

May 23, 2002

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Charles E. Ader, Chairman **/RA/**
Committee To Review Generic Requirements

SUBJECT: MINUTES OF THE COMMITTEE TO REVIEW GENERIC
REQUIREMENTS MEETING NUMBER 370

The Committee To Review Generic Requirements (CRGR) held special Meeting No. 370 on April 23, 2002, from 10:00 A.M. to 12:00 P.M., with the attendees listed in Attachment 1. The purpose of this meeting was to consider endorsement of proposed "Final Rule-Decommissioning Trust Provisions" (ADAMS Accession No. ML020920103).

Mr. Brian Richter, Office of Nuclear Reactor Regulation (NRR), briefed the CRGR on the proposed "Final Rule-Decommissioning Trust Provisions." Mr. Richter, during his slide presentation, pointed out a backfit that would result from the final rule. This backfit is itemized on page 10 under Cost-Benefit Overview bullet 2 of Mr. Richter's briefing slides, "Rule imposes a one-time burden on licensees to prepare an initial review of, and, if necessary, to revise their trust agreements." However, as discussed on page 11 of the briefing slides, the staff believes that this rule is an extension of the 1998 and earlier decommissioning rules and concludes that this is an adequate protection backfit. The CRGR members accepted the staff's arguments in this regard. Mr. Richter's presentation slides may be found in ADAMS, Accession No. ML021150199.

The following two items were noted by CRGR as needing modification or clarification:

1) The term "Adequate Protection" alone does not clearly encompass the idea of decommissioning as this activity is to be performed in the future and not the present.

The CRGR recommended and the staff agreed to include a paragraph including and defining the words, "Future Adequate Protection". The emphasis on "Future" as it pertains to the public safety and health after the life of the plant and decommissioning activities are accomplished.

2) In the letter to the Commission under recommendations item 1., the Commission is asked to approve the final amendments to 10 CFR parts 50 and 72 for publications in the Federal Register. However, under item 3., part g. it states that the staff intends to issue "Assuring Availability of Funds for Decommissioning Nuclear Reactors," Regulatory Guide 1.159, Revision 1.

The CRGR recommended and the staff agreed to include different verbiage which will indicate that the staff intends to issue "Assuring Availability of Funds for Decommissioning Nuclear Reactors," Regulatory Guide 1.159 subject to the Commission's approval of the rule.

Shortly after this CRGR meeting, the CRGR Chairman informed the NRC Executive Director for Operations that the CRGR endorsed the Final Rule on Decommissioning Trust Provisions with two minor comments.

The CRGR has decided that the CRGR Chairman should bring the issue of whether CRGR should get involved in mediating a disagreement between the staff and NEI on a generic backfitting concern to the EDO for guidance. [Subsequent to this meeting, on May 1, 2002, Joe Murphy brought this issue to the attention of the EDO for guidance.]

Questions about these meeting minutes should be referred to Les Cupidon at LRC@nrc.gov.

Attachment: As stated

cc: See next page

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OFFICE	CRGR		CRGR					
NAME	L. Cupidon		C. Ader					
DATE	5/20/02		5/23/02		/ /02		/ /02	

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Memorandum dated: 5/23/02

SUBJECT: MINUTES OF THE COMMITTEE TO REVIEW GENERIC REQUIREMENTS
MEETING NUMBER 370

cc w/atts:	<u>Mail Stop</u>
Chairman Meserve	O-16 C1
Commissioner Dicus	O-16 C1
Commissioner Diaz	O-16 C1
Commissioner McGaffigan	O-16 C1
Commissioner Merrifield	O-16 C1
Annette Vietti-Cook, Secretary of the Commission	O-16 C1
William D. Travers, EDO	O-16 E15
William F. Kane, DEDR	O-16 E15
Carl J. Paperiello, DEDMRS	O-16 E15
Frank J. Congel, OE	O-14 E1
Hubert T. Bell, OIG	T-5 D28
Karen D. Cyr, OGC	O-15 D21
Janice E. Moore, OGC	O-15 D21
Stephen H. Lewis, OGC	O-15 D21
John T. Larkins, ACRS	T-2 E26
Martin J. Virgilio, NMSS	T-8 A23
Margaret V. Federline, NMSS	T-8 A23
E. William Brach, NMSS	O-13 D13
Samuel J. Collins, NRR	O-5 E7
Ashok C. Thadani, RES	T-10 F12
R. William Borchardt, NRR	O-5 E7
Jon R. Johnson, NRR	O-5 E7
Brian W. Sheron, NRR	O-5 E7
Jack R. Strosnider, Jr., NRR/DE	O-9 E3
Scott F. Newberry, DRAA/RES	T-10 E 50
Frank P. Gillespie, NRR/DRIP	O-12 E5
Dennis P. Allison, NRR/DRIP/RGEB	O-11 F1
Brian J. Richter, NRR/DRIP/RGEB	O-11 F1
Robert S. Wood, NRR/DRIP/RGEB	O-11 F1
Hubert J. Miller	RGN-I
Luis A. Reyes	RGN-II
Bruce S. Mallett	RGN-II
James E. Dyer	RGN-III
Ellis W. Merschoff	RGN-IV

CRGR MEETING No. 370
LIST OF ATTENDEES
(April 23, 2002)

CRGR Members

Joseph A. Murphy, Chairman
Brian W. Sheron, NRR
Margaret V. Federline, NMSS
Janice E. Moore, OGC
Scott F. Newberry, RES

Les Cupidon, CRGR Staff

NRR Staff

Frank P. Gillespie, NRR/DRIP
Dennis P. Allison, NRR/DRIP/RGEB
Brian J. Richter, NRR/DRIP/RGEB
Robert S. Wood, NRR/DRIP/RGEB

RES Staff

Charles E. Ader, RES/DSARE

OGC Staff

Stephen H. Lewis, OGC