

NEI White Paper

July 23, 2002

STANDARD FORMAT FOR REQUESTS REGARDING THE USE OF *ALTERNATIVES* TO, OR *RELIEF* FROM, 10 CFR 50.55a ASME CODE REQUIREMENTS FOR COMMERCIAL REACTOR LICENSEES

Purpose

This White Paper provides guidance for voluntary use by commercial reactor licensees. It provides a standard format for plant-specific requests for Nuclear Regulatory Commission (NRC) approval of proposed alternatives to, or relief from, the inservice inspection or inservice testing requirements of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (BPV) Code and the ASME Operation and Maintenance (OM) Code pursuant to 10 CFR 50.55a, "Codes and Standards."

This guidance is provided to help determine the appropriate regulatory requirement under which a request is to be submitted for approval to the NRC. It does so by differentiating the various regulatory requirements contained within 10 CFR 50.55a and providing standardized "templates" that licensees may use when preparing plant-specific requests for NRC approval. The objective is to assist licensees in preparing requests that contain the necessary supporting information in a consistent and complete manner, thereby reducing NRC review time and associated user fees.

The enclosed guidance describes the type and extent of information that should be included in a licensee submittal for items that cannot be fully inspected or tested in accordance with the ASME Code. Italicized information in brackets represents request-specific information that should be provided by the licensee.

Although the term "relief request" is commonly used to describe all requests for NRC approval to differ from ASME Code requirements of 10 CFR 50.55a, the regulation differentiates between the terms "relief," "proposed alternative", and "later Code Edition and Addenda." Accordingly, it is suggested that licensees use the term "10 CFR 50.55a request" to describe a proposed licensing action that requests differences from the ASME Code requirements referred to in 10 CFR 50.55a.

Applicable Regulatory Requirements

Depending on the situation, a licensee can use the following methods to seek NRC approval of differences with the regulatory requirements related to the ASME Code specified in 10 CFR 50.55a:

- Propose an *alternative* to the Code requirement and demonstrate that:
 - The *alternative provides an acceptable level of quality and safety* pursuant to 10 CFR 50.55a(a)(3)(i), or
 - Compliance with the *Code requirement would result in hardship or unusual difficulty without a compensating increase in quality or safety* pursuant to 10 CFR 50.55a(a)(3)(ii).
- Demonstrate that compliance with the *Code requirement is impractical (not just inconvenient)* pursuant to 10 CFR 50.55a(f)(5)(iii) for inservice testing items, or 10 CFR 50.55a(g)(5)(iii) for inservice inspection items.
- Propose using *later Code editions and addenda* pursuant to 10 CFR 50.55a(f)(4)(iv) for inservice testing items, or 10 CFR 50.55a(g)(4)(iv) for inservice inspection items, subject to the limitations and modifications listed in 10 CFR 50.55a(b). In order to use portions of Code editions or addenda, all related requirements of the respective editions or addenda must be met, except where specific exception is accepted in the NRC's approval.
- Should a licensee determine it is *unable to examine more than 90 % of the examination volume of each reactor vessel shell weld* specified in 10 CFR 50.55a(g)(6)(ii)(A)(2), an alternative must be proposed. The licensee is required to submit information to the NRC to support its determination. The licensee must propose an alternative that would provide an acceptable level of quality and safety pursuant to 10 CFR 50.55a(a)(3)(i) and 10 CFR 50.55a(g)(6)(ii)(A)(5).
- Pursuant to 10 CFR 50.55a(g)(6)(ii)(A)(4), when performing the augmented examination, a licensee may, in accordance with 10 CFR 50.55a(g)(6)(ii)(A)(5), take credit for the ASME Code, Section XI reactor vessel examination already completed if it does the following:
 - First, performs the one-time augmented inspection specified in 10 CFR 50.55a(g)(6)(ii)(A)(2), and then
 - Submits a request pursuant to 10 CFR 50.55a(g)(6)(ii)(A)(5) and 10 CFR 50.55a(a)(3)(i) based on an alternative providing an acceptable level of quality and safety..

Use the chart in the Appendix at the end of this White Paper as an aide in determining the appropriate type of 10 CFR 50.55a request to prepare for submittal

to the NRC. The chart includes cross-references to the 10 CFR 50.55a request templates that are included with this White Paper.

The ASME publishes a new edition of the Code every three years, and new addenda are published every year. The latest editions and addenda that the NRC has approved for use are referenced in 10 CFR 50.55a(b). The ASME also publishes Code Cases that provide alternatives developed and approved by the ASME, or that explain the intent of existing Code requirements.

10 CFR 50.55a Footnote 6 states that ASME Code Cases accepted in the following NRC Regulatory Guides¹ can be used by a licensee without additional NRC approval:²

- Regulatory Guide 1.84, “Design and Code Case Acceptability – ASME Section III Division 1”.
- Regulatory Guide 1.85, “Materials Code Case Acceptability – ASME Section III Division 1”.
- Regulatory Guide 1.147, “Inservice Inspection Code Case Acceptability – ASME Section XI Division 1”.

NRC approval to use other Code Cases can be requested by a licensee pursuant to 10 CFR 50.55a(a)(3)(i) or 10 CFR 50.55a(a)(3)(ii). If authorized, the Code Case can be used until such time as it is published in a future revision of the applicable Regulatory Guide. At that time, if the licensee plans to continue using the Code Case, it must follow all provisions of the Code Case, including any limitations or conditions specified in the Regulatory Guide.

10 CFR 50.55a requests do not involve license amendments. Rather, the NRC issues evaluation letters and safety evaluations to authorize a licensee-proposed alternative and grant relief, or give permission to deviate from the Code.

Temporary Non-Code Piping Repairs

ASME Code Section XI specifies acceptable repair methods for flaws that exceed Code acceptance limits in Class 1, 2, and 3 piping that is in service. A Code repair is required to restore the structural integrity of flawed ASME Code piping,

¹ In the Federal Register dated September 22, 1999 (64 FR 51370), the NRC endorsed the ASME Operation and Maintenance (OM) Code as a replacement for the ASME Code Section XI inservice testing requirements for nuclear power plant pumps and valves. The NRC is developing a new regulatory guide for acceptance of ASME OM Code Cases (Draft Regulatory Guide DG-1089, “Operation and Maintenance Code Case Acceptability, ASME OM Code”).

² Draft Regulatory Guide DG-1090, December 2001, proposes to combine Regulatory Guides 1.84 and 1.85 into one Guide (RG 1.84, Rev. 32) for ASME Section III Code Cases. Draft Regulatory Guide 1091, December 2001, is proposed as Revision 13 to Regulatory Guide 1.147 on ASME Section XI Code Cases.

regardless of the operational mode of the plant when the flaw is detected. Those repairs not in compliance with ASME Code Section XI (or NRC-approved Code Cases) are non-Code repairs and require NRC review and approval of a 10 CFR 50.55a request. Pursuant to 10 CFR 50.55a(g)(5)(iii), licensees may request relief due to impracticality and propose an alternative repair.

Re-Approval of 10 CFR 50.55a Requests (New 10-Year Interval)

10 CFR 50.55a requests are approved by the NRC for each 10-Year Interval Inservice Inspection Program or Inservice Testing Program. As a result, licensees must re-submit for NRC review and approval any 10 CFR 50.55a requests it desires to carry over to a new 10-Year Interval from the previous 10-Year Interval. Changes in the applicable ASME Code edition or addenda, as referenced in 10 CFR 50.55a(b) can affect the need for requesting relief, the type of relief requested, or the basis for the relief. Should the same relief be necessary, licensees must submit a new relief request for the new 10-Year Interval for NRC review and approval.

To reduce the level-of-effort necessary for the NRC to re-review the same relief request, the licensee should provide references to the previous request and resultant NRC approval. In addition, the licensee may choose to provide:

- A confirming statement that the circumstances and basis for the previous NRC-approved relief request have not changed,
- A brief discussion of any changes to the related ASME Code section(s) and their effect on the relief request,
- A brief discussion of any aging factors applicable to the ASME Code component since approval of the prior relief request, and
- A brief discussion of any related changes in technology regarding inspection or testing of the ASME Code component.

The Appendix to this White Paper contains an outline (Template 7) that is specifically formatted to request NRC re-approval of 10 CFR 50.55a requests for new 10-year intervals.

Timing of 10 CFR 50.55a Requests and Approvals

10 CFR 50.55a(f)(4)(ii) requires that the Inservice Test Program be revised every 10 years to meet the latest edition and addenda of the ASME Code incorporated into 10 CFR 50.55a(b). If there are conflicts between the revised Inservice Test Program and the plant's Operating License (Technical Specifications), the licensee shall submit a 10 CFR 50.90 license amendment request to the NRC in accordance with 10 CFR 50.55a(f)(5)(ii) to conform the Technical Specifications to the revised program. This application is required to be submitted to the NRC at least six months prior to the start of the revised program. No timing for NRC approval is stipulated. However, since the licensee is required to comply with both the requirements of the Inservice Test Program and the Technical Specifications, the

licensee should maintain close contact with the NRC with a goal of obtaining NRC approval of the Technical Specification change within the six month period.

In lieu of submitting a license amendment application to resolve a Technical Specification conflict with the Inservice Test Program, the licensee may submit (with the Inservice Test Program) a 10 CFR 50.55a request for relief from the specific ASME Code requirement. Such requests are required by 10 CFR 50.55a(f)(5)(iv) to be submitted to the NRC within 12 months after the end of the associated 10-Year Interval. However, licensees should submit these requests as needs arise and not wait until the 10-Year Interval is completed. Examples where these requests would fall under the impracticality of compliance perspective are:

- An ASME Code inservice test requirement that causes entry into a Technical Specification Limiting Condition for Operation that could lead to a shutdown of the plant.
- An ASME Code inservice test requirement that has the potential to cause a reactor trip.

Inservice Inspection Program requirements, similar to those discussed above, can be found in 10 CFR 50.55a(g).

In situations where a licensee is preparing for an upcoming ASME Code examination or test that involves the use of a new 10 CFR 50.55a request, and the licensee desires to obtain the NRC's approval prior to commencing the examination or test, the licensee should discuss the situation with the NRC and submit the request at least six months in advance of the desired issuance date. Since the NRC can tailor or limit the approval to the situation, the NRC should not need to delay its issuance of the requested approval, regardless of whether the actual need situation is determined by the examination or test to exist. In lieu of obtaining expedited approval from the NRC, the licensee can choose to commence the examination or test at-risk, and seek to obtain NRC approval at a later date within the requirements of 10 CFR 50.55a.

White Paper Scope

This White Paper includes the following 10 CFR 50.55a request guidance:

- Cover letter to NRC
- Standard templates for submitting 10 CFR 50.55a requests regarding:
 - ❖ A proposed alternative that provides an acceptable level of quality and safety (10 CFR 50.55a(a)(3)(i)).
 - ❖ A proposed alternative to complying with the Code requirement that would otherwise result in hardship or unusual difficulty without a compensating increase in quality or safety (10 CFR 50.55a(a)(3)(ii)).

- ❖ An impractical Code requirement for inservice testing (10 CFR 50.55a(f)(5)(iii)), or inservice inspection (10CFR 50.55a(g)(5)(iii)).
 - ❖ Use of a later Code edition and addenda for inservice testing (10 CFR 50.55a(f)(4)(iv), or inservice inspection (10 CFR 50.55a(g)(4)(iv)).
 - ❖ A proposed alternative due to inability to examine more than 90% of the reactor vessel shell weld (10 CFR 50.55a(g)(6)(ii)(A)(5) and 10 CFR 50.55a(a)(3)(i)).
 - ❖ 10 CFR 50.55a requests approved by the NRC for a licensee's prior 10-Year Interval and for which the licensee is requesting re-approval for the new 10-Year Interval.
 - ❖ Multiple items that are suitable for presenting in a tabular format in order to reduce preparation and review time of repetitive text.
- An optional page listing the regulatory commitments made by the licensee in the 10 CFR 50.55a request.
 - An Appendix that provides a chart for use in determining the appropriate 10 CFR 50.55a regulation under which to seek NRC approval of the 10 CFR 50.55a request.

References:

1. 10 CFR 50.55a, "Codes and Standards."
2. Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Office Letter No. 808, "Relief Request Reviews."
3. Regulatory Guide 1.84, "Design and Code Case Acceptability – ASME Section III Division 1."
4. Regulatory Guide 1.85, "Materials Code Case Acceptability – ASME Section III Division 1."
5. Regulatory Guide 1.147, "Inservice Inspection Code Case Acceptability – ASME Section XI Division 1."
6. NRC Regulatory Guide 1.175, "An Approach for Plant-Specific, Risk-Informed Decisionmaking: Inservice Testing."
7. NRC Regulatory Guide 1.178, "An Approach for Plant-Specific Risk-Informed Decisionmaking: Inservice Inspection of Piping."

8. Draft Regulatory Guide DG-1089, "Operation and Maintenance Code Case Acceptability, ASME OM Code," December 2001.
9. Draft Regulatory Guide DG-1090, "Design, Fabrication, and Materials Code Case Acceptability, ASME Section III," December 2001.
10. Draft Regulatory Guide DG-1091, "Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1," December 2001
11. Draft Regulatory Guide DG-1112, "ASME Code Cases Not Approved For Use," December 2001.
12. Enclosure 2 to NRC Letter from H.N. Berkow to W.R. McCollum, Catawba Nuclear Station, "Technical Position on ASME Code Repair Requirements for ASME Class 3 Service Water System Piping," January 4, 1996.
13. NRC Memorandum from J.A. Norberg, Mechanical Engineering Branch, to M.J. Virgilio, Assistant Director for Region IV and V Reactors, "Waterford 3 TIA for Interpretation of "Practical" as Used in ASME Code Section XI, IWV-3412(a)," August 8, 1991.
14. Generic Letter 90-05, "Guidance for Performing Temporary Non-Code Repair of ASME Code Class 1, 2, and 3 Piping," June 15, 1990.
15. NUREG-1482, "Guidelines for Inservice Testing at Nuclear Power Plants."
16. NUREG/CR-6396, "Examples, Clarifications, and Guidance on Preparing Requests for Relief from Pump and Valve Inservice Testing Requirements (INEL-95/0512)," February 1996.
17. Generic Letter No. 91-18, Revision 1, "Information to Licensees Regarding NRC Inspection Manual Section on Resolution of Degraded and Nonconforming Conditions," October 8, 1997.
18. Information Notice 98-42, "Implementation of 10 CFR 50.55a(g) Inservice Inspection Requirements," December 1, 1998.

[LICENSEE COVERLETTER]

[Date]

10 CFR 50.55a

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D.C. 20555-0001

SUBJECT: *[Plant/Unit Name(s)]*
 Docket No(s). [50-__, 50-__]
 [Brief Descriptive Title, Including the Applicable Ten-Year
 Interval and whether for the Inservice Test Program or Inservice
 Inspection Program]

REFERENCES: *[As necessary]*

Dear Sir or Madam:

Pursuant to 10 CFR 50.55a *[continue with applicable relief request section reference]*, *[licensee]* hereby requests NRC approval of the following request for the *[identify the applicable ten-year interval inservice testing or inspection program]*: *[provide a brief summary of the request]*. The details of the 10 CFR 50.55a request are enclosed

[Licensee] requests approval by *[date]* based on *[justification]*.

[Optional: Include or attach a listing of formal licensee commitments that support the NRC's approval of the request].

[If the request is "risk-informed" inservice testing, include a statement that the guidance in Regulatory Guide 1.175, "An Approach for Plant-Specific, Risk-Informed Decisionmaking: Inservice Testing," has been followed, or considered].

[If the request is "risk-informed" inservice inspection, include a statement that the guidance in Regulatory Guide 1.178, "An Approach for Plant-Specific Risk Informed Decisionmaking: Inservice Inspection of Piping," has been followed or considered].

If you have any questions or require additional information, please contact
[licensee's point of contact for the NRC Office of Nuclear Reactor Regulation] at
[telephone number].

Sincerely,

[Signature]
[Name and Title]

Enclosures
[10CFR50.55aRequest]
[List of Commitments (Optional)]

cc: *[Regional Administrator]*
[NRR Project Manager]
[Plant/Unit Resident Inspector]

**EIGHT TEMPLATES
10 CFR 50.55a REQUESTS**

TEMPLATE 1

10 CFR 50.55a Request Number *[Licensee assigns unique designation]*

Proposed Alternative
In Accordance with 10 CFR 50.55a(a)(3)(i)

–Alternative Provides Acceptable Level of Quality and Safety–

[This type of approval can be requested for both inservice inspection items and inservice testing items.]

1. ASME Code Component(s) Affected
[Provide a description of, the class type, and the quantity of ASME Code components affected. Ensure that each affected component, weld, etc. is listed, not just referenced generically. For example, include the component number, the weld identification numbers, etc.]
2. Applicable Code Edition and Addenda
[Provide the Code Edition and Addenda that are applicable to the program interval for the request.]
3. Applicable Code Requirement
[Provide the specific Code requirement (e.g., section, subsection, and paragraph and the text of the Code requirement) for which use of the proposed alternative is being requested. Each request should contain only one Code requirement for which use of the proposed alternative is being requested.]
4. Basis for Request
[Provide the reason for the request.]
5. Proposed Alternative
[Describe the proposed alternative to the applicable Code requirement. Sketches may be provided. State when the proposed alternative will be applied.]
6. Basis of Alternative for Providing Acceptable Level of Quality and Safety
[Provide technical justification as to how the proposed alternative will provide an acceptable level of quality and safety to that of the applicable Code requirement. Note: Do not discuss impracticality, burden, hardship, or unusual difficulty. The basis should conclude with a

statement that granting of the proposed alternative would provide an acceptable level of quality and safety.]

7.Duration of Proposed Alternative

[Provide the duration of the authorized alternative. Note: The duration must be within the program interval. Note: For approval of a Code Case to be used as the alternative, also state “the use of the Code Case is requested until the NRC publishes the Code Case in a future revision of the applicable Regulatory Guide.”]

8.Precedents [Optional]

[Cite any identified precedents (including plant name, docket number and approval TAC number/date) which have similar situations and NRC staff approval. If approved by the NRC staff for the plant’s previous interval, cite the submittal and approval TAC number/date.]

9.References

[This section is necessary only if references beyond those in Section 8 above should be identified.]

TEMPLATE 2

10 CFR 50.55a Request Number [*Licensee assigns unique designation*]

Proposed Alternative
In Accordance with 10 CFR 50.55a(a)(3)(ii)

**–Hardship or Unusual Difficulty without Compensating
Increase in Level of Quality or Safety–**

*[This type of approval can be requested for both inservice inspection items
and inservice testing items.]*

1. **ASME Code Component(s) Affected**

[Provide a description of, the class type, and the quantity of ASME Code components affected. Ensure that each affected component, weld, etc. is listed, not just referenced generically. For example, include the component number, the weld identification numbers, etc.]

2. **Applicable Code Edition and Addenda**

[Provide the Code Edition and Addenda that are applicable to the program interval for the request.]

3. **Applicable Code Requirement**

[Provide the specific Code requirement (e.g., section, subsection, and paragraph and the text of the Code requirement) from which relief is being requested. Each relief request should contain only one Code requirement from which relief is being requested.]

4. **Basis for Request**

[Provide the reason for the request. Describe the hardship or unusual difficulty the Code requirement causes and why there is no compensating increase in level of quality or safety. Examples of hardship or unusual difficulty include: a need to enter multiple Technical Specification action statements, radiation ALARA concerns, minor hardware changes, or high costs to perform. Note: Do not mention impracticality.]5.

Proposed Alternative

[Describe the proposed alternative. Sketches may be provided. State when the proposed alternative will be performed.]

6. **Basis for Use**

[Provide technical justification for its use. Sketches may be provided. (For inservice testing items, discuss why the proposed alternative provides reasonable assurance that the component or system is operationally ready. For inservice inspection items, discuss why the proposed alternative provides reasonable assurance of structural integrity.) State when the proposed alternative will be performed.]

7.Duration of Proposed Alternative

[Provide the duration of the authorized alternative. Note: The duration must be within the program interval. Note: For approval of a Code Case to be used as the alternative, also state “the use of the Code Case is requested until the NRC publishes the Code Case in a future revision of the applicable Regulatory Guide.”]

8.Precedents [Optional]

[Cite any identified precedents (including plant name, docket number and approval TAC number/date) which have similar situations and NRC staff approval. If approved by the NRC staff for the plant’s previous interval, cite the submittal and approval TAC number/date.]

9.References

[This section is necessary only if additional references beyond those in Section 8 above should be identified.]

TEMPLATE 3

10 CFR 50.55a Request Number *[Licensee assigns unique designation]*

Proposed Use of Subsequent ASME Code Edition and Addenda
In Accordance with 10 CFR 50.55a(f)(4)(iv) for Inservice Testing Item(s)
(or 10 CFR 50.55a(g)(4)(iv) for Inservice Inspection Items)

*[This type of approval can be requested for both inservice inspection items
and inservice testing items.]*

1. ASME Code Component(s) Affected
[Provide a description of the ASME Code class and type of components affected. Affected components may be referenced generically (for example, "all check valves," or "Class 2 welds within the containment penetration area.")]
2. Applicable Code Edition and Addenda
[Provide the Code Edition and Addenda that are applicable to the program interval for the request.]
3. Proposed Subsequent Code Edition and Addenda (or Portion)
[Provide the subsequent Code Edition and Addenda that are proposed to be used. The subsequent Code and Addenda must be incorporated by reference in 10 CFR 50.55a(b). If the subsequent Code Edition and Addenda are not incorporated by reference in 10 CFR 50.55a(b), then the request must be submitted as a proposed alternative (see Templates 1, 2, 4, or 5). If only a portion of the subsequent Code Edition and Addenda is to be used, then specify the particular paragraph.]
4. Related Requirements [Add if a portion of a subsequent Code Edition and Addenda is used.]
[Provide any related requirements in the subsequent Code Edition and Addenda that would need to be implemented. For example, if a check valve condition monitoring program is proposed to be used, then a related requirement would be the bi-directional testing of other check valves not in the program.]
5. Basis of Using Subsequent Code Editions and Addenda (or Portion)
[A technical justification for using a subsequent Code Edition and Addenda (or portion thereof) is unnecessary. Identify the subsequent Code Edition and Addenda that have been incorporated by reference in

10 CFR 50.55a(b), cite the Federal Register notice (if known, such as 64 FR 51370), and include any modifications or limitations listed in 10 CFR 50.55a(b) that apply to this subsequent Code Edition and Addenda (or portion thereof). Also, discuss any pertinent information that might be provided in the Federal Register's Statement of Consideration when the regulation was issued.]

6. Duration of Proposed Request

[Provide the duration of the approved use of a subsequent Code Edition and Addenda. The duration must be within the program interval.]

TEMPLATE 4

10 CFR 50.55a Request Number *[Licensee assigns unique designation]*

Proposed Alternative
In Accordance with 10 CFR 50.55a(f)(5)(iii)

–Inservice Testing Impracticality–

[Note: Licensees request this approval under 10 CFR 50.55a(f)(5)(iii). The NRC approves under 10 CFR 50.55a(f)(6)(i).]

1. ASME Code Component(s) Affected
[Provide a description of, the class type, and the quantity of ASME Code components affected. Ensure that each affected component, weld, etc. is listed, not just referenced generically. For example, include the component number, the weld identification number, etc.]
2. Applicable Code Edition and Addenda
[Provide the Code Edition and Addenda that are applicable to the program interval for the relief request.]
3. Applicable Code Requirement
[Provide the specific Code requirement (e.g., section, subsection, and paragraph and the text of the Code requirement) for which use of the proposed alternative is being requested. Each request should contain only one Code requirement for which use of the proposed alternative is being requested.]
4. Impracticality of Compliance
[Provide the reason for the request. Describe why the inservice testing Code requirement is impractical. Do not mention hardship of unusual difficulty. Sources of inservice testing impracticality include:
 - *Potential to cause a reactor trip, damage to a system or a component, or an excessive personnel hazard;*
 - *Risk associated with a test-induced component failure;*
 - *Effect on plant safety;*
 - *Excessively high cost;*
 - *Existing technology will not provide meaningful results;*
 - *Extreme difficulty in performing the test.*

If basing impracticality on a physical limitation or obstruction, describe or provide drawings or sketches. If basing the impracticality on radiation exposure of test personnel, provide the following information:

- *The total estimated rem exposure involved in the testing,*
- *The radiation levels in the test area,*
- *The use of flushing or shielding to reduce radiation levels, and*
- *Any other considerations (e.g., the potential for doing remote inspections, or the ALARA impacts of previous inspections if performed).]*

5. **Burden Caused by Compliance**

[Describe the burden that would be caused by attempting to comply with the Code requirement, such as replacing a component, redesigning a system, or shutting down the plant. Do not mention hardship or unusual difficulty.]

6. **Proposed Alternative**

[Describe the proposed alternative.]

7. **Basis for Use**

[Provide technical justification as to why the proposed alternative testing provides reasonable assurance that the component or system is operationally ready. State when the proposed alternative inspection will be performed.]

8. **Duration of Proposed Alternative**

[Provide the duration of the authorized alternative. Note: The duration must be within the program interval. Note: For approval of a Code Case to be used as the alternative, also state "the use of the Code Case is requested until the NRC publishes the Code Case in a future revision of the applicable Regulatory Guide."]

9. **Precedents [Optional]**

[Cite any identified precedents (including plant name, docket number and approval TAC number) which have similar situations and NRC staff approval. If approved by the NRC staff for the plant's previous interval, cite the submittal and approval TAC number/date.]

10. **References**

[This section is necessary only if references beyond those in Section 9 above should be identified.]

TEMPLATE 5

10 CFR 50.55a Request Number *[Licensee assigns unique designation]*

Proposed Alternative
In Accordance with 10 CFR 50.55a(g)(5)(iii)

–Inservice Inspection Impracticality–

[Note: Licensees request this approval under 10 CFR 50.55a(g)(5)(iii). The NRC approves under 10 CFR 50.55a(g)(6)(i).]

1. ASME Code Component(s) Affected

[Provide a description of, the class type, and quantity of ASME Code components affected. Ensure that each affected component, weld, etc. is listed, not just referenced generically. For example, include the component number, the weld identification number, etc.]

2. Applicable Code Edition and Addenda

[Provide the Code Edition and Addenda that are applicable to the program interval for the request.]

3. Applicable Code Requirement

[Provide the specific Code requirement (e.g., section, subsection, and paragraph and the text of the Code requirement) for which use of the proposed alternative is being requested. Each request should contain only one Code requirement for which use of the proposed alternative is being requested.]

4. Impracticality of Compliance

[Provide the reason for the request. Describe why the inservice inspection Code requirement is impractical. Do not mention hardship or unusual difficulty. Causes of impracticality include:

- *Limitations of design, geometry, and materials of construction (provide drawings or figures, as appropriate, to show specific limitations or obstructions);*
- *Requires a major hardware modification;*
- *Potential to cause a reactor trip, damage to a system or component, or an excessive personnel hazard;*
- *Existing technology will not provide meaningful results;*
- *Extreme difficulty in performing the inspection.*

If basing the impracticality on radiation exposure of examination personnel, provide the following information:

- The total estimated rem exposure involved in the examination,*
- The radiation levels in the examination area,*
- The use of flushing or shielding to reduce radiation levels, and*
- Any other considerations.]*

5. Burden Caused by Compliance

[Describe the burden that would be caused by attempting to comply with the Code requirement, such as replacing a component, redesigning the system, or shutting down the plant. Do not mention hardship or unusual difficulty.]

6. Proposed Alternative

[Describe the proposed alternative. Sketches may be provided.]

7. Basis for Use

[Provide technical justification as to why the proposed alternative inspection provides reasonable assurance of structural integrity. State when the proposed alternative inspection will be performed. Do not mention hardship or unusual difficulty.]

8. Duration of Proposed Alternative

[Provide the duration of the authorized alternative. Note: The duration must be within the program interval. Note: For approval of a Code Case being used as the alternative, also state "the use of the Code Case is requested until the NRC publishes the Code Case in a future revision of the applicable Regulatory Guide."]

9. Precedents [Optional]

[Cite any identified precedents (including plant name, docket number and approval TAC number) which have similar situations and NRC staff approval. If approved by the NRC staff for the plant's previous interval, cite the submittal and approval TAC number/date.]

10. References

[This section is necessary only if references beyond those in Section 8 above should be identified.]

TEMPLATE 6

10 CFR 50.55a Request Number *[Licensee assigns unique designation]*

Proposed Alternative

In Accordance with 10 CFR 50.55a(g)(6)(ii)(A)(5) and 10 CFR 50.55a(a)(3)(i)

–Augmented Reactor Vessel Shell Weld Examination–

1. ASME Code Components Affected
[Provide a description of the affected welds. Ensure that each affected component, weld, etc. is listed, not just referred to generically. For example, include the component number, the weld identification number, etc.]
2. Applicable Code Edition and Addenda
[Provide the Code Edition and Addenda that is applicable to the program interval for the proposed alternative].
3. Applicable Code Requirement
[Provide the Code requirement (e.g., section, subsection, and paragraph and the text of the Code requirement) for which use of the proposed alternative is being requested (i.e., the examination of more than 90% of each weld volume). Each request should contain only one Code requirement for which use of the proposed alternative is being requested.]
4. Determination of Limits of Weld Volume Examination
[Provide the reason for the request. Describe the means by which the limits of the weld volume examination were determined, the percent of each weld volume that was examined, and why more of the weld volume could not be examined. If the Code-required examination cannot be performed due to a limitation or obstruction, describe or provide drawings showing the specific limitation or obstruction. Do not mention hardship or unusual difficulty.]
5. Proposed Alternative
[Describe the proposed alternative. Sketches may be provided.]
6. Basis for Use

[Provide technical justification as to why the proposed alternative provides an acceptable level of quality and safety, and reasonable assurance of structural integrity. .]

7. Duration of Proposed Alternative

[Provide the duration of the authorized alternative. Note: The duration must be within the program interval.]

8. Precedents [Optional]

[Cite any identified precedents (including plant name, docket number and approval TAC number) which have similar situations and NRC staff approval. If approved by the NRC staff for the plant's previous interval, cite the submittal and approval TAC number/date.]

9. References

[This section is necessary only if references beyond those in Section 8 above should be identified.]

TEMPLATE 7

10 CFR 50.55a Request Number *[Licensee assigns unique designation]*

Information to Support NRC Re-Approval of a 10 CFR 50.55a Request
for Use During a New 10-Year Interval
Inservice *[Inspection or Testing]* Program

[This information can be provided for both inservice inspection and inservice testing program 10 CFR 50.55a requests for which re-approval is being sought for a new 10-year interval.]

1. Previous 10 CFR 50.55a Request Approved by NRC
[From the request approved by the NRC during the previous 10-Year Interval and for which re-approval is being sought, provide the Request Number and ASME Code components to which it applied, the request submittal letter reference(s) and the NRC approval letter reference. Ensure that each affected component, weld, etc. is listed, not just referenced generically. For example, include the component number, the weld identification number, etc.]
2. Changes to the Applicable ASME Code Section
[Briefly address any changes made to the related ASME Code Section since the previous request was approved, and why they have no effect on the request.]
3. Component Aging Factors
[Briefly discuss why component aging factors do not have an effect on the basis for the request for which re-approval is being sought.]
4. Changes in Technology for *[Inspecting or Testing]* the Affected ASME Code Component(s)
[Briefly discuss how changes in technology do not affect the basis for the previous request.]
5. Confirmation of Renewed Applicability
[Provide a confirmation statement that based on the information provided in the previous 10 CFR 50.55a request, information contained within the NRC approval documents, and information above, the circumstances and basis continues to be applicable to the proposed request. .]

6. **Duration of Re-Approved 10 CFR 50.55a Request**

[Provide the duration of the 10 CFR 50.55a request. Note: The duration must be within the new 10-year program interval.]

7. **References**

[This section is necessary only if references beyond those in Section 6 above should be identified.]

TEMPLATE 8

[The following tabular format is suitable for preparing 10 CFR 50.55a requests where the information to be submitted is of a repetitive, duplicative nature (e.g., requests associated with limited weld examinations). This format provides an “up front” tabular index that efficiently displays a large quantity of information succinctly. This format references specific explanatory paragraphs, that results in a reduction of repetitive text.]

EXAMPLE

Proposed 10 CFR 50.55a Requests
 Proposed Alternatives in Accordance with 10 CFR 50.55a(g)(5)(iii)
 Inservice Inspection Impracticality

[Add number] 10-Year Interval – Inservice Inspection Program
 ASME BPV Code Section XI – *[Add Edition and Addenda]*

Request Number	ASME Code Component Affected I.D. Number	I.	II. & III	IV.	V.	VI.	VII.
	Limited Area / Weld I.D. Number	System / Component (Area or Weld to be Examined)	Applicable Code Requirement: 100 % Coverage	Impracticality of Compliance & Burden	Proposed Alternative	Basis For Use	Duration of Proposed Alternative
A1	2PZR-W1	NC System Pressurizer Surge Nozzle to Lower Head Weld	Exam Category B-D Item No. B03.110.001 Fig IWB-2500-7B 42.80% Volume Coverage	See Paragraph A	See Paragraph F	See Paragraph G	See Paragraph K
A2	2NC13-WN9	NC System Main Loop Piping Austenitic SS Branch Nozzle Weld	Exam Category B-J Item No. B09.031.003 Fig. IWB-2500-9 22.87% Volume Coverage	See Paragraph B	See Paragraph F	See Paragraph G	See Paragraph K
A3	2SGB-06A-18	NC System Steam Generator 2B Auxiliary Feedwater Nozzle to Shell Weld	Exam Category B-J Item No. C02.021.001 Fig. IWC-2500-4(a) 75.00% Volume Coverage	See Paragraph C	See Paragraph F	See Paragraph H	See Paragraph K

List of Regulatory Commitments *[Optional]*

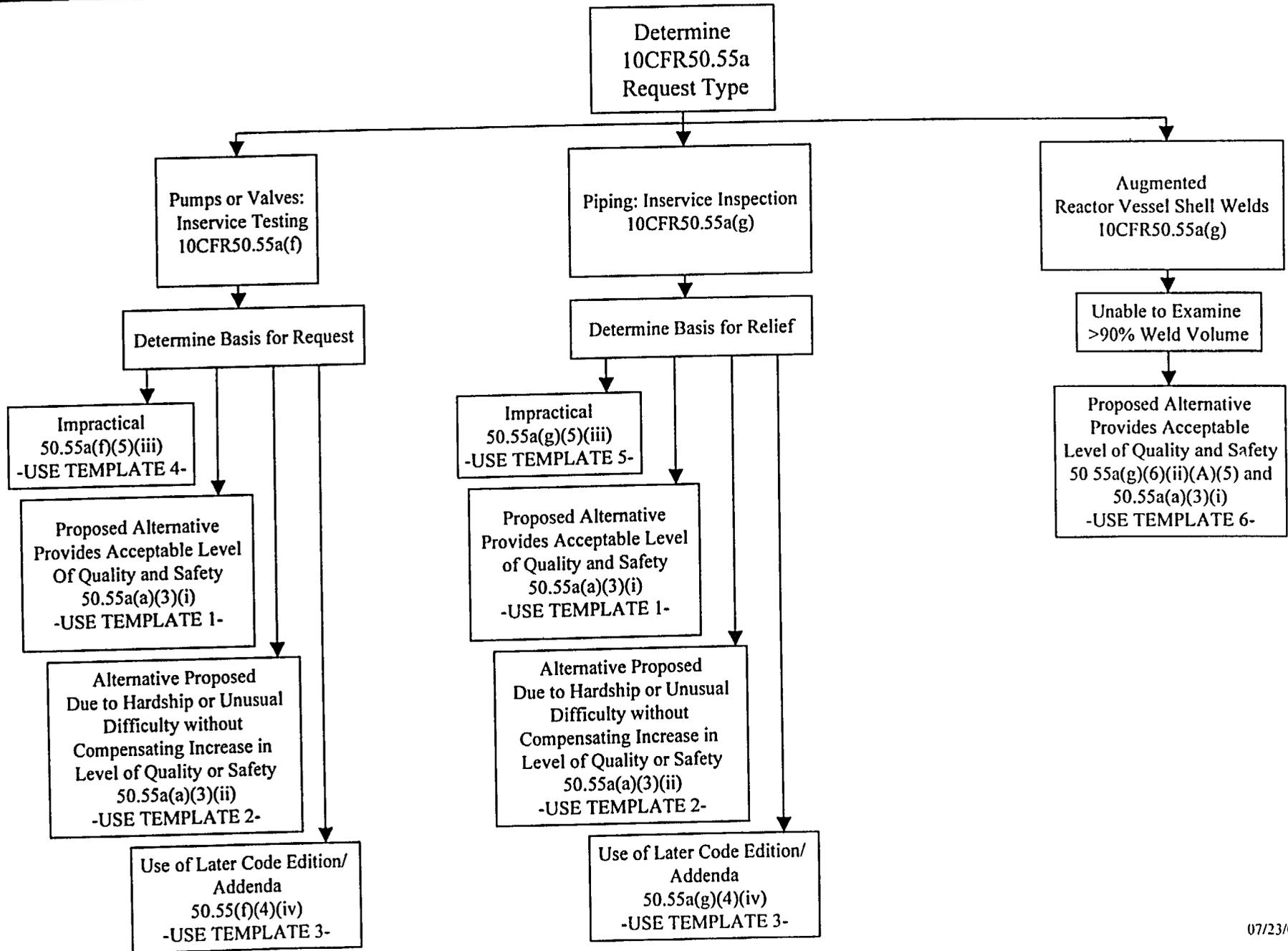
The following table identifies those actions committed to by *(Licensee)* in this submittal. Any other statements are provided for information purposes and are not considered to be regulatory commitments. Please direct questions regarding these commitments to *(name of Licensee contact)*.

REGULATORY COMMITMENTS	DUE DATE/EVENT
<i>[List commitments made in the request.]</i>	<i>[Add due dates or events by which the corresponding commitment must be completed.]</i>

APPENDIX

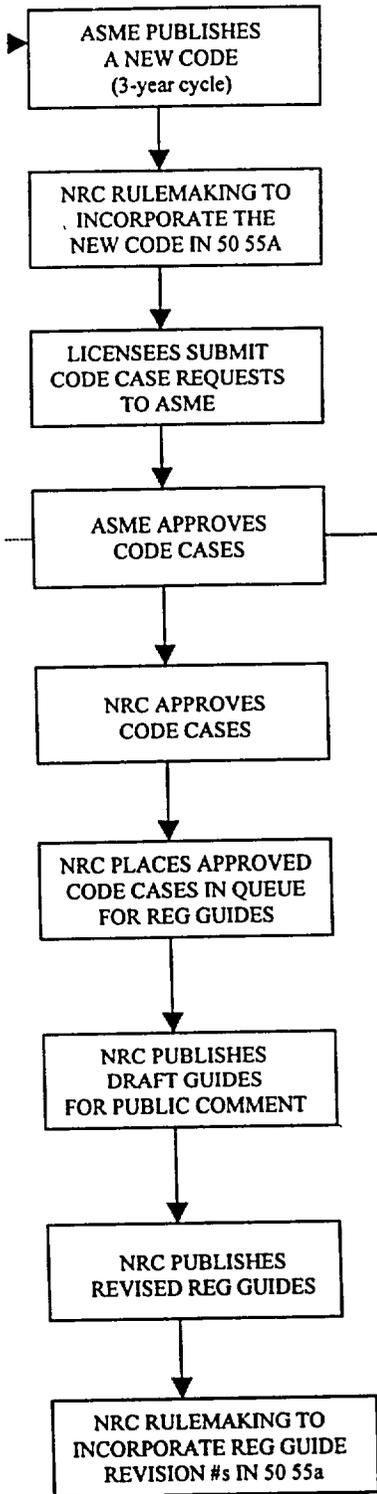
10CFR50.55a REQUEST DETERMINATION CHART

10CFR50.55A REQUEST DETERMINATION CHART



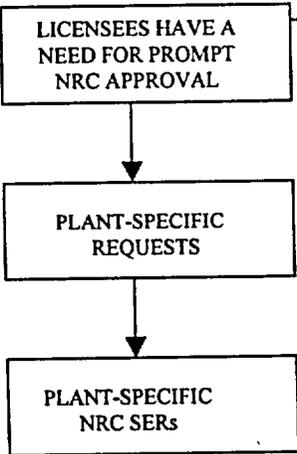
REGULATORY PROCESS

IMPLEMENTATION OF APPROVED ASME CODE CASES

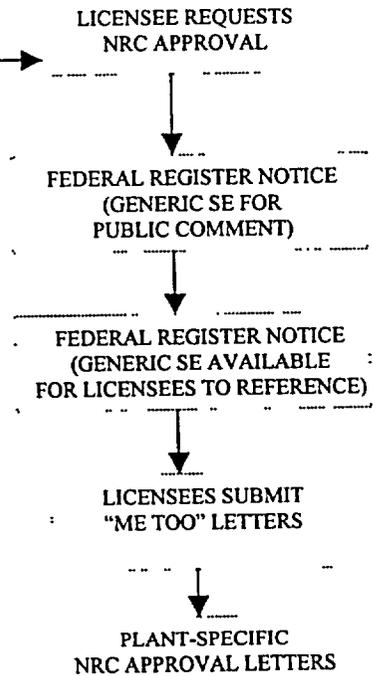


ASME process continues ASME issues Code Case for "trial use" After 3 years, the sponsoring committee either annuls, or incorporates Code Case into the next Edition/Addenda, or lets it stand

50.55a PROCESS (multiple plant-specific requests)



GENERIC PROCESS



CODE CASES AVAILABLE FOR USE BY LICENSEES

DRAFT - 7/24/02

Reducing Unnecessary Burden Initiative (RUBI)		
SECY-02-0081-	Staff Activities Related to the NRC Goal of Reducing Unnecessary Regulatory Burden on Power Reactor Licensees	ML02040137 (NRC web site - (1) electronic reading room (2) document collections (3) Commission documents
SRM - SECY-02-0081		ML021760768
Initial grouping of potential Category 2 suggestions		
Group/Assigned	Proposal	Comment
Financial Donna Skay	Eliminate submittal of financial report - Proof of financial protection [140.15(b)]	
	Eliminate annual report - Licensee guarantees of payment of deferred premiums [140.21]	
	50.54(w)(3)-Eliminate annual report on insurance	
	Eliminate financial qualification requirements [50.33(f)]	

Radiation Protection John Lamb	Revise requirement to only advise workers of their dose upon request of if workers received >100mrem/yr (general public dose limit) [19.13(b)]	
	[20.1904] Revise the requirement so that individual containers inside a radiologically posted area (RPA) do not require labeling unless the container's dose rate/contamination level is greater than ambient for the RPA	
	[20.2104] - Eliminate the need to get prior year doses for new workers. It is not useful since the current dose limits are based on annual exposure only.	
Fire Protection Bill Reckley	permit use of robotics, cameras, or other comp measures in place of fixed or roving fire watches	
TMI Requirements John Lamb	Shift Technical Advisor - eliminate requirements for position	
	Offsite Review Group - eliminate requirements OR revise focus to strategic performance measures	

Amendments/Licensing Processes Bill Reckley	Recommend NRC send a notice to each recipient (see ADAMS ML011930121) asking them to sign a release form to continue receiving cc: correspondence.	
	Eliminate reference to the SRP in regulations 50.34(g) because compliance with the SRP is not a requirement (A3). Use SRPs as guidance and update them to include risk-informed concepts.	
	Allow removal of topical reports & address limitations of relocations - maximize relocations to licensee controlled documents	(Perry Case?)
	Revise NSHCD process, short notice (facility, description) unless hearing requested - eliminate requirements for licensee to submit NSHC analysis for all but emergency/exigent applicaitons	
	Eliminate oath or affirmation requirements for license amendments	Still needed? Process simplified with statement, notarization not required
50.46 Reporting Bill Reckley	50.46(a)(3)(ii) - ECCS	Discuss - alternative of using 50.59 and 50.71 may not be burden reduction
Environmental Qualification John Boska	Multiple - see NUGEQ letter	
Fuel Management Plan John Lamb	Eliminate irradiated fuel management plan [50.54(bb)]	

50.55a Donna Skay	(1) Simplify code case process. Consider 50.54(a)	
Longer Term	Consolidate in one place all the reporting requirements	
	Broader review of post-TMI requirements (NR 0737)	
	EIPs	SRM
	50.59	SRM
Other	Centralization of functions such as EOF, FFD labs, etc. for group(s) of small utilities	May consider case-by-case, not sure that generic action (rulemaking) required

NEI Licensing Action Task Force (LATF) Table REDUCTION OF UNNECESSARY REGULATORY BURDEN

10 CFR Reference (priority order)	Requirement	Additional Information	LATF Recommendation	NRC Disposition
50.46(a)(3)(ii)	Report a change in PCT exceeding 50 F	30-day report + annual report	<ul style="list-style-type: none"> • Clarify interpretation of reporting requirement. 	
50.71(b)	Financial report (and certified financial statements)	Annual	<ul style="list-style-type: none"> • Eliminate the reporting requirement. Financial reports and statements are available from the SEC. 	
140.15(b)(1)	Financial protection report – proof of protection	Annual (3 prior years + CPA opinion)	<ul style="list-style-type: none"> • Eliminate the reporting requirement, absent a compelling need. 	
140.21	Financial protection report – deferred premium guarantee	Annual (anniversary of date on which the indemnity agreement is effective)	<ul style="list-style-type: none"> • Eliminate the reporting requirement. Compliance with 140.11 (amounts of financial protection) is sufficient. 	
50.4 & 50.4(b)(6)	Written communications & UFSAR copy requirements	Requirements regarding addressees, distribution lists, forms of communication, etc.	<ul style="list-style-type: none"> • Revise 50.4 to bring it up to date. • Revise (reduce) the distribution list. • Add an EIE option (e.g., email or CD). • Various conforming amendments would be necessary. 	

NEI Licensing Action Task Force (LATF) Table REDUCTION OF UNNECESSARY REGULATORY BURDEN

10 CFR Reference (priority order)	Requirement	Additional Information	LATF Recommendation	NRC Disposition
50.36(c)(1)(i)(A) STS 2.1.1.2 (BWR/6)	Technical Specification Safety Limits	Interpretation of the regulation places the "min. mum critical power ratio" (MCPR) in the Safety Limits Section of the Technical Specifications	<ul style="list-style-type: none"> Relocate the MCPR <u>value</u> to the COLR to permit use of the 50.59 process – preclude repetitive PLAs. 	
Shift Technical Advisor (STA)	Post-TMI requirement for degreed STAs		<ul style="list-style-type: none"> Re-evaluate the requirement. 	
50.54(w)(3)	Insurance report	April 1. Levels and sources of insurance/financial security.	<ul style="list-style-type: none"> Eliminate the reporting requirement. Records are available for regulatory review on-site or corporate offices. 	
72.44(d)(3)	Radioactive effluent release report for an ISFSI	Annual, within 60 days after January 1	<ul style="list-style-type: none"> Eliminate the reporting requirement for zero-effluent casks, if documented in the NRC SER for the cask design. 	
50.54(bb)	Report cessation of operations (irradiated fuel management and funding plan)	2 years after permanent cessation of operations, or 5 years before OL expires, whichever comes first.	<ul style="list-style-type: none"> Delete the regulation. Regulate the termination of operation via 50.82. 	



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555-0001

4/18/02
COMSECY-02-0015

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April 4, 2002

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

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

SUBJECT: WITHHOLDING SENSITIVE HOMELAND SECURITY
INFORMATION FROM THE PUBLIC

This memorandum responds to the Staff Requirements Memorandum - COMSECY-01-0030, dated January 25, 2002, which requested the staff to revise the criteria for withholding information from the public and submit it for Commission approval.

Background

Since the events of September 11, the staff has re-examined existing policies on the dissemination of information routinely provided to the public. Once the agency decided to shutdown its web site in October of 2001, the staff began formulating a process for the review of information previously made publicly available that may be considered sensitive from the standpoint of potential terrorist activity.

The staff developed proposed interim criteria for use in deciding what information should not be released to the public and submitted it to the Commission on October 29, 2001. The Commission subsequently provided general comments and discussion and requested the staff to submit revised guidance and criteria, which are contained in this memorandum. We believe the attached guidance and criteria is consistent with Commission direction in the SRM.

We also believe that the guidance and criteria contained in this memorandum comport with the draft definition that the Office of Homeland Security has developed for Sensitive Homeland Security Information (SHSI). We will ensure this information remains consistent with any final OHS definition.

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General Discussion:

The guidance and criteria have been developed to assist the staff in making decisions on when to withhold certain documents from the public, which includes not posting them to the NRC web site or making them available in the ADAMS public library.

The guidance and criteria propose a practical approach to screening documents with the intent of ensuring that the staff does not release information that can be misused against NRC-regulated activities and facilities. The criteria may be adjusted in the future based on our experience gained in using them. To the extent uncertainties exist about whether a particular document should be made publicly available, senior office management will make the final decision.

Information will be withheld only if its release could provide a clear and significant benefit to an adversary in a potential attack and the information must be that which is generated by the NRC, our licensees, or our contractors. Information of a general nature or of marginal relevance will not be withheld.

Guidance on Availability of Documents

In accordance with Commission direction in the SRM, guidance and criteria will be issued to the staff which contain the following instructions on availability of documents:

- Information that is currently widely available to the public via ADAMS as of the issuance date of this guidance should not be systematically reviewed against the criteria;
- However, documents that were on the NRC external web page, the public library of ADAMS, or in the public document room, but were withdrawn in response to 9/11 events, will be reviewed against the criteria before being released again, and
- All new documents generated after the issuance date of this memorandum will be reviewed against the criteria.

Because documents in the PDR are widely available through other sources (GPO, NTIS, local libraries, etc.), we do not intend to have the PDR staff review requests for archived documents. If the technical staff identifies individual documents that contain sensitive information, the PDR staff will no longer make them available. This may require removing a document in its entirety, such as an archived FSAR that is stored on microfiche, even though only several pages are considered sensitive. Licensees who submit more current updates to FSARs on CD-ROM can more easily separate sensitive material from that which is non-sensitive. Additionally, because NRC does not control archival collections external to the agency, documents may continue to be made publicly available through other sources.

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Any decision by the staff to withhold information will be guided by balancing the costs and benefits of withholding. If the outcome of balancing of the costs and benefits of withholding the information is uncertain, the information will be released.

Staff will consider providing alternate means for the release of relevant information on important public subjects in a fashion that would not provide significant assistance to a terrorist, i.e. by redacting details or rewriting important documents to eliminate sensitive information.

The web site will be rebuilt by applying the attached criteria to posted information. We are aware that external organizations have material on their web sites that may be considered sensitive under the criteria. When such information is brought to our attention, we have been contacting the owners of these sites requesting that they voluntarily remove such information. We will continue to satisfy our legal obligations to make certain information publicly available.

Records captured by Freedom of Information Act (FOIA) requests are subject to specific laws and statutes. We will continue to handle and process all FOIA requests in the same manner as before, but will separately identify documents that fall within the attached criteria. In October, 2001, the Attorney General issued a new policy indicating that the Department of Justice will defend agency decisions to withhold records that rest on a sound factual and legal footing.

Certain categories of information have been restored to the public domain because they attracted a large amount of public interest. These include: performance indicators and inspection findings, OSRE findings that have been corrected, the plant status report (minus "reasons and comments" column), and specific locations of licensed facilities.

Review Process:

Program offices will be responsible for assigning certain staff to act as points of contact for the identification of SHSI. The staff will be issued more specific guidance and training materials concerning the identification, control, and protection of SHSI. Pending the development of revised Management Directives and office-level guidance documents, the staff will continue to use the approaches set forth in this memorandum.

The review process for SHSI will be incorporated into existing procedures for document management and control that are similar to those already existing for proprietary and other types of protected information.

Agency and office-level procedures will contain a process for final disposition where differences of opinion exist among the staff regarding release of information.

We will work with licensees to enable them to identify and mark their documents that meet the criteria for SHSI so that their information can be appropriately controlled and protected when received by NRC staff. The criteria will be shared with Agreement States for their information and appropriate use.

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Recommendation:

We recommend the Commission approve the guidance and criteria contained in this memorandum. We plan to issue information contained in this memorandum to the staff once Commission approval is received. When the final definition for Sensitive Homeland Security Information is issued by the Office of Homeland Security, our guidance and criteria may need to be revised

The major program offices will work with OCIO and others to integrate the identification and control of SHSI into the routine activities performed by the agency.

**CRITERIA TO BE USED WHEN DECIDING WHETHER TO WITHHOLD
INFORMATION FROM THE PUBLIC**

- Information currently widely available to the public via ADAMS as of the issuance date of this guidance should not be systematically reviewed against these criteria. If a document is found to contain sensitive information, it should be carefully reviewed against these criteria while considering the cost of its removal from the public domain.
- However, documents that were on the NRC external web page, the public library of ADAMS, or in the public document room, but were withdrawn in response to 9/11 events, should be reviewed against these criteria before being released again.
- Similarly, all new documents generated after the issuance date of this guidance should be reviewed against these criteria.

The NRC staff should continue to withhold information such as proprietary, privacy, safeguards or classified information consistent with established guidance and procedures. In addition, staff should limit public release of information if it contains one or more elements from the following criteria:

1. Plant-specific information, generated by NRC, our licensees, or our contractors, that would clearly aid in planning an assault on a facility. An example might be drawings depicting the location of certain safety equipment within plant buildings. Examples may include portions of Final Safety Analysis Reports (FSARs), Individual Plant Examination (IPE) material, and other risk and facility vulnerability information.
2. Physical vulnerabilities or weaknesses of nuclear facilities which would clearly be useful to terrorists, such as site-specific security measures, access controls, or personnel security clearance procedures.
3. Construction details of specific facilities, such as wall thicknesses or specific barrier dimensions, detailed diagrams, schematics, or cutaways of specific plant designs where

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such information would be of clear and significant benefit to a terrorist in a potential attack. Where appropriate, general descriptions instead of exact numbers (i.e. "several feet, several inches, layers of concrete") should be used for general public information.

4. Information which clearly would be useful to defeat or breach key barriers at nuclear facilities.
5. Information in any type of document (e.g. plant status report, press release) that provides the current status or configuration of systems and equipment that could be used to determine facility vulnerabilities if used by an adversary. This does not include general conditions such as 100 percent power or shutdown

SECY please track.

cc: SECY
OGC
OCA
OPA
CFO
OIG

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

May 28, 2002

MEMORANDUM TO: William D. Travers
Executive Director for Operations

Karen D. Cyr
General Counsel

FROM: Annette L. Vietti-Cook, Secretary /RA by Andrew L. Bates
Acting For/

SUBJECT: STAFF REQUIREMENTS - COMSECY-02-0015 -
WITHHOLDING SENSITIVE HOMELAND SECURITY
INFORMATION FROM THE PUBLIC

The Commission has approved the proposed criteria for withholding certain sensitive homeland security information from the public, subject to the following comments.

1. The staff should review our processes and procedures for implementing Section 147 of the Atomic Energy Act for controlling safeguards information to ensure that information falling into this category is clearly defined and then is carefully protected. OGC should work to refine and expand the existing criteria to protect information under Section 147 of the Atomic Energy Act as safeguards information.
2. After applying these criteria to those documents withdrawn from the NRC external web page, the public library of ADAMS, and in the public document room (second bullet in COMSECY-02-0015), the staff should perform a limited audit of the public library of ADAMS to provide reasonable assurance that information deemed sensitive is not publicly available in ADAMS. The staff can perform this review by selecting a few sensitive words or phrases from those documents withheld in searching the public library of ADAMS.
3. The staff will need to re-evaluate this guidance and these criteria as the Office of Homeland Security continues to further clarify the definition of "Sensitive Homeland Security Information." This guidance and these criteria should continue to be viewed as part of a work-in-progress.
4. OGC should remain fully involved in the process to provide insight and consistency regarding use of the phrases and terminology such as "clearly would", "could be expected to", "could reasonably be foreseen to cause significant harm", and "clear and significant" as these terms bear on the release of information.
5. Upon the completion of item 1 above, the staff should work with our licensees to explain how this new homeland security classification differs from the safeguards classification

contained within our regulations.

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CFO
OCA
OIG
OPA
PDR