

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

November 29, 1990

MEMORANDUM FOR: James M. Taylor  
Executive Director for Operations

FROM: Samuel J. Chilk, Secretary

SUBJECT: SECY-90-347 - REGULATOR IMPACT SURVEY REPORT

The Commission (with all Commissioners agreeing) has approved the staff's request to publish a Federal Register notice requesting public comments on the proposed corrective actions presented in this paper. The staff should proceed with publication of the Federal Register notice. The issue of consistency and uniformity between the regions and among our inspectors should be highlighted for the purpose of inviting comments. The staff should also send a copy of the request for comments directly to all power reactor licensees.

(EDO) (SECY Suspense: 12/14/90)

In formulating a response and final recommendations, staff should consider the response to issues identified during the public meeting on October 15, 1990.

In evaluating the comments and planning corrective actions, the staff should consider the following additional comments.

1. The use of existing mechanisms, including training, to solve some of the problems identified in this survey may be preferable to setting up new mechanisms.
2. The staff should consider methods by which the NRC could act to help alleviate the impact of inspections by other organizations on our licensees by coordinating schedules.
3. Staff should be more explicit on the subject of providing mechanisms for frequent future feedback from licensees to give them unfettered opportunities for raising objections to existing or contemplated NRC policies or procedures.

SECY NOTE: THIS SRM, SECY-90-347, AND THE VOTE SHEETS OF COMMISSIONERS ROGERS AND CURTISS WILL BE MADE

4. The staff should devote further attention to the issue of consistency between regions and among our inspectors, focusing on what specific steps or initiatives can be undertaken to bring greater uniformity in applying regulatory programs to individual licensees. Staff's recommendations should be set forth at the time the final paper is submitted to the Commission.

(EDO) (SECY Suspense: 5/31/91)

The Commission is aware of industry concerns that a number of new requirements are being placed on the industry by the NRC through informal mechanisms such as generic correspondence. The staff is reminded that generic letters are not legally binding in and of themselves and, contrary to the suggestion at page 4 of enclosure 1 to the subject SECY paper, do not impose requirements. The staff should refer to AEOD's discussion of generic communication in the context of its backfitting guidance in NUREG-1409 for the basis for this position. However, in view of the continuing nature of industry concerns in this area and the perception by licensees that guidance provided in these documents are backfits and must be complied with to avoid the appearance of being unresponsive to NRC initiatives, the Commission would like to explore this issue beyond what AEOD has said about it in NUREG-1409. Accordingly, for the purpose of identifying the magnitude of the problem and principal technical issues involved, the staff should provide an analysis of generic communications issued over the past several years which have resulted in significant new programs or expenditures, or significant modifications, at licensee facilities. Staff should include in the analysis the extent to which 10 CFR 50.54(f) has been used to obtain information or actions, and the extent to which it was necessary to issue orders or take other formal action to gain satisfactory response or to ensure implementation of the suggested actions. To assist the Commission in understanding the magnitude of the overall problem, the analysis should summarize in quantitative terms communications issued over the period requesting action or information of a more minor nature and communications issued solely to convey information.

Significant changes in the use of generic correspondence over the study period should be noted.

(EDO) (SECY Suspense: 5/31/91)

Commissioner Curtiss noted that he intends to reserve judgment on the scope and details of specific recommendations pending receipt of public comments on staff's proposals.

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cc: Chairman Carr  
Commissioner Rogers  
Commissioner Curtiss  
Commissioner Remick  
OGC  
GPA