

April 4, 1984

CF Only

TO ALL LICENSEES OF OPERATING REACTORS, APPLICANTS FOR OPERATING LICENSES, AND HOLDERS OF CONSTRUCTION PERMITS

Gentlemen:

SUBJECT: INTERIM PROCEDURES FOR NRC MANAGEMENT OF PLANT-SPECIFIC BACKFITTING (Generic Letter 84-08)

This letter is to advise you that the Commission has recently approved a plan for management of plant-specific backfitting issues. The Commission has directed the staff to seek public comment regarding the plan. This plan and the interim procedures will be published in the Federal Register. Until public comments are received and the plan for management of plant-specific backfitting issues is finalized, the staff intends to use the enclosed procedures as interim guidance. These enclosures are:

1. Draft NRC Manual Chapter-0514, NRC Program for Management of Plant-Specific Backfitting of Operating Reactors.

The manual chapter identifies the general coverage, objectives, responsibilities and authorities, and basic requirements of plant-specific backfitting. Subchapters 031 and 032 are particularly important.

2. Procedure for Management of Plant-Specific Backfitting of Operating Reactors Resulting from Licensing Activities.

This procedure was developed to fulfill the intent of Subchapter 031 of Chapter 0514 identified above. Backfitting issues which arise from NRR will follow these interim procedures.

3. Procedure for Management of Plant-Specific Backfitting of Operating Power Reactors Resulting from Inspection and Enforcement Activities.

This procedure was developed to fulfill the intent of Subchapter 032 of Chapter 0514 identified above. Backfitting issues which arise from IE will follow these interim procedures.

The plan for managing plant-specific backfitting for OL applicants and CP holders will follow the procedures for operating reactors until final procedures are developed.

This letter is for information only and has no reporting requirement.

Sincerely,

Original signed by
Darrell G. Eisenhut
Darrell G. Eisenhut, Director
Division of Licensing
Office of Nuclear Reactor Regulation

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CF 21pp.

exact copy on file

Enclosures:
As stated

*PREVIOUS CONCURRENCE SEE DATE

ORAB:DL*
PTremblay:dm
03/28/84

C:ORAB:DL*
GHolahan
03/28/84

WHD
D. J. Olmstead
03/13/84

AD/SA:DL*
FMiraglia
03/28/84

D/DA
DEisenhut
03/30/84

IR-5
INFO-LTR



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

April 4, 1984

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Darrell G. Eisenhut
Darrell G. Eisenhut, Director
Division of Licensing

Office of Nuclear Reactor Regulation

Enclosures: *See jacket*
As stated

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INTO
LIR*

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PDR ADDOCK 05000003 EDR

Enclosure 1

DRAFT MANUAL CHAPTER
U.S. NUCLEAR REGULATORY COMMISSION
NRC MANUAL

Volume: 0000 General Administration
Part: 0500 Health and Safety

CHAPTER 0514 NRC PROGRAM FOR MANAGEMENT OF PLANT-SPECIFIC
BACKFITTING OF OPERATING POWER REACTORS

0514-01 COVERAGE

This chapter defines the objectives, authorities, and responsibilities and establishes basic requirements for actions to be taken in instances where the NRC staff imposes new plant-specific requirements on a power reactor licensee. This practice is commonly referred to as "backfitting" and occurs when the NRC staff takes a new position or changes its interpretation of an existing position with respect to a power reactor licensee.

0514-02 OBJECTIVES

It is the overall objective of this program to assure that backfitting of operating power reactors is documented, justified and that NRC senior management is responsible for the proper implementation of that program. The objectives of this program are 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 not reducing the levels of protection of public health and safety. The program should assure to the extent possible that requirements to be issued will in fact contribute effectively to the health and safety of the public and the common defense and security, and lead to utilization of both NRC and licensee resources in as optimal a fashion as possible.

0514-03 RESPONSIBILITIES AND AUTHORITIES

- 031 The Director, Office of Nuclear Reactor Regulation (NRR) shall develop, maintain, and implement an overall procedure for managing plant-specific backfitting resulting from licensing activities in accordance with this Manual Chapter. The Director, NRR, shall consult and coordinate with the Director of the Office of Inspection and Enforcement, and the Regional Administrators as appropriate to develop resolutions of proposed plant-specific backfitting on operating reactor licensees that originate within those offices other than NRR. The Director, NRR, has the authority to make any final determination on plant-specific backfitting resulting from licensing activities. The Director, NRR, is responsible for assuring that each licensee is officially informed of the existence and structure of the NRC program described in this Manual Chapter. New licensees shall be informed at the time of issuance of the operating license. Changes in the Manual Chapter or related procedures shall also be described to licensees.
- 032 The Director, Office of Inspection and Enforcement shall develop, maintain and implement an overall procedure for managing plant-specific backfitting resulting from inspection and enforcement activities in accordance with this Manual Chapter. The Director, IE, shall consult and coordinate with appropriate Regional Administrators to develop resolutions of proposed plant-specific backfitting on operating reactor licensees where such backfitting is determined to result from inspection and enforcement activities and does not involve a modification to an operating license. The Director, IE, has the authority to make any final determination related to such plant-specific backfitting resulting from and involving inspection and enforcement activities.
- 033 The Director, Office of Nuclear Materials Safety and Safeguards, shall consult and coordinate with the Director, Office of Nuclear Reactor Regulation, to identify proposed plant-specific backfits for a power reactor licensee that may be required in the areas of safeguards and security. The Director, NMSS, shall assure Office staff performance in accordance with this Manual Chapter.
- 034 The Regional Administrator of each Region shall consult and coordinate with the Directors of the Offices of Nuclear Reactor Regulation and Inspection and Enforcement on proposed plant-specific backfitting issues for power reactor licensees that involve the Region. Each Regional Administrator shall assure Region Office staff performance in accordance with this Manual Chapter.

0514-04 BASIC REQUIREMENTS

041 Identifying Requirements

The NRC staff is to provide a description of any new staff-proposed requirement. The description shall state how the proposal would improve plant safety and must be approved by the appropriate levels of management, as specified in the procedures called for by this chapter (0514-031 and -032), before it is formally transmitted to the licensee. Such proposals are usually recommended by NRR, NMSS, IE and the Regions for licensing activities and by IE and the Regions for inspection and enforcement activities.

042 Appeal Process

A licensee may choose to appeal a new staff-proposed requirement to NRC staff management to request that the proposed new requirement be withdrawn or modified. Licensees may appeal licensing requirements to the Director, Division of Licensing in NRR. The final decision of the NRC staff on appeals of licensing requirements will be made by the Director, NRR, irrespective of the source of the recommended requirement. Appeals of inspection and enforcement requirements shall be directed to the Regional Administrator. The final decision of the NRC staff on appeals of inspection and enforcement requirements will be made by the Director, IE. A summary of all appeal meetings shall be prepared and placed in the appropriate Public Document Rooms. During the appeal process, consideration should be given to why the proposed requirement is needed to achieve or maintain an acceptable level of safety.

043 Cost-Benefit Analysis

If, after use of the appeal process, the licensee notifies the staff in writing that it objects to a new staff-proposed requirement, the staff must assess the costs and benefits of the proposed requirement. The costs-benefit analysis will consider, to the extent practical and applicable, the information required by the Committee for the Review of Generic Requirements (CRGR) in its review of proposed new generic requirements. The required information as derived from Section IV.B. of the CRGR Charter is presented below:

- a. The proposed requirement as it was sent out to the licensee.
- b. Draft staff papers or other underlying staff documents supporting the requirement.
- c. A brief description of each of the anticipated steps that the licensee must carry out in order to complete the requirement should include:
 - (1) Are there separate short-term and long-term requirements?

- (2) Is it the definitive, comprehensive position on the subject or is it the first of a series of requirements to be issued in the future?
 - (3) How does this requirement affect other requirements? Does this requirement mean that other items or systems or prior analysis need to be reassessed?
 - (4) Is it only computation? Or does it require or may it entail engineering design of a new system or modification of any existing systems?
 - (5) What plant conditions are needed to install, conduct pre-operational tests and declare operable?
 - (6) Is plant shutdown necessary? How long?
 - (7) Does design need NRC approval?
 - (8) Does it require new equipment? Is it available for purchase in sufficient quantity by the affected licensee or must such equipment be designed? What is the lead time for availability?
 - (9) May it be used upon installation or does it need staff approval before use? Does it need technical specification changes before use?
- d. The following information should be provided by the staff, where practical:
- (1) A risk reduction assessment performed using a data base and methodology commonly accepted within NRC (for example, similar to that outlined in SECY 83-221). A qualitative assessment of the benefits should be made in lieu of a quantitative assessment in cases where it would provide more meaningful insights.
 - (2) An assessment of costs to NRC, an assessment of costs to licensees, including resulting occupational dose increase or decrease, added plant and operational complexity, and total financial costs.
 - (3) A position as to whether the requirement implements existing regulations or goes beyond them.
 - (4) The proposed method of implementation, along with the concurrence (and any comments) of OELD, on the method proposed.
- e. The following information should be provided:

- (1) The basis for requiring or permitting implementation by a given date or on a particular schedule, including sufficient information to demonstrate that the schedules are realistic and provide sufficient time for in-depth engineering, evaluation, design, procurement, installation, testing, development of operating procedures, and training of operators.
- (2) Schedule for staff actions involved in completion of the requirement (based on hypothesized effective date of approval).
- (3) Prioritization of the proposed requirement considered in light of major safety-related activities underway at the affected facility. The priority of the requirement shall be approved by both the Director of Licensing and the appropriate Regional Administrator and shall be incorporated into a single prioritization plan for each facility maintained by the facility project manager and available to the licensee. Prioritization guidance and direction shall be provided from time to time by the EDO as necessary.
- (4) For a proposed requirement involving reports and/or record-keeping, a statement of why such reporting or recordkeeping is necessary.

044 Implementation of Requirements

A staff-proposed requirement may be issued prior to satisfying the procedural steps involving the appeal process and the cost-benefit analysis, provided the appropriate Office Director determines that prompt imposition of the requirement is necessary to protect the public health and safety or the common defense and security. Otherwise, staff-proposed requirements will not be imposed, and plant operation will not be disrupted during the appeal process, and, if the licensee objects in writing, until after the cost-benefit assessment is completed and a final determination has been made by the Director, NRR, or the Director, IE, as appropriate, that the requirement should be imposed.

045 Recordkeeping and Reporting

Each plant-specific backfit requirement will be administratively managed, within the Headquarters office or Region office, using a recordkeeping system that provides for retrieval at any time of current status, planned and accomplished schedules, and ultimate disposition. Office systems shall be compatible with an overall NRC data base managed by NRR and accessible to appropriate NRC managers. The systems shall provide access to all documentation issued or received by the NRC staff, including requests, position statements and summary reports.

046 Exceptions

Nothing in this Manual Chapter shall be interpreted as requiring the staff to make plant-specific assessments for requirements that have been reviewed by the CRGR and approved by the EDO unless the EDO determines that significant plant-specific issues were not considered during the CRGR review.

047 References

1. Memorandum dated June 22, 1983, Samuel J. Chilk, Secretary, to William J. Dircks, Executive Director for Operations, COMSECY-83-3.
2. Charter of the Committee to Review Generic Requirements, dated June 16, 1982.

0514-05 DEFINITION051 Staff-Proposed Requirement

For purposes of this Chapter, a new staff-proposed requirement includes all those mechanisms used by the NRC staff to set forth regulatory positions requesting compliance by an OL holder that involve, with respect to that OL holder: (a) a new interpretation or a change in an existing interpretation of the rules or regulations; or (b) a new staff position or a change in an existing staff position as set forth in, for example, Safety Evaluation Reports, Standard Review Plans, Regulatory Guides, Branch Technical Positions, Inspection Reports, Temporary Instructions, Inspection Manual Chapters, and official letters.