

March 8, 1991

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

FROM: Samuel J. Chilk, Secretary /S/

SUBJECT: SECY-91-037 - CHARTER OF THE COMMITTEE TO
REVIEW GENERIC REQUIREMENTS (CRGR)

This is to advise you that the Commission has not objected to the staff implementation of Revision 5 to the CRGR Charter with the attached changes.

The staff should retain the requirement for the EDO to provide written reports to the Commission concerning actions taken in response to CRGR recommendations.

The Charter should be revised, as indicated on the attached pages, to specifically require the staff, in proposing regulatory initiatives, and the CRGR, in reviewing such initiatives, to evaluate the feasibility of defining a performance-based objective or intended result of a proposed generic requirement which can be achieved by setting a readily-quantifiable standard that has an unambiguous relationship to a readily-measurable quantity, and that is enforceable. If such a performance-based objective is feasible, the proposed requirement should merely specify the objective or result to be obtained, rather than prescribing to the licensee how the objective is to be attained. The staff analysis should accompany the package submitted to the CRGR and CRGR's conclusions should be thoroughly documented.

The Safety Goal Implementation Task Force should brief the Commission on the status of the implementation of the Safety Goal Policy Statement. In this briefing, the Task Force should specifically discuss the use of Safety Goals in preparing an assessment of how a proposed action relates to the Commission's Safety Goal Policy Statement.

(EDO)

(SECY Suspense: 4/26/91)

SECY NOTE: THIS SRM AND SECY-91-037 WILL BE MADE PUBLICLY
AVAILABLE 10 WORKING DAYS FROM THE DATE OF THIS
SRM

Due to the substantive nature of many of the proposed changes to the CRGR Charter, these changes should be communicated to all licensees in accordance with the provisions of Part II of the Charter.

(EDO)

(SECY Suspense: 4/26/91)

Commissioner Curtiss notes that there are several other issues relating to CRGR activities in which he continues to have an interest. Although he plans to pursue these issues separately, they are listed here for information purposes.

1. The use of 10 CFR 50.54(f) information requests and informal generic correspondence as a vehicle for imposing new requirements or seeking binding commitments from licensees.
2. The need to evaluate the cumulative impact of existing and new requirements on licensee resources.
3. The evaluation of new and existing regulatory requirements in accordance with the principles set forth in the Safety Goals.

Attachments:

As stated

cc: Chairman Carr
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
OGC

I. PURPOSE

The Committee to Review Generic Requirements (CRGR) has the responsibility to review and recommend to the Executive Director for Operations (EDO) approval or disapproval of requirements or staff positions to be imposed by the NRC staff on one or more classes of power reactors. This review applies to staff proposals of requirements or positions which reduce existing requirements or positions and proposals which increase or change requirements. The implementation of this responsibility shall be conducted in such a manner so as to assure that the provisions of 10 CFR 2.204, 10 CFR 50.109 and 10 CFR 50.54(f) as pertaining to generic requirements and staff positions are implemented by the staff. The objectives of the CRGR process are to help implement the Commission's Principles of Good Regulation -- specifically to eliminate or remove any unnecessary burdens placed on licensees, reduce the exposure of workers to radiation in implementing some of these requirements, and conserve NRC resources while at the same time assuring the adequate protection of the public health and safety and furthering the review of new, cost-effective requirements and staff positions. The CRGR and the associated staff procedures will assure NRC staff implementation of 10 CFR 50.54(f) and 50.109 for generic backfit matters. The overall process will assure that requirements and positions ~~in place or~~ to be issued (a) do in fact contribute effectively and significantly to the health and safety of the public, and (b) do lead to utilization of both NRC and licensee resources in as optimal a fashion as possible in the overall achievement of

protection of public health and safety. By having the Committee submit recommendations directly to the EDO, a single agencywide point of control will be provided.

The CRGR will focus primarily on proposed new requirements and staff positions, but it ~~will~~ may also review selected existing requirements and staff positions which may place unnecessary burdens on licensee or agency resources. In reaching its recommendation, the CRGR shall consult with the proposing office to ensure that the reasons for the proposed requirement or staff position are well understood and that the provisions of 10 CFR 50.109, 50.54(f), and 10 CFR 2.204, if applicable, are appropriately addressed by the staff proposal. The CRGR shall submit to the EDO a statement of ~~the reasons for its~~ recommendations. ~~This statement shall provide a clear indication of the basis for the recommendation and, when appropriate, relate this basis to the provisions of 10 CFR 50.109, 50.54(f), and 10 CFR 2.204.~~ in accordance with IV.D below. [MOVED TO IV.D]

Tools used by the CRGR for scrutiny are expected to include cost-benefit analysis and probabilistic risk assessment where data for its proper use are adequate. Therefore, to the extent possible, written staff justifications should make use of these evaluation techniques. The use of cost-benefit analyses and other tools should help to make it possible to determine which proposed requirements and staff positions have real safety significance, as distinguished from those proposed requirements and staff

positions which should be given a lower priority or those which might be dropped entirely. When such techniques cannot be applied for lack of available, appropriate or relevant data, other methods will be used.

The EDO may authorize deviations from this Charter when the EDO, after consulting with the CRGR Chairman, finds that such action is in the public interest and the deviation otherwise complies with applicable regulations including 10 CFR 2.204, 50.54(f) and 50.109. Such authorization shall be written and shall become a part of the record of CRGR actions. ~~The~~

A rulemaking proposal presented to and considered by the CRGR, and ultimately, if presented to the Commission, should include any necessary exemption request with supporting reasons for the proposed exemption.

II. MEMBERSHIP

This Committee shall be chaired by the Office Director, AEOD, and it shall consist of, in addition to the CRGR Chairman, one individual each from NRR, NMSS, the Regions, and RES appointed by the Executive Director for Operations and one individual from OGC appointed by the EDO with the concurrence of the General Counsel. The regional individual shall be selected from one of the regional offices, and this assignment shall be ~~considered~~ developmental ~~developmental~~ on a rotational basis, with a new selection made by

the appointing official after that official judges that sufficient experience has been gained by the

IV. CRGR OPERATING PROCEDURES

A. Meeting Notices

Meetings will generally be held at regular intervals and will be scheduled well in advance. Meeting notices will generally be issued by the CRGR Chairman 2 weeks in advance of each meeting, except for Category 1 items, with available background material on each item to be considered by the Committee.

B. Contents of Packages submitted to CRGR

The following requirements apply for proposals to reduce existing requirements or positions as well as proposals to increase requirements or positions. Each package submitted to the CRGR for review shall include fifteen (15) copies of the following information:

- (i) The proposed generic requirement or staff position as it is proposed to be sent out to licensees. Where the objective or intended result of a proposed generic requirement or staff position can be achieved by setting a readily quantifiable standard that has an unambiguous relationship to a readily measurable

quantity and is enforceable, the proposed requirement should merely specify the objective or result to be attained, rather than prescribing to the licensee how the objective or result is to be attained.

(ii) Draft staff papers or other underlying staff documents supporting the requirements or staff positions. (A copy of all materials referenced in the document shall be made available upon request to the CRGR staff. Any Committee member may request CRGR staff to obtain a copy of any reference material for his or her use.)

(iii) Each proposed requirement or staff position shall contain the sponsoring office's position as to whether the proposal would increase requirements or staff positions, implement existing requirements or staff positions, or would relax or reduce existing requirements or staff positions.

(iv) The proposed method of implementation along with the concurrence (and any comments) of OGC on the method proposed. The concurrence

each facility. The minutes shall give an accurate description of the basis for the recommendations; shall relate this basis, as appropriate, to 10 CFR 50.109, 50.54(f) and 10 CFR 2.204 (as discussed in I) [RELOCATED FROM I] and the Commission's safety goal policy (as discussed in IV.B (ix) [ADDED FOR CONSISTENCY]; and shall accurately reflect the consensus decision of the Committee.1 Copies of these minutes shall be distributed to the Commission, Office Directors, Regional Administrators, CRGR Members, and the Public Document Room. The EDO's action taken in response to the Committee's recommendations shall be provided in writing to the Commission. [THIS REPORT TO COMMISSION IS PROPOSED FOR DELETION]

E. Recordkeeping System

The AEOD Assistant for CRGR Issues will assure that there is an archival system for keeping records of all packages submitted to the CRGR Chairman, actions by the staff, summary minutes of CRGR consideration of each package including corrections, and recommendations by the Committee, and decisions by the EDO and the Commission.

V. REPORTING REQUIREMENTS

The ~~AEOD Assistant for CRGR Issues~~ CRGR staff shall prepare a report to be submitted by the EDO to the Commission each month. The report will provide a brief summary of CRGR activities;

~~including a list of all items that have been sent to the CRGR and their current status. The report shall be distributed to CRGR Members, Office Directors, Regional Administrators, and the Public Document Room included in the Weekly Items of Interest report to the EDO at the end of each month.~~

1 The minutes should include a clear indication as to whether an action was considered to be justified as a backfit and, if so, whether it was considered to be: (1) an adequate protection exception; (2) a compliance exception; or (3) a cost justified substantial safety enhancement.

selecting the solution among various acceptable alternatives. [RELOCATED FROM III.C]

- (x) For each evaluation conducted for proposed relaxations or decreases in current requirements or staff positions, the proposing office director's determination, together with the rationale for the determination based on the considerations of paragraphs (i) through (vii) above, that
 - (a) the public health and safety and the common defense and security would be adequately protected if the proposed reduction in requirements or positions were implemented, and
 - (b) the cost savings attributed to the action would be substantial enough to justify taking the action.

- (xi) For each request for information under 10 CFR 50.54(f) (which is not subject to exception exemption as discussed in III.A) an evaluation that includes at least the following elements:
 - (a) A problem statement that describes the need for the information in terms of potential safety benefit.

- (b) The licensee actions required and the cost to develop a response to the information request.
- (c) An anticipated schedule for NRC use of the information. [RELOCATED FROM III.A]
- (d) A statement affirming that the request does not impose new requirements on the licensee, other than for the requested information.