission by identifying potential backfits as well as technical, procedural, and legal issues. The CRGR has concluded that net value was added by CRGR review of various topics during this assessment period.

- Attachments: 1. Topics Reviewed by the CRGR
2. Program Office Assessments of CRGR activities

cc w/atts.:

SECY
OGC
OCA
OPA
OCFO
OCIO
OIP
OIG
ACRS

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Template= RES-006 Accession Number ML003743869 RES File Code _____

**TOPICS REVIEWED BY THE CRGR
BETWEEN JUNE 1999 AND MAY 2000
(CRGR Meeting Nos. 342 through 357)**

TOPICS

- Graded Quality Assurance Inspection Guidance (two sessions).
- Draft final rule “Changes to Requirements for Environmental Review of Nuclear Power Plant Licenses.”
- Regulatory Guide 1.81, “Content of the Updated Safety Analysis Report in Accordance with 10 CFR §50.71(e).”
- 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.”
- Draft Inspection Procedure 35703, “Graded Quality Assurance (GQA)”
- Briefing on Integrated Risk-Informed Baseline Inspection Program
- Draft Final amendments of 10 CFR §50.55a, “Codes and Standards.”
- Standard Review Plan (NUREG-800) Chapter 13, “Conduct of Operations,” Sections 13.1.1, “Management and Technical Support Organization,” and 12.1.1-1.3, “Operating Organization.”
- Briefing on Rulemaking Plan for Physical Protection Programs (10 CFR §73.55)
- Draft final rulemaking on Alternate Source Term, and draft Regulatory Guide DG-1081 and Standard Review Plan.
- Holtec Hi Star 100 Rulemaking on 10 CFR §72.214.
- Guidance on Managing Quality Assurance Records in Electronic Media.
- Rulemaking plan for risk-informing special treatment regulations.
- Proposed changes to 10 CFR §55.45.b.V regarding the use of simulators in operator training.
- Final rule amending 10 CFR §50, Attachment 2, ECCS Evaluation Models.

TOPICS

- NUREG-1700 “Standard Review Plan for Evaluating Nuclear Power Reactor License Termination Plans.”
- Final rule, “Elimination of the Requirement for Noncombustible Fire Barrier Penetration Seal Materials and Other Minor Changes.”
- Backfit Provision added to 10 CFR §70, Subpart H, “Domestic Licensing of Special Nuclear Material.”
- Briefing on status of draft Regulatory Guide DG-1095, “Guidance for Implementation of 10 CFR §50.59, Changes, Tests, and Experiments.”
- Draft Regulatory Guide DG-1096 and Standard Review Plan (proposed section 15.0.1) on the review of analytical codes that are used for safety analysis.
- Commission Paper: “Treatment of Voluntary Initiatives in Regulatory Analysis.”
- Commission Paper: “Treatment of Averted Onsite Costs in Regulatory Analyses.”
- Modifications to Regulatory Documents regarding Use of Risk-Informed Decisionmaking in License Amendment Reviews.

**Program Office Assessment of CRGR Activities
From June 1, 1999, through May 31, 2000**

CRGR REVIEW AND ENDORSEMENT PROCESS

In accordance with Revision 7 of the CRGR Charter, effective November 18, 1999, the CRGR's primary responsibilities are to recommend to the EDO either approval or disapproval of staff proposals for new or revised, generic requirements, and to provide guidance and assistance of the NRC program offices to help them implement the Commission's backfit policy on nuclear power reactors and materials facilities.

The staff provides the following information for each proposal submitted for CRGR review and endorsement:

- (i) The new or revised generic requirement or staff position with an objective that can be achieved by setting quantifiable, enforceable standards.
- (ii) Documents supporting the requirements or staff positions.
- (iii) Whether the proposal would modify, implement, or relax or reduce existing requirements or staff positions.
- (iv) Method of implementation and resource implications, and office concurrences.
- (v) Regulatory analysis per NUREG/BR-0058 and NUREG/BR-0184.
- (vi) Applicability to category of power reactors, nuclear materials facilities, or activities.
- (vii) Backfit analysis, as defined in 10 CFR §50.109 or 10 CFR §76.76, as applicable.
- (viii) For backfits, why the proposal will result in a substantial increase in protection of public health and safety or the common defense and security, and justification of the costs of implementation for the facilities affected.
- (ix) For adequate protection or compliance backfits affecting power reactors, an evaluation of objectives and reasons for the modification and compliance exception, risk implications, alternatives and the rationale for rejecting them, and cost-benefit considerations.
- (x) For requests for information from power reactor licensees, the need for the information in terms of potential safety benefit, licensee actions and costs required, schedule of NRC use, and justification of potential safety significance.
- (xi) For backfits, an assessment of how the proposed action relates to the Commission's Safety Goal Policy Statement.

At each CRGR meeting, the members generally assess the value added by their review of each item. The CRGR endorsement is usually contingent upon satisfactory incorporation of their comments and recommendations. In case the staff disagrees with the CRGR's recommendations, the issue is raised to the EDO's attention for decision making.

DISCUSSION

The effectiveness of the CRGR in terms of value added by its reviews was determined by the significance of the issues raised, and the associated costs, as measured by staff efforts expended and schedule impacts, if any. This was accomplished by the CRGR's self-assessment of its activities, and by soliciting input from the program offices sponsoring actions that were reviewed by the CRGR during this assessment period.

The CRGR Chairman and staff also considered the adequacy and quality of incoming proposals, when they were submitted for formal review by a program office. During this assessment period no proposals were rejected. However, one review was postponed until the CRGR Charter requirements were completed. The CRGR held one special meeting to review an item on an expedited schedule. To support the staff's commitments to the EDO and the Commission, the CRGR agreed to review still evolving proposals, before all concurrences were obtained, on the condition that the cognizant staff promptly informed the CRGR of the changes made following the CRGR review. This concession assured timely completion of the proposals, but led in some instances to repeated reviews.

In a memorandum dated June 16, 2000, to the program Office Directors, the CRGR Chairman invited their assessments of value added by CRGR review of proposals sponsored by their office. They were asked to answer the following four questions to evaluate the CRGR's effectiveness:

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

The program offices addressed these four questions in extensive item-by-item responses on each of the staff proposals sponsored by them. The offices indicated that, in general, the CRGR reviews were beneficial and added value to the products without significant impact on schedules or staff resources. The offices stated that the CRGR comments and recommendations improved the staff proposals by helping the staff to focus on the underlying safety concerns, to think in backfit space, and to make the products consistent with the Commission's rules and regulations. The highlights of the program office assessments of value added by CRGR reviews are summarized below:

NRR: NRR stated that, "In general, CRGR's review has provided value in ensuring that significant technical and legal issues were appropriately addressed during the development of staff proposals, thereby improving our effectiveness and efficiency. In addition, we believe CRGR's role in the review and evaluation of new staff positions increases public confidence through assurance that the backfitting process has been adhered to. 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 stakeholders, but in general, was reasonable. Specific comments addressing the four items you requested for each CRGR meeting are provided in the attachment."

After three reviews of Graded Quality Assurance Inspection Guidance, CRGR continued to be concerned that the guidance was too subjective and may be open to inspector interpretation that could result in imposition of unauthorized backfits. The staff had expended approximately 100 hours revising the procedure to address CRGR comments, delaying the schedule approximately 6 weeks. NRR finally canceled the proposed guidance rather than expend further resources on it.

CRGR's value added to the draft final rule "Changes to Requirements for Environmental Review of Nuclear Power Plant Licenses," was minimal because it had already gone through extensive review in NRR, NMSS, and OGC due to its controversial subject, according to NRR. The CRGR review had no schedule impact.

The CRGR reviewed and endorsed Regulatory Guide 1.81 "Content of the Updated Safety Analysis Report in Accordance with 10 CFR 50.71(e)." NRR concluded that, "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." The NRR staff expended a moderate amount of effort in addressing CRGR comments and recommendations and NRR's schedule was impacted slightly. NRR expressed concern that "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."

NRR found the changes resulting from CRGR review 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" useful and cost beneficial. NRR explained that "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 versus 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. 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. Impact on the rulemaking schedule was minimal, but the delay was deemed to have been worthwhile to ensure a high quality product."

The CRGR reviewed and endorsed the draft final amendment to 10 CFR §50.55a that incorporated by reference the 1995 Edition/1966 Addenda of the ASME Code into the NRC regulations. CRGR made several comments to improve the completeness of the package. Less than one staff day was necessary to address the CRGR comments, which did not impact NRR's schedule. NRR concluded that the "primary benefit of the CRGR review was the broad overview perspective provided by the CRGR on this extensive rulemaking package" and that "the development of an

appropriate approach for resolving the HPSI piping weld issue was an important action for the staff.”

The CRGR endorsed revisions to the Standard Review Plant (NUREG-800), Chapter 13, “Conduct of Operations,” Sections 13.1.1 “Management and Technical Support Organization,” and 13.1.2-1.3, “Operating Organization,” without comment. NRR staff spent a significant level of effort in preparing the briefing package and presentation materials, and complained that “less effort would have been expended had the CRGR reviewed the briefing package and made their decision before the briefing was conducted.”

NRR noted that CRGR added value in three areas through its review of the draft final rulemaking on alternate source term and Regulatory Guide DG-1081, and draft Standard Review Plan. The most significant area found by the CRGR was that rule language inadvertently excluded plants with renewed licenses from using 10 CFR §50.67. Resolving this issue before the final rule was published prevented a future rule change to correct this deficiency. The CRGR also recommended deleting discouraging control room habitability system modifications, and clarifying the draft regulatory guide regarding cesium impacts on environmental qualification. NRR staff effort to respond was less than 20 hours, and the schedule was not impacted to resolve the CRGR concerns. However, scheduling difficulties with both ACRS and CRGR meetings resulted in a two-week delay in submitting the package to the EDO.

After reviewing guidance on Managing Quality Assurance Records in Electronic Media, the CRGR recommended that the proposed generic letter be expanded to include material licensees as well. This added significant value for nuclear materials stakeholders. The staff undertook a large effort in revising the generic letter and achieving buy-in to address the needs of materials licensees. NRR concluded that the increased time for issuance of the generic letter was appropriate to help complete the cycle for managing electronic records.

The CRGR expressed concern about the removal of the simulator certification process from 10 CFR §55.45(b)(V), with new regulatory guidance and examination standards ensuring assessment of the fidelity with the actual control room at the time of examinations or requalification inspections, that would provide more up-to-date feedback than the current certification process. NRR expressed a concern that a CRGR briefing at an early stage of the rulemaking process added 3-4 months to the publication of the rule for comment and resulted in a labor-intensive effort. NRR did not consider the issues raised by the CRGR to be significant in that NRR considered that they were addressed in the regulatory and backfit analyses. The CRGR requested the final rule change and regulatory guide be presented again prior to issuance.

The CRGR reviewed and commented on the final rule, “Elimination of the Requirement for Noncombustible Fire Barrier Penetration Seal Materials and Other Minor Changes.” NRR believes the value added by the CRGR review was an increased emphasis on the health and safety aspects of the rule and completeness in response to some of the public comments received. NRR needed only 5 hours to incorporate corrections raised by the CRGR and found that “the associated cost in

terms of overall impact on resources was well worth the contribution CRGR made to the quality of the final product.

While the CRGR review of modifications to regulatory documents regarding the use of risk-informed decision making in License Amendment Reviews did not substantially impact the product or approach, it served to identify several areas where clarifying changes were needed. Minimal effort was required to address CRGR comments and recommendations.

NRR/RES:

NRR and RES staff briefed CRGR on proposed draft Regulatory Guide DG-1096, "Transient and Accident Analysis Methods" and Standard Review Plan Section 15.0.1 "Review of Analytical Computer Codes." NRR concluded that the "CRGR raised very important issues related to the content of Regulatory Guide [DG-1096] and the Standard Review Plan, that when modified will substantially improve the utility of the two documents." The CRGR made "good" comments in areas of Commission policy and practices to improve the consistency of the two documents. NRR expended about 40 hours to make the regulatory guide DG-1096 and the SRP consistent, while RES staff expended about three days in addressing the CRGR comments on DG-1096.

RES: RES indicated that CRGR comments are helpful in producing documents that are consistent with Commission policy and practices, and provide a quality check and reexamination of the issues from a different and perhaps broadened perspective at minimal cost.

RES briefed the CRGR on two Commission papers, "Treatment of Voluntary Initiatives in Regulatory Analysis" and "Treatment of Averted Onsite Costs in Regulatory Analyses." The CRGR had no objection to the approach taken by the staff in either paper. The CRGR's minor comments were accommodated through an hour of staff effort. RES found the CRGR review cost beneficial in providing a quality check.

NMSS: NMSS indicated that in general the benefit of the CRGR's review, positive feedback, and recommendations outweighed the cost in terms of staff time expended.

The CRGR met with the staff before 10 CFR §72.214 was amended to add the HI-STAR 100 Cask System to the list of approved spent fuel storage casks. The staff described the design and operation of the cask and their rulemaking activities. The CRGR had few comments and no recommendations, and agreed that additional review of rulemaking proposals for similar spent fuel storage casks should not be necessary.

The CRGR reviewed and endorsed NUREG-1700, "Standard Review Plan for Evaluating Nuclear Power Reactor License Termination Plans." Less than one staff

week was expended on preparing for the CRGR briefing, giving the briefing, and resolving a few minor comments. However, a 30 day delay resulted to meet the CRGR meeting date. NMSS felt that the review “. . . gave senior agency management visibility of this SRP, and their supportive view might be useful in potential discussions with the industry,” and concluded that the “. . . review and positive feedback outweighed the cost in terms of staff time expended.”

The NMSS Division of Fuel Cycle Safety and Safeguards met with the CRGR to determine (1) if the CRGR believed adding a proposed backfit provision to 10 CFR §70 was a prudent course of action and (2) whether the wording of the provision was adequate based on CRGR experience. The CRGR also commented on and questioned other sections of the rule, specifically how the performance requirements compared to the reactor safety goals, the dose values in 10 CFR §50 Attachment 2, and the most recent ICRP guidelines. The CRGR concluded that adding the backfit provision to 10 CFR §70 was prudent and the proposed language was acceptable. The staff effort expended was two days to prepare and two days to follow up on CRGR recommendations, which did not adversely affect the project schedule. NMSS concluded that “CRGR provided valuable insights concerning backfit, as well as other areas, especially with respect to risk analysis. The CRGR was able to relate the work being performed in Part 70 to other related work, both ongoing and completed, thus providing consistency between regulations. In conclusion, the benefit of the CRGR’s recommendations outweighed the cost in terms of staff time expended.”