

July 2, 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 372

The Committee To Review Generic Requirements (CRGR) held special Meeting No. 372 on May 6, 2002, from 1:00 P.M. to 3:00 P.M., with the attendees listed in Attachment 1. The purpose of this meeting was to review the staff's response to correspondence received on January 11, 2002, from Mr. Alexander Marion of Nuclear Energy Institute (NEI) (ADAMS Accession No. ML020300069) and to discuss NEI's request to meet with the CRGR to address the issue of generic backfit.

Previously, the CRGR Meeting No. 367 (see Meeting Minutes 367, ADAMS Accession No. ML021750218) addressed the letter to NEI with the conclusion that the staff would, "...factor relevant questions and answers on tacit acceptance of license practices in inspection reports from NUREG 1409, "Backfitting Guidelines," into its response.

After reviewing the staff's revised response to Mr. Alex Marion, NEI, the CRGR agreed that staff had adequately incorporated relevant information from NUREG-1409 into its response. However, the CRGR and staff agreed that there should be additional modifications and clarifications of various points in the letter to better address NEI's concerns and to more clearly outline the NRC's stance on Section III.G.1, Section III.G. 2, Section III.G.3, Section III.L of Appendix R to 10 CFR Part 50 as well as Section 3.3(1) in NUREG-1409, "Backfitting Guidelines."

Outstanding points involve clarifying the agency's stance that an inspector's erroneous acceptance of procedures does not constitute the agency approval for noncompliance with a regulation. Although there are no known instances of this actually being done, it was also agreed that additional guidance be provided to the inspectors to emphasize not approving manual actions without first reviewing prior licensing approval for the manual action.

Contact: Les R. Cupidon (lrc), CRGR Staff
415-6366

Previously, in CRGR Meeting Minutes No. 367, it is stated, "The CRGR members concluded that the NRR staff response does not contain a new staff position." The CRGR and staff agreed that the NRR staff will offer to meet with NEI after the letter is received by NEI and reviewed. If NEI still desires to meet with CRGR after that meeting, then CRGR will meet with NEI following coordination with the EDO. The CRGR Chairman will communicate with the EDO requesting direction from the EDO on CRGR's role in meetings with NEI of this nature. The CRGR believes that clarification is needed regarding whether CRGR should consider questions raised by stakeholders about generic backfits. CRGR's charter would have to be modified to accommodate such a role.

Questions about these meeting minutes should be referred to Les Cupidon (lrc@nrc.gov).

Attachment: As stated

cc w/att.:

Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan

cc w/att.:

(via e-mail)

A. Vietti-Cook, SECY
W. Kane, DEDR
C. Paperiello, DEDMRS
R. Zimmerman, NSIR
F. Congel, OE
H. Bell, OIG
K. Cyr, OGC
J. Moore, OGC
J. Larkins, ACRS

M. Virgilio, NMSS
M. Federline, NMSS
S. Collins, NRR
A. Thadani, RES
J. Johnson, NRR
W. Borchardt, NRR
B. Sheron, NRR
G. Holahan, NRR:DSSA
J. Hannon, NRR:DSSA:SPLB

E. Weiss, NRR:DSSA:SPLB
P. Qualls, NRR:DSSA:SPLB
E. Connell, NRR:DSSA:SPLB
H. Miller, Region I
L. Reyes, Region II
B. Mallett, Region II
C. Ogle, Region II
J. Dyer, Region III
E. Merschoff

CRGR MEETING No. 372
LIST OF ATTENDEES
(May 6, 2002)

CRGR Members

Charles E. Ader, Chairman
Brian W. Sheron, NRR
M. Wayne Hodges, NMSS
Janice E. Moore, OGC
Jack R. Strosnider, RES

Les Cupidon, CRGR Staff

NRR Staff

John N. Hannon, NRR:DSSA:SPLB
Eric W. Weiss, NRR:DSSA:SPLB
Suzanne C. Black, NRR:DSSA
Phillip M. Qualls, NRR:DSSA:SPLB
Edward A. Connell, NRR:DSSA:SPLB
Daniel M. Frumkin, NRR:DSSA:SPLB
John C. Tsao, NRR:ADPT

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C. Paperiello, DEDMRS	S. Collins, NRR	E. Connell, NRR:DSSA:SPLB
R. Zimmerman, NSIR	A. Thadani, RES	H. Miller, Region I
F. Congel, OE	J. Johnson, NRR	L. Reyes, Region II
H. Bell, OIG	W. Borchardt, NRR	B. Mallett, Region II
K. Cyr, OGC	B. Sheron, NRR	C. Ogle, Region II
J. Moore, OGC	G. Holahan, NRR:DSSA	J. Dyer, Region III
J. Larkins, ACRS	J. Hannon, NRR:DSSA:SPLB	E. Merschoff

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*See Previous Concurrence:

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DATE	06/25/02*	07/02/02*		