U.S. Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation

NRR OFFICE INSTRUCTION

Change Notice

Office Instruction No.:	**LIC-400**
Office Instruction Title:	**PROCEDURES FOR CONTROLLING THE DEVELOPMENT OF NEW AND REVISED GENERIC REQUIREMENTS FOR POWER REACTOR LICENSEES**
Effective Date:	**February 12, 2004**
Primary Contacts:	**Clayton Pittiglio** **George Wunder** **301-415-1435** **301-415-1494** **clp@nrc.gov** **gfw@nrc.gov**
Responsible Organization:	**NRR/DRIP**

Summary of Changes: This is the initial issuance of LIC-400, "Procedures for Controlling the Development of New and Revised Generic Requirements for Power Reactor Licensees." This office Instruction incorporates the recommendations of the Committee To Review Generic Requirements. This guidance was previously incorporated in Office Letter (OL) 500. The issuance of LIC-400 updates the guidance in OL-500, Revision 2, to make it consistent with NRR's current organization activities and management structure. This office instruction replaces OL-500. Appendix A, "Change History," identifies the method used to announce and distribute LIC-400.

Training:	None
ADAMS Accession No.:	ML032540765

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Training: None

ADAMS Accession No.: ML032540765

NOTE: Per the attached e-mail from Brian Thomas to Larry Pittiglio dated 10/16/2003, Bob Weisman, OGC, informed NRR that OGC concurrence is not required at this time. OGC concurrence will be needed when this Office Instruction is revised to address the CRGR recommendations on backfit, which may occur in the next six months. The purpose of this revision is stated above in **Summary of Changes.

*See Previous Concurrence

Position	RPRP:DRIP:NRR	RPRP:NRR	SC:RPRP:DRIP:NRR	BC:RPRP:DRIP:NRR	OGC	Tech Editor	ADPT:NRR
Name	LPittiglio*	JWunder*	BThomas*	CHaney*	**See Note Above	PKleene*	BSheron
Date	09/09/2003	09/10/2003	09/10/2003	09/17/2003	09/ /2003	12/12/2003	02/12/2004

	PARALLEL NRR DIVISION DIRECTORS							
Position	D:DLPM:NRR	D:DE:NRR	D:DIPM:NRR	D:DSSA:NRR	D:DRIP:NRR	D:PMAS:NRR	ADIP:NRR	D:NRR
Name	TMarsh*	RBarrett* w/comments	BBoger* w/comments	SBlack* w/comments	DMatthews*	MCase/DMcCain*	JCraig*	JDyer
Date	11/13/2003	11/19/2003	10/28/2003	12/18/2003	12/22/2003	02/04/2004	02/08/2004	02/12/2004

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NRR OFFICE INSTRUCTION
LIC-400
PROCEDURES FOR CONTROLLING THE DEVELOPMENT OF NEW AND REVISED GENERIC REQUIREMENTS FOR POWER REACTOR LICENSEES

1. POLICY

It is the policy of the U.S. Nuclear Regulatory Commission (NRC) to have an effective program for controlling the development and revision of generic requirements imposed on power reactor licensees. There is currently no NRC management directive (MD) for generic backfits, but the Committee To Review Generic Requirements (CRGR) charter serves the same purpose.

2. OBJECTIVES

The Commission approved the first charter of the CRGR on June 16, 1982, and directed all NRC staff to comply with the charter for actions associated with power reactor licensees. The latest revision of the charter is the revision dated November 7, 1999 (Appendix B).

The CRGR reports to the Executive Director for Operations (EDO) regarding approval or disapproval of all new generic requirements or staff positions to be imposed on power reactor licensees or regarding any changes to such previously established requirements or positions. The requirements that existed before November 12, 1981, were not subject to CRGR review. However, the CRGR has been responsible for the review and approval of all new generic requirements for power reactor licensees developed after November 12, 1981. In addition, the CRGR charter permits the CRGR to review selected existing requirements and staff positions.

3. BACKGROUND

New or modified generic requirements for power reactor licensees may arise from many types of actions, including multiple applications of those actions that begin as plant-specific actions involving individual licensees. The NRC staff is responsible for predicting the circumstances that can cause plant-specific actions to assume generic significance and to fall within the purview of the CRGR charter.

MD 8.4, “NRC Program for Management of Plant-Specific Backfitting of Nuclear Power Plants,” describes the program for management of plant-specific backfitting, and NRR Office Instruction LIC-202, “Management of Plant-Specific Backfitting,” provides the procedures to be used by NRR staff on plant-specific actions. NUREG-1409, “Backfitting Guidelines,” provides additional guidance on the backfitting process.

The CRGR charter (Appendix B) provides a comprehensive list of staff actions that may lead to new or modified generic requirements. The list includes generic letters (GLs), bulletins, and regulatory issue summaries (RIS) for nuclear reactor issues, and NRR has lead responsibility, although substantial participation and support from other offices may

be needed. Examples of this support include supplying necessary data, such as that required in regulatory analyses, and organizational interactions that support interaction with the industry and the public on new requirements. Because this office instruction cannot anticipate every possible need for support, the staff should determine those specialized functions that may exist within the NRC and use them as appropriate.

The NRC has the authority under 10 CFR 50.54(f) to require applicants and licensees to submit written statements under oath or affirmation in order to enable the Commission to determine whether a license should be modified, suspended, or revoked. 10 CFR 50.54(f) imposes the following responsibility on the NRC:

> Except for information sought to verify licensee compliance with the current licensing basis for that facility, the NRC must prepare the reason or reasons for each information request, prior to issuance, to ensure that the burden to be imposed on respondents is justified in view of the potential safety significance of the issue to be addressed in the requested information. Each such justification provided for an evaluation performed by the NRC staff must be approved by the Executive Director for Operations or his or her designee prior to issuance of the request.

The information that the staff submits to the CRGR to support the committee's consideration of the new or amended generic requirement can also fulfill staff obligations under 10 CFR 50.54(f).

Appendix A to the CRGR charter describes the process by which new generic requirements and staff positions are developed, revised, and implemented. The process provides for discussions with external entities in the industry and the public in the early stages of developing such requirements and positions. The purpose of these discussions is to obtain information on the costs and safety benefits of a proposed action that the NRR staff should consider in the early stages of defining the proposed action.

The CRGR charter states the following about the responsibilities of program offices with regard to the acceptance of new or revised topical reports:

> The program office is responsible for determining if acceptance of new or revised topical reports involves any new staff positions or interpretations. However, if it believes that a new staff position or interpretation is (or may be) involved, then the proposed acceptance should be sent to the CRGR, and notification to vendors be held in abeyance pending formal response by the CRGR Chairman.

4. BASIC REQUIREMENTS

The CRGR charter states that every member of the staff is expected to be aware of the backfit implications of any proposed regulatory action. The procedures provided in this office instruction come into force any time a regulatory action may fall within the definition of a "generic backfit." A determination on the possibility of a plant-specific backfit frequently precedes consideration of a generic backfit question. NRR Office Instruction LIC-202 addresses plant-specific backfits and the procedures therein shall be followed when applicable. NUREG-1409 also provides additional guidance on the backfitting process.

A. Issues Having Generic Consequences and Their Resolution

1. The preparatory work on possible generic backfits shall involve the division directors and be coordinated with RES. If the staff intends to develop a generic communication, the staff shall obtain authorization for the generic communications as described in LIC-503, “Generic Communications Affecting Nuclear Reactor Licensees.” LIC-503 controls the approval and management of generic communication development.

2. When any staff member identifies an issue that may merit issuance of a staff document (including an information notice), the staff shall determine whether that issue could result in a new or different applicable regulatory staff position or whether a new or different requirement may ultimately arise. If no such position or requirement could arise, the procedures of this office instruction are not applicable.

3. If a new or different applicable staff regulatory interpretation, position, or requirement arises from the review of and actions on an issue, the staff shall follow the procedures in this office instruction associated with identifying, proposing, developing, establishing priority for and imposing them. The responsibilities for these considerations lie at the division level and must include interdivisional consultations on safety significance and resource limitations, as appropriate.

4. If an issue having a generic consequence is identified, the technical division should work with the Director of DLPM to identify a lead PM for the activity. The lead PM must obtain a TAC number to track the resources expended on the associated tasks in the TRIM system. If the estimated resource requirement is greater than 400 staff- hours, the staff shall develop a written closure plan for division director approval. If the estimated resource requirement for a issue having a potential generic consequence is fewer than 40 staff-hours, a new TAC number need not be obtained. The schedule must be entered into TRIM.

5. If a potential consequence of the generic issue is identified, it should be described in an memorandum, and the division director shall document the scope and schedule for addressing the issue and shall include a action plan, if

appropriate. The NRR division director for the lead technical division shall define the potential consequence in a memorandum to the Director, Division of Systems Analysis and Regulatory Effectiveness, RES, and send copies to the Director, NRR; the Associate Director for Project Licensing and Technical Analysis (ADPT); the Director, Project Management, Policy Development and Planning (PMAS); the Director, Regulatory Improvement Programs (DRIP); Director, Division of Inspection Program Management, (DIPM); and the Director, Division of Licensing Project Management (DLPM). The information in the memorandum will be used to track the resolution.

6. The rest of the procedures in this office instruction apply if the actions resulting from the resolution would constitute a generic backfit. However, if the staff does not change an applicable regulatory staff position at the conclusion of the activity, the remaining procedures in this office instruction do not apply.

B. Generic Backfit Proposed by NRR Staff

1. A generic backfit proposed by the NRR staff must receive a thorough review in the context of all related generic requirements and applicable regulatory staff positions. This review should be conducted at the lowest possible staff level so that managers attention can focus on policy issues. Staff members who have expertise or regulatory interest in the issue should be consulted. The results of such consultations are considered pre-decisional information.

2. When the applicable regulatory staff positions have been clarified and when staff managers (usually at the branch chief level) have been informed of the potential implications for a generic backfit, the staff shall perform a regulatory analysis. At this stage, the analysis can be performed informally and no specific documentation is required, although documentation would probably be helpful for later use. This analysis should result in a determination of whether the potential generic backfit is an actual backfit. NUREG-BR-0058, Revision 3, “Regulatory Analysis Guidelines of the U. S. Nuclear Regulatory Commission” provides guidance on conducting analysis of regulatory actions.

3. When a decision to impose a generic backfit is made, the CRGR Charter provides for meetings and discussions with the industry, the Advisory Committee on Reactor Safeguards (ACRS), the public, and representatives of various types of organizations if appropriate. This will enable the staff to obtain preliminary information about the costs and safety benefits of the proposed action. NRR Office Instruction COM-202, “Meetings With Applicants/Licensees, Interveners, Vendors, or Other Members of the Public,” provides the policy and procedures for holding such meetings. If the organization represents a labor union or the interests of workers in the industry, the EDO has directed that RES provide a point of contact for all groups within the NRC. The Radiation Protection and Health Effects Branch, RES, provides this point of contact.

4. NRR usually conveys a new or modified generic position or interpretation and requests addressee action in either a bulletin, a GL, or a RIS. The staff shall not include new interpretations of existing staff positions or requirements in an information notice. The use of generic communications is further discussed in LIC-503, "Generic Communications Affecting Nuclear Reactor Licensees." Appendix B to the CRGR charter includes a comprehensive list of other staff actions that could result in the identification of additional generic requirements. This appendix contains the procedures to control proposed new or revised requirements or staff positions. Personnel in NRR should carefully review the guidance in this office instruction when issuing the types of documents covered in the CRGR charter, especially NUREG-series reports, safety evaluation reports (SERs) for owners group submittals, SERs on one docket addressing issues that the staff is aware will be addressed on other dockets, individual plant amendments to technical specifications, and responses to 10 CFR 2.206 petitions. These documents shall not contain new or different staff positions or interpretations if they have not been submitted to the CRGR for review.

5. When the division director has given support for a generic backfit, the staff must formally prepare a CRGR package. The package must contain at least all the elements indicated in Appendix C to the CRGR charter, "Contents of CRGR Packages." Generally, the lead technical division has the lead responsibility for the CRGR package. If not, the divisions shall discuss who has the lead so that the technical scope of the backfit is well defined, the resources for timely preparation of the CRGR package are appropriately allocated, and the presentation to CRGR is properly planned to present a consistent and coherent office position. If the lead technical division proposes to use a generic communication, it shall follow the procedures in LIC-503 for interfacing with CRGR.

6. In preparing to meet with CRGR on a particular issue, the lead technical division shall consider the proposed new requirements or change in regulatory interpretation or staff position from a broad perspective . This broad perspective should include consideration of the specific effects on licensees, on the NRC staff, and on existing regulatory staff positions. Although these specific effects may not need to be documented, their consideration is an integral part of the preparation necessary to discuss an issue with the CRGR. Below are examples of the types of questions that must be considered. Some of the questions parallel those for which a formal response is included in the CRGR package or elsewhere.

   a. Are there separate short-term and long-term requirements?

   b. What is the relative priority of the proposed action with respect to other proposals being prepared for changes in regulations, interpretations, or staff positions?

c. Is the proposed action the definitive, comprehensive position on the subject or is it the first of a series of requirements to be issued in the future?

d. How does this requirement affect other requirements? Does this requirement mean that other items, systems, or prior analyses need to be reassessed?

e. Is this backfit only computational or does it or may it require an engineering design of a new system or modification of any existing systems?

f. What plant conditions are needed to install a new component or system, conduct pre-operational tests, and declare it operable?

g. Is plant shutdown necessary, and if so, for how long? Does the design need NRC approval?

h. Does this action require new equipment? Is such equipment available for purchase in sufficient quantity by all affected parties or must such equipment be designed? What is the lead time for availability of the equipment?

i. May this equipment be used upon installation or does it need staff approval before use?

The facts identified in examining these factors must be used in responding to item (vii)(k) of Appendix C to the CRGR charter.

7. NRR has the prime responsibility for maintaining and controlling the contents (including proposed revisions) of the Standard Review Plan (SRP). Therefore, NRR has the lead responsibility for preparing a revision, obtaining and resolving public comments, and obtaining CRGR review and approval for a proposed revision. The technical lead will be taken by the branch or branches that have the assigned responsibility for the particular SRP sections. NRR Office Instruction LIC-200, “Maintenance of SRP,” identifies primary and secondary review branches and also provides some of the procedures for revising the SRP. This office instruction controls the determinations on the backfit question and preparation of the CRGR package, if appropriate. LIC-200 sets forth procedures for the preparation of the SRP revision, issuance of *Federal Register* notices, and incorporation of the revision into NUREG-0800.

8. The following procedure is applicable to the issuance of SERs of vendor topical reports that refer only to requirements or staff positions previously applicable to the affected licensees and approved by the appropriate officials.

a. A staff member who determines that the document to be issued is of a generic nature but does not involve any new or amended staff position shall prepare a memorandum from the division director to the Associate Director for Inspection and Programs (ADIP).

b. The memorandum must provide the background and technical information to support a recommendation that the issuance does not require CRGR review.

c. The memorandum must include a statement that CRGR review is not necessary.

d. The memorandum must include an approval signature line for the ADIP. The ADIP may signify agreement with the recommendation of the memorandum by signing on this signature line. The issuance of the document can then proceed as planned. If the ADIP does not approve the recommendation, the staff shall prepare a CRGR package.

e. A copy of the memorandum must be sent to the CRGR Chairman.

C. Generic Backfits Proposed by Other Offices

1. The NRR staff may be requested to support generic backfits proposed by other offices such as RES and NSIR. IROB (for generic communications) or the Inspection Programs Branch (IIPB) (for all other cases) coordinates all the support provided by NRR. Any request for NRR staff support by other offices must come through RORP or IIPB, as appropriate.

2. Although all offices within the NRC must conform to the CRGR charter, frequently only NRR has the expertise needed to make the technical judgments about generic backfitting. Therefore, the lead responsibility may be divided with one Office having lead administrative responsibility, and NRR having the lead technical responsibility. In such cases, NRR input should be consistent with this office instruction, and the presentation to the CRGR must portray a unified and coherent staff position.

D. Contents of CRGR Packages

1. The package of information that accompanies a proposed new or modified generic staff interpretation, position, or requirement for consideration by the CRGR must provide the requisite information to enable the CRGR to make a prompt decision.

2. Staff members preparing the information package shall determine which of the following three categories would be appropriate for the action:

a. Immediately effective action: The action is needed immediately to ensure that certain facilities do not pose an undue risk to the health and safety of the public in accordance with 10 CFR 50.109(a)(4)(ii). Although this category of actions does not need CRGR review before such an action is taken, an information package must be prepared for later consideration by the CRGR. The staff may brief the CRGR on an immediately effective action before preparing the information package.

b. Proposed requirements which the sponsoring program office director determines to be urgently needed to overcome a safety problem requiring immediate resolution or to comply with a legal requirement for immediate or near-term compliance. These items would usually involve an adequate protection issue, are expected to be infrequent and very few, and must be reviewed or otherwise be dealt within two working-days of receipt by the CRGR. If the CRGR Chairman questions the appropriateness of the urgency and if the question is not resolved within 2 work-days, the proposed requirement or staff position will be forwarded by the CRGR Chairman to the EDO for decision.

c. Any actions that are not either of the previous two categories. The CRGR will schedule consideration of such a matter at one of the regularly scheduled meetings.

3. An example of a CRGR review package prepared under Revision 7 of the charter is enclosed as Appendix C to the CRGR charter. The response to each of the items needs to be brief but sufficient to address the reasonable questions of CRGR members. If the backfit is justified in accordance with 10 CFR 50.109 (a)(4)(i), the CRGR charter provides the option of avoiding a response to the set of questions under item (vii) of Appendix C to the CRGR charter. However, in accordance with the procedures in this office instruction, the staff should have previously considered these questions to make a backfit determination, and, hence, the staff is expected to provide responses to item (vii) of Appendix C to the CRGR charter for compliance issues.

4. The staff is responsible for assessing the effect on staff resources of a generic backfit action. To support rapid recognition of the expected effect on the staff, each CRGR package must be accompanied by a Reporting Requirements form (Appendix C) when the package is submitted to the Deputy Director, NRR. This form need not be sent to the CRGR.

5. A regulatory analysis to fulfill item (iv) of Appendix C to the CRGR charter is optional if the staff is taking a generic backfit action on the basis of compliance (in accordance with 10 CFR 50.109 (a)(4)(i)), or on the basis of the adequate protection factors related to public health and safety (in accordance with 10 CFR 50.109(a)(4)(ii) and 10 CFR 50.109(a)(4)(iii)).

6. If the staff is not taking a generic backfit action on the basis of the item (iv) of Appendix C of the CRGR charter a regulatory analysis is required as part of a CRGR package.

7. If the information in the Reporting Requirements Form identifies the need for either review guidance or inspection guidance, this guidance must accompany the CRGR package when it is submitted to the Deputy Director, NRR, but it need not be sent to the CRGR. For backfit actions that fall under either category D.2a. Or D.2.b. in Section D, "Contents of CRGR Packages," the preparation of the review guidance or inspection guidance may be deferred until after the CRGR package is submitted. However, the preparation of the guidance should be given high priority in order to make it available to the reviewers or inspectors in a timely manner.

8. The CRGR package is transmitted using a transmittal memorandum as described in Section 4.04 of LIC-503.

E. Protocol Requirements

1. A CRGR information package must receive the concurrence of the originating staff and the lead technical Division Director, the Branch Chief, IROB, the ADPT, the ADIP, and the Deputy Director, NRR. Item (iv) of Appendix C to the CRGR Charter requires formal OGC concurrence in the proposed document (e.g., a GL). However, the concurrence of OGC in the information package transmitting the proposed document may be obtained either formally or informally, as appropriate. If the package includes a generic communication, the package must receive a review by a technical editor. Experience indicates that early consultations with and involvement of OGC attorneys, the editorial staff, and RORP personnel lead to an expedited and higher quality package.

2. Although one member of the CRGR is an attorney from OGC, the normal CRGR review does not constitute a legal review. To receive a formal OGC concurrence, staff attorneys assigned by the appropriate OGC manager must conduct the review.

3. For a timely review, it is advisable to contact the CRGR staff to arrange for a meeting to ensure a timely review. IROB has responsibility for maintaining sufficient awareness of the CRGR schedule of meetings to obtain placement on a meeting agenda to support NRR needs. In the absence of special circumstances that must be explained to the CRGR, a minimum of two weeks must be allowed for a CRGR information package to be reviewed by their staff and brought before the Committee.

4. The lead technical division determines who attends the CRGR meeting for the presentation of a proposed document. Those who attend shall be prepared to answer most of the CRGR's technical and other questions that can be anticipated during the time allotted for the discussion of a topic. Sometimes the

information needed to answer the CRGR's questions may involve participation by more than one office or region. Also, this participation may involve presenting opposing points of view at the CRGR meeting. If unusual circumstances such as unresolved opposing points of view are present, the lead technical division should contact the CRGR staff before the meeting to make arrangements to accommodate these circumstances appropriately.

5. The lead technical division will resolve the comments made by the CRGR on the proposed document and obtain the concurrence of the CRGR.

6. If any significant changes are made to a proposed document after it has been concurred in by the CRGR, the staff shall prepare a new CRGR package and request the CRGR to review the revised document. Significant changes are defined as any that affect an applicable or proposed regulatory position, that change any actions requested of the licensees, or that would require modification of the responses to the information requested in Appendix C to the CRGR charter. If minor changes are made to a proposed document after it has been presented to the CRGR, the staff shall prepare a memorandum to the CRGR enclosing the revised document, detailing the changes that were made, and requesting written confirmation that further CRGR review is not required. In either case, the basis for the changes, including an analysis of the resolution of public comments, if applicable, shall be included in the package that is sent to the CRGR.

5. RESPONSIBILITIES AND AUTHORITIES

A. Director, NRR

The Director, NRR, has the overall responsibility to ensure that the actions taken by the office conform with the CRGR charter. The Director, NRR has delegated functions as indicated in other parts of this office instruction.

B. Deputy Director, NRR

The Deputy Director, NRR, transmits information to the CRGR related to the issues and actions that NRR wishes the CRGR to consider. The Deputy Director not only approves the content of the information packages but also approves the schedule associated with the NRR request. If the proposed staff action involves another program office, the Deputy Director approves the information package that includes the NRR contribution.

C. Division Directors

A division director shall approve the development and proposed resolution of a generic issue. The director of each division having a role in the development of the CRGR package has the responsibility for preparing and providing information on behalf of that division to the CRGR in support of a request for review. The director of the division with lead technical responsibility for an issue shall ensure that all of the information that is

submitted is in compliance with the appropriate aspects of the CRGR charter. Each division director shall ensure that any necessary information is obtained from other NRR divisions or other NRC organizations. The lead technical division shall resolve any divergence of views. The Director, DIPM, authorizes the preparation of bulletins and GLs, the signing of bulletins and GLs issued by NRR, and the designation of bulletins or generic letters as urgent generic communications.

D. Branch Chiefs and Program Directors

The branch chief of the lead technical branch is responsible for ensuring detailed conformance with the terms of the CRGR charter as applied to each particular case. This responsibility begins with review of the safety benefits of a proposed action. When an action appears justified, the branch chief must consider the other aspects of the CRGR charter requirements, such as the currently applicable regulatory staff positions, alternatives to the proposed course of action, and required inputs from other entities both from inside and outside the NRC. In addition to ensuring appropriate technical input from other divisions or offices in NRC, the branch chief shall obtain the appropriate management authorization to proceed. The CRGR charter also provides for interaction with industry groups, the ACRS, and public organizations. The branch chief is responsible for evaluating the need for and appropriateness of obtaining such input.

The Branch Chief, IROB, fills both an administrative and a technical function in ensuring the completeness of information packages for CRGR. The Director, RORP, reviews information packages to ensure (1) that the package contains all of the elements necessary for CRGR review, (2) that the appropriate concurrences have been obtained, (3) that the input from OGC has been included, (4) that a technical editor has reviewed the generic communication, and (5) that the information required for the Generic Communication Index has been provided, if appropriate.

E. Section Chiefs

The section chiefs have the key responsibility to ensure that sufficient information has been gathered to enable managers to make decisions about the safety significance of a proposed action, its effects on operational complexity, and its relationships to proposed and existing regulatory requirements. The section chiefs shall be sufficiently aware of staff activities to alert their managers to the likelihood that a plant-specific backfit action may be applied to a defined class of licensees, thereby making it a generic backfit. The section chiefs shall direct the efforts of technical staff considering a potential backfit in such a way that the information gathered can be readily structured into a CRGR submittal, if found to be appropriate.

F. All NRR Staff Members

Every staff member has the responsibility to recognize when the staff is developing a new or different position or when a new or different interpretation of existing requirements is being developed as a result of a proposed staff action. Under these circumstances, all staff members have the responsibility to apply the procedures of this

office instruction and to take actions consistent with it. Once the applicability of this office instruction has been established (even for potential backfits), each staff member shall become adequately informed about all relevant existing and proposed regulatory all relevant existing and proposed regulatory requirements and guidance related to the proposed action. It may be necessary to consult with other personnel within NRR, other headquarters offices, and the regions to develop a sufficient background to address all the issues raised in this office instruction.

Additional guidance on delegation of NRR signature authority is available in NRR office instruction ADM-200, Revision 5.

6. PERFORMANCE MEASURES

Section 4, "Basic Requirements" of this office instruction identifies who has the lead responsibility for managing the generic backfit process, including identifying the proposed backfit, performing the technical evaluation to determine if a generic backfit exists, estimating the resources to support the backfit evaluation, and developing the CRGR package to support the CRGR's review.

Typically, a determination on the possibility of a plant-specific backfit frequently precedes consideration of a generic backfit question. NRR Office Instruction LIC-202 addresses plant-specific backfits. Once a generic backfit determination has been made, this office instruction recommends a schedule to ensure a timely CRGR review. The staff recognizes that the lead division will have to establish, on a case by case basis, the schedule that determines if the recommendation is a generic backfit and its supporting evaluation. Section IV, "CRGR Meeting Notices and Summaries" of Appendix B," of this office instruction establishes milestones for the notification of the proposed CRGR meeting, the meeting, and the supporting meeting summaries.

7. PRIMARY CONTACTS

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clp@nrc.gov	gfw@nrc.gov

8. RESPONSIBLE ORGANIZATION

NRR/DRIP

9. EFFECTIVE DATE

February 12, 2004

10. REFERENCES

- NUREG-1409, “Backfitting Guidelines”
- NRR Office Instruction LIC-202, “Procedures for Managing Plant-Specific Backfits and 50.54(f) Information Requests”
- NUREG-BR-0058, Revision 3, “Regulatory Analysis Guidelines of the U. S. Nuclear Regulatory Commission”

Attachments:
1. Appendix A - Change History
2. Appendix B - CRGR Charter - Committee to Review Generic Requirements
3. Appendix C - Backfit Identification and Tracking Form
4. Appendix D - Sample CRGR Review Package

Appendix A - Change History

Office Instruction LIC-400

PROCEDURES FOR CONTROLLING THE DEVELOPMENT OF NEW AND REVISED GENERIC REQUIREMENTS FOR POWER REACTOR LICENSEES

Change History - Page 1 of 1			
Date	**Description of Changes**	**Method Used To Announce & Distribute**	**Training**
02/12/2004	This is the initial issuance of LIC-400, "Procedures for Controlling the Development of New and Revised Generic Requirements for Power Reactor Licensees" This office Instruction incorporates the recommendations of the Committee to Review Generic Requirements. This guidance was previously incorporated in Office Letter (OL) 500. The issuance of LIC-400 updates the guidance in OL-500, Revision 2, to make it consistent with NRR's current organization activities and management structure. This office instruction replaces OL-500. Appendix A, "Change History," identifies the method used to announce and distribute LIC-400.	E-mail to NRR staff	None

APPENDIX B

CRGR CHARTER - COMMITTEE TO REVIEW GENERIC REQUIREMENTS

Revision 7

November 7, 1999

Attachment 2

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Appendix B: Procedures to Control Communication of Generic Requirements and Staff Positions to Licenses
Appendix C: Requirements for Contents of the CRGR Review Package
Appendix D: Guidance on application of the “Substantial Increase Standard”

Commission Approvals

CRGR creation approved by the Commission on June 16, 1982 (SECY-82-39A)
Charter Revision 1 approved by the Commission on January 6, 1984
Charter Revision 2 approved by the Commission (COMSECY-86-5, dated June 20, 1986)
Charter Revision 3 approved by the Commission on August 13, 1986
Charter Revision 4 approved by the EDO (Memorandum To Commissioners, dated April 6, 1987)
Charter Revision 5 approved by the Commission on March 8, 1991
Charter Revision 6 approved by the Commission (SRM-SECY-96-032, dated February 9, 1996)
Charter Revision 7 approved by the EDO (Memorandum to the Commissioners, dated November 8, 1999)

CRGR CHARTER

COMMITTEE TO REVIEW GENERIC REQUIREMENTS

I. MISSION

The Committee To Review Generic Requirements (CRGR, or the Committee) will ensure that proposed generic[1] backfits to be imposed on the NRC-Licensed power reactor and selected nuclear materials licensees are appropriately justified based on backfit provisions of applicable NRC regulations and the Commission's backfit policy. The CRGR's primary responsibilities are to recommend to the Nuclear Regulatory Commission's (NRC's) Executive Director for Operations (EDO) either approval or disapproval of the staff proposals and to provide guidance and assistance to the NRC program offices to help them implement the Commission's backfit policy. The CRGR Charter shall be incorporated in the appropriate Management Directive and the program office administrative procedures for developing new or revised generic actions.

II MEMBERSHIP

CRGR membership shall be appointed by the EDO. In addition to the CRGR Chairman, the Committee will comprise of one individual each from the Office of Nuclear Reactor Regulation (NRR), the Office of Nuclear Materials Safety and Safeguards (NMSS), the Office of Nuclear Regulatory Research (RES), one of the Regions, and one individual from the Office of General Counsel (OGC), who will be nominated by the General Counsel and appointed by the EDO. The regional individual shall be selected, on a rotational basis, from one of the regional offices. A new selection will be made by the EDO when he or she judges that the incumbent regional representative has gained sufficient experience (typically 2 years) on the Committee. The CRGR Chairman will report directly to the EDO about CRGR activities. New members will be appointed as the need arises. RES will provide the technical and administrative support for the CRGR.

At least four of the regular CRGR members need to be present for a quorum. If a member cannot attend a CRGR meeting, the applicable office may propose an alternate for the CRGR Chairman's approval. It is the responsibility of the alternate member to be fully versed on the agenda items before the Committee, and also apprize the regular member (for whom he or she is substituting) of the details, including administrative matters, discussed at the CRGR meeting.

The CRGR Chairman will be responsible for ensuring that each licensee is informed of the existence and structure of the NRC's generic backfit management program described in this Charter. The CRGR Chairman will also ensure that substantive changes in the Charter are communicated to all licensees and certificates.

III SCOPE

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[1] Applicable to one or more classes of nuclear power reactors or materials facilities.

Except for the requirements which are determined to become immediately effective[2], the CRGR will review for power reactors all new and revised regulatory requirements, generic correspondence[3], regulatory guidance, and selected NRC staff guidance related to licensing, inspection, and enforcement, which could impose a backfit. The Committee will also review selected nuclear materials items at the recommendation of the Director, NMSS, or at the EDO's request. Appendix A contains the review process for new or revised generic requirements or staff positions.

The CRGR will not consider plant-specific regulatory actions. The Committee will ensure that proposed generic backfits to be imposed on the NRC-Licensed power reactor and selected nuclear materials licensees are appropriately justified based on backfit provisions of applicable NRC regulations and the Commission's backfit policy. The Committee will recommend to the EDO whether to approve proposed new or revised generic requirements or staff positions. The Committee will review NUREGs, including Standard Review Plans, only if they expound a new staff position. The CRGR will not review any proposed generic actions, including generic communications, staff guidance, rules, or safety evaluation reports (SERs), that merely involve voluntary relaxations. However, for proposed generic relaxations or decreases in current requirements or staff positions, whether affecting power reactors or nuclear materials activities, the proposing office director shall provide to the CRGR Chairman his or her determination, along with the rationale for the determination based on various considerations that (a) the public health and safety and the common defense and security would be adequately protected if the proposed relaxations were implemented; and (b) the cost savings attributed to each action would be significant enough to justify the action. Furthermore, the staff shall indicate if the proposed relaxations are optional or mandatory. The CRGR will review the SERs endorsing generic vendor initiatives only at the program office director's request.[4]

The Committee will also focus on the administrative controls related to the NRC staff's generic backfit management practices to ensure that the NRC processes (in particular, the office and regional directives, procedures, and staff guidance and the technical staff training in NRR, NMSS, and the Regions) are adequate. The Committee will ensure that the staff guidance on backfits is clear and comprehensive. The line managers in each program office will be responsible for ensuring that the staff follows the backfit procedures. Each staff's proposal will include the proposed method of implementation

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[2] For those rare instances when a program office director judges that an immediately effective action is required (e.g., 10 CFR 50.109 (a)(6) for power reactors and 10 CFR 76.76((a)(6) for GDPs), no prior review by the CRGR will be necessary. However, the staff shall conduct a documented evaluation, either before or after the action is taken, which shall be subject to CRGR review. The CRGR Chairman shall be notified by the program office director originating such an action. Use of this provision should normally be reserved for circumstances that pose an immediate or imminent threat to adequate protection of the public health and safety.

[3] Such as bulletins and generic letters. and generic 5O.54(f) information request letters.

[4] The program office is responsible for determining if acceptance of new or revised topical reports involves any new staff positions or interpretations. However, if it believes that a new staff position or interpretation is involved, then the proposed acceptance should be sent to the CRGR, and notification to vendors be held in abeyance pending formal response by the CRGR Chairman.

and resource implications, along with the concurrence (and any comments) of OGC on the method proposed, and the concurrence of the affected offices, including the regions, or an explanation of any non-concurrences. The program office managers will ensure that the quality of the incoming proposals are adequate and that it is approved at least at the Deputy Office Director level before CRGR reviews it.

Appendix B contains the procedures to control proposed generic requirements and staff positions. The CRGR Chairman and staff will do a quality check of all incoming proposals to determine the acceptability for CRGR review. A formal CRGR review will be the ultimate check in the NRC's backfit management to ensure that the internal backfit control processes work.

Appendix C contains the requirements for contents of the CRGR review packages. Frequent reference is made therein to the "Backfit Rule", however, in preparing generic staff proposals related to nuclear materials facilities, the backfit provisions of the applicable regulations (10 CFR 50.109, 10 CFR 72.62, or 10 CFR 76.76), the guidance contained in the Regulatory Analysis Guidelines (NUREG/BR-0058), or pertinent Commission backfit policy and directives shall apply.

Appendix D contains the guidance on application of the "Substantial Increase Standard."

As part of its regulatory effectiveness responsibility for monitoring the overall effectiveness of the NRC's generic backfit management process, the CRGR members will periodically visit NRC-licensed facilities. Additionally, the Committee will hold periodic meetings with stakeholders, as appropriate, and perform special tasks at the EDO's request.

IV CRGR MEETING NOTICES AND SUMMARIES

For quarterly agenda planning, the program offices will provide to the CRGR Chairman a list of items expected to be submitted for the CRGR review and endorsement. The CRGR meetings will be formally scheduled on the 2nd and 4th Tuesday of each month, starting at 9 a.m. The program office staff will submit a review request and 10 copies to the CRGR Chairman at least 2 weeks before the anticipated review date. The CRGR review will be scheduled within 1 week of receipt of a formal request. Meeting notices will generally be issued by the CRGR Chairman at least 2 weeks in advance of each meeting, with the exception of special meeting held to review urgent items[5]. The review material along with relevant background material for each item to be considered by the Committee will be logged in by the CRGR administrative assistant and promptly distributed to the members. The members must receive the review material at least 1

[5] Such items are those proposed requirements which the sponsoring program office director determines to be urgent to overcome a safety problem requiring immediate resolution or to comply with a legal requirement for immediate or near-term compliance. These items would usually involve an adequate protection issue, are expected to be infrequent and very few, and they must be reviewed or otherwise be dealt within 2-working days of receipt by the CRGR. If the CRGR Chairman were to question the appropriateness of the urgency and if the question is not resolved within two working-days, the proposed requirement or staff position will be forwarded by the CRGR Chairman to the EDO for decision.

week before the scheduled review. The cognizant staff will be responsible for providing relevant background material to the Committee and the CRGR staff, and for distributing presentation material at the meeting.

Meeting summaries will be issued to the EDO articulating the highlights of the meeting. Additional emphases will be placed on identifying cases where the NRC's staff products did not conform to the backfit guidance, and cases where the guidance needs further clarification. Draft summaries will be circulated to the members within 3 working days after the meeting for a 3-day negative consent period. The summaries will be issued final within 2 weeks of each meeting.

The CRGR will submit Commission highlights quarterly and an Annual Report to the Commission in August of each year. As directed by the Commission, in addition to the stakeholders' input on value added by the CRGR review to various staff proposals, and the Committee's self assessment as to how its activities contributed to the agency's mission, the CRGR Annual Report will also include an assessment of the quality of the incoming proposals.

The sponsoring division director will submit a close-out memorandum to the CRGR Chairman, describing whether the CRGR recommendations were accepted, and, in case of a disagreement, the closeout memorandum will be submitted to the EDO for resolution. The EDO will report to the Commission in writing the disposition of the CRGR recommendations when major differences exist.

V. CRGR OPERATING PROCEDURES

The CRGR administrative procedures will be maintained and distributed to the program office directors by the CRGR Chairman. The office shall ensure that these procedures are widely distributed and incorporated, as appropriate, in their office procedures and that the staff follows these procedures.

VI. CRGR RECORD RETENTION REQUIREMENTS

The CRGR staff will maintain a system for keeping all review requests submitted to the CRGR Chairman, actions by the staff subsequent to the CRGR review, summary minutes of CRGR consideration of each review request, including comments and recommendations by the Committee, and decisions by the EDO and the Commission. Two-year old information will be maintained in the office; the rest will be annually sent to the NRC warehouse. And, 20+ year old information will be sent to the National Archives.

APPENDIX A TO THE CRGR CHARTER

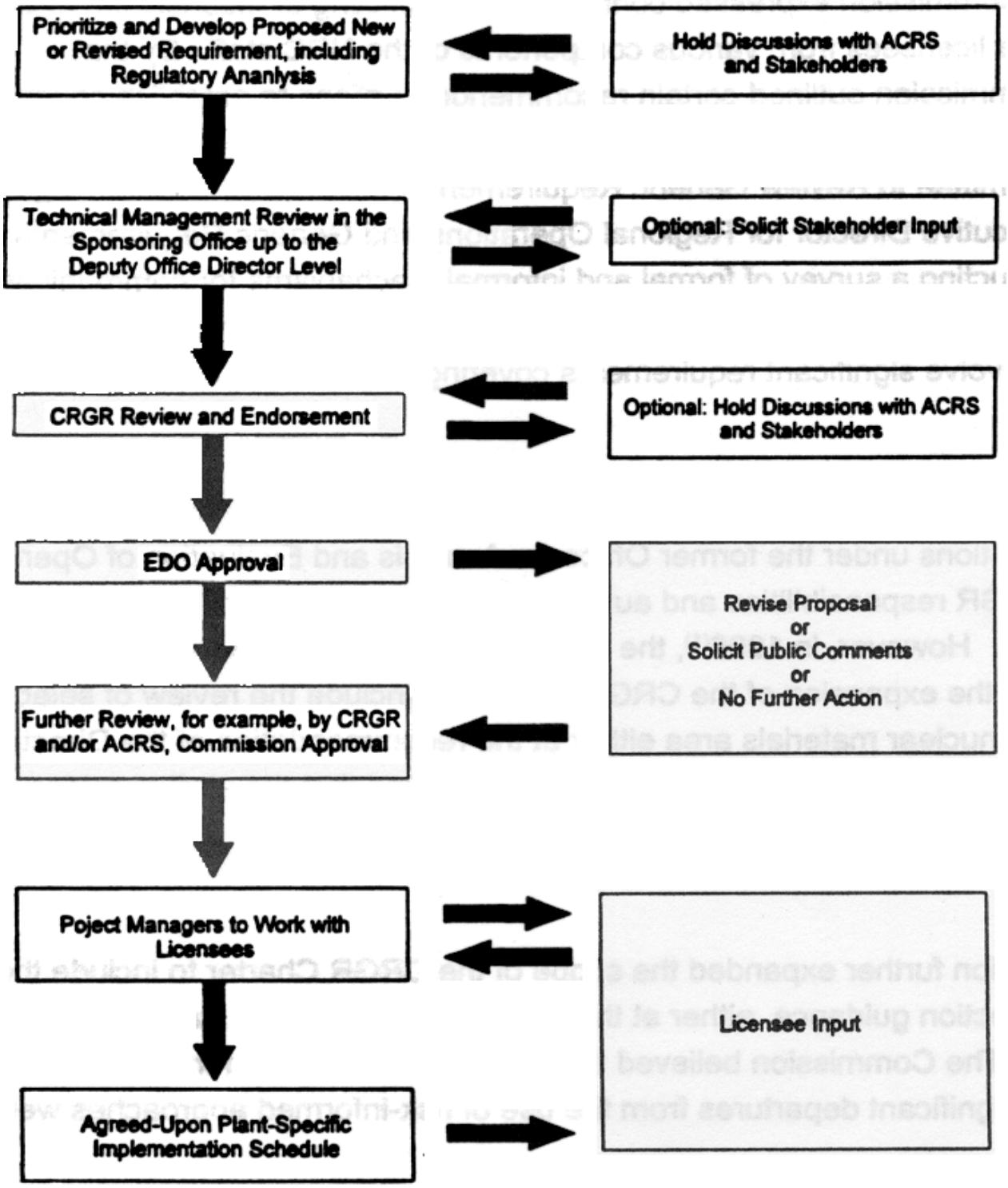
CONTROL PROCESS FOR PROPOSED NEW OR REVISED GENERIC REQUIREMENTS AND STAFF POSITIONS

The attached chart is a schematic representation of how new generic requirements and staff positions are developed, revised, and implemented.

In the early stages of developing a proposed new requirement or staff position, the staff may have discussions with the industry, the Advisory Committee on Reactor Safeguards (ACRS), the Advisory Committee on Nuclear Waste (ACNW), and the public to obtain preliminary information on the costs and safety benefits of a proposed action. On the basis of this information, the office proposing the action will prepare the package for the CRGR review.

The CRGR may recommend approval, revision, disapproval, or that further public comments be sought. After the CRGR and the EDO approval, the ACRS, the ACNW, or the Commission may again review the proposed action. Decisions by the Commission are controlling.

SCHEMATIC REPRESENTATION OF REVIEW OF NEW OR REVISED GENERIC REQUIREMENTS



APPENDIX B TO CRGR CHARTER

PROCEDURES TO CONTROL PROPOSED NEW OR REVISED GENERIC REQUIREMENTS AND STAFF POSITIONS

A. Background

In a memorandum from the Chairman to the Executive Director for Operations (EDO), dated October 8, 1981, the Commission expressed concern over conflicting or inconsistent directives and requests to reactor licensees from various components of the NRC staff. By that memorandum, the Commission outlined certain recommended actions to establish control over the number and nature of requirements placed by the NRC on reactor licensees. These included (1) establishing a Committee to Review Generic Requirements (CRGR); (2) establishing a new position of Deputy Executive Director for Regional Operations and Generic Requirements (DEDROGR); (3) conducting a survey of formal and informal mechanisms for communicating with reactor licensees; and (4) developing and implementing procedures for controlling communications that involve significant requirements covering one or more classes of power reactors.

In February 1987, the Commission approved an NRC reorganization that, among other changes, placed the CRGR operations under the former Office for Analysis and Evaluation of Operational Data (AEOD). The CRGR responsibilities and authorities were not changed under the new organizational structure. However, in 1996[(1)], the Commission directed that the CRGR be retained, and approved the expansion of the CRGR Charter to include the review of selected issues and items in the nuclear materials area either at the recommendation of the Director, NMSS, or the request of the EDO. The Commission also directed that the staff consider including the review of selected reactor inspection guidance within the scope of the CRGR Charter.

In 1997[(2)], the Commission further expanded the scope of the CRGR Charter to include the review of selected inspection guidance, either at the specific request of the staff or by the CRGR's self initiation. The Commission believed that inspection guidance for major rulemaking activities, especially if significant departures from the use of risk-informed approaches were being proposed, would benefit from the CRGR review. Furthermore, while approving the staff's recommended process for periodic evaluation and reporting of the CRGR activities, the Commission had the following comments:

(2) The Commission recognizes that there are always costs, both in human resources and in the time delays in the issuance of rulemakings or generic communications, that are associated with benefits received, and that these associated costs are not reflected in the "value added" summaries contained in the AEOD

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1 Staff Requirements Memorandum COMSECY-96-028 -Strategic Assessment Issue paper : Independent Oversight (DSI 19), dated August 21, 1996.

2 Staff Requirements Memorandum - SECY-97-052 - Committee To Review Generic Requirements (CRGR) - Scope of Review and Periodic Review Activities, dated April 18. 1998.

Annual Report. In the context of the National Performance Review mandate to ensure timely, efficient and cost-effective use of agency resources, it would be useful for the Commission to have information that would allow it to relate these associated costs with the benefits received.

(3) In assessing whether associated costs are commensurate with the significance of the issues raised by the CRGR, staff's summaries or evaluations should be based on a process that, in part, incorporates input from those stakeholders (i.e., program offices) that have had issues before the CRGR for review, and considers elements such as: the percentage of the original staff proposals that were fundamentally flawed due to technical, procedural, or legal deficiencies, or flawed with respect to policy, when presented to the CRGR and the significance of issues raised compared to impact on schedules and resources. This process should be provided for the Commission consideration.

In December 1998, following a Commission decision to streamline AEOD activities, the Office of Nuclear Regulatory Research, as part of its regulatory effectiveness activities, was assigned the responsibility to support the CRGR, which included providing technical and administrative support to the Committee.

B. CRGR Operating Procedures

The following procedures have been established for controlling generic requirements or staff positions and are designed to implement provisions of 10 CFR 50.109, 50.54(f), and 2.204 for power reactors and analogous control mechanisms for evaluation of proposed backfitting actions affecting selected nuclear materials facilities and activities. The CRGR also instituted administrative procedures containing staff guidance for scheduling the CRGR review and the requirements for subsequent submittal of revised staff proposals submitted for the CRGR endorsement.

Except for immediately effective actions, the CRGR shall review all proposed new generic requirements and staff positions to be imposed on one or more classes of power reactors and selected nuclear materials facilities and activities, in accordance with Section III of the CRGR Charter, before such proposed requirements or staff positions are sent to the EDO and the Commission and imposed on, or communicated for use as a guidance to, any power reactor or nuclear materials licensees or certificates.

C. Office Responsibility

Each program office shall develop appropriate internal procedures to ensure that the following policy requirements regarding licensees are implemented. The program office shall submit for CRGR review and endorsement -

A. All new or revised generic actions with a direct or indirect impact on power reactors or selected nuclear materials facilities or activities (as indicated in Section III, "Scope," of the Charter). These also include:

- Selected enforcement or inspection guidance (including temporary instructions), for major rulemaking, and

- Generic backfitting procedures, such as, those for nuclear power plants and gaseous diffusion plants

Table 1 (attached) provides examples of mechanisms for establishing or communicating new or revised generic requirements related to both power reactors and nuclear materials activities. All staff proposals related to power reactors are subject to the CRGR review and endorsement. However, the CRGR will review staff proposals related to the nuclear materials only as recommended by the Director, NMSS, or requested by the EDO.

(2) All proposed generic documents, letters, and communications that establish, reflect or interpret NRC staff positions or requirements to be imposed on power reactors or selected nuclear materials facilities and activities – at the recommendation of the Director, NMSS, or at the EDO's request – are submitted for the CRGR consideration (as indicated in Section III, “Scope,” of the CRGR Charter). Table 2 (attached) provides examples of mechanisms which may have been used to interpret generic requirements or staff positions. These documents shall be submitted for the CRGR review unless they refer only to requirements or staff positions approved prior to November 12, 1981. In the latter case, the previously approved requirement or staff position should be specifically cited and accurately stated. Program offices should be careful to review new or specific interpretations to ensure that they are only case-specific applications of existing requirements rather than initial applications having potential generic use. Case-specific applications are governed by NRC Management Directive 8.4 (Manual Chapter 0514), “NRC Program for Management of Plant-Specific Backfitting of Nuclear power Plants.”

(3) For all other communications with licensees, no statements shall be used that might suggest new or revised generic requirements, staff positions, guidance, or recommendations unless such statements have been approved by the EDO or the Commission. Table 3 (attached) contains examples of mechanisms that should not be used to communicate generic requirements or staff positions.

(4) While awaiting imminent CRGR review of a proposed new generic requirement or staff position, an office may determine that it has important safety information that should be made available to licensees. That office shall take immediate action to ensure that such information is communicated to the licensees by the appropriate office. Such actions may be taken before completion of any proposed or ongoing CRGR reviews.

D. <u>Immediately Effective Action</u> (Power reactor only)

For those rare instances when an office director judges that an immediately effective action is required (10 CFR so. 109(a)(6)), no prior review by the CRGR is necessary. However, the staff shall conduct a documented evaluation which includes a statement of the objectives of and reasons for the actions and the basis for invoking the exception. The evaluation may be conducted either before or after the action is taken and shall be subject to the CRGR review. The evaluation shall also document the safety significance and appropriateness of the action taken and how cost considerations contribute to selecting that option among various acceptable alternatives. The office director originating the action shall notify the CRGR Chairman. These immediately effective actions will be included in the CRGR highlights to be submitted to the Commission.

TABLE 1

PRINCIPAL MECHANISMS USED BY NRC STAFF TO ESTABLISH OR COMMUNICATE PROPOSED NEW OR REVISED GENERIC REQUIREMENTS AND STAFF POSITIONS
[See paragraph C.(1)]

Rulemaking[1]

Advanced Notices
Proposed Rules
Final Rules
Policy Statements[2]

Other Formal Requirements[3]

Multi-plant orders including show-cause orders and confirmatory orders

Staff Positions[4]

Bulletins
Generic Letters (including 10 CFR 50.54(f) information requests)
Regulatory Guides
Standard Review Plan (including Branch Technical Positions)
Standard Technical Specifications
USI NUREGs
Safety Evaluation Reports on industry initiatives

Staff Practices/Procedures

Inspection guidance (including temporary instructions)
Enforcement Guidance
Facility-specific backfitting procedures (e.g., those for nuclear power plants and gaseous diffusion plants)

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1 While Rulemaking is an action of the Commission rather than the staff, most rules are proposed by or prepared by the staff.

2 A Policy Statement does not impose a legal requirement, as does a rule, order, or license condition.

3 The document itself imposes a legal requirement (e.g.. regulatory orders or license conditions).

4 Documents that reflect staff positions which, unless complied with or a satisfactory alternative offered, the staff would impose or seek to have imposed by formal requirement.

TABLE 2

MECHANISMS WHICH MAY HAVE BEEN USED TO INTERPRET NEW OR REVISED GENERIC REQUIREMENTS OR STAFF POSITIONS
[See paragraph C.(2)]

Action on Petitions for Rulemaking

Action on 10 CFR 2.206 Requests

Approvals on Topical Reports

Facility Licenses and Amendments

SERs (CRGR review will only be at program office request)

NUREG Reports (other than USIs)

Operator Licenses and Amendments

Single Plant Orders

Staff Positions on Code Committees

Unresolved Issues Resulting from Inspections

Inspection Guidance and Procedures

Enforcement Guidance

Table 3

MECHANISMS THAT SHOULD NOT BE USED TO COMMUNICATE GENERIC REQUIREMENTS OR STAFF POSITIONS
[See paragraph C.(3)]

Administrative Letters
Entry, Exit and Management Meetings
Information Notices
Inspection Manual (Including Temporary Instructions)
Site Visits by NRC Staff or Commission to Obtain Information (i.e. Corrective Actions, Schedules, Conduct Surveys, etc.)
Pleadings
Preliminary Notifications
Press Releases
Proposed Findings
Public Meetings, Workshops, Technical Discussion (such meetings, however, may be used to seek comments on potential staff positions being contemplated)
Resident Inspector Day-to-Day Contact
Plant Performance Review Reports
SECY Papers
Special Reports
Speeches to Local Groups or Industry Associations
Technical Specifications
Telephone Calls and Meetings with Licensees, Vendors, Industry Representatives, Owners Groups
Testimony

APPENDIX C TO THE CRGR CHARTER

REQUIREMENTS FOR CONTENTS OF THE PACKAGES SUBMITTED FOR CRGR REVIEW AND ENDORSEMENT

The following requirements apply to all new proposals or proposals to modify (reduce or increase) the existing requirements or staff positions, with the exception of a proposed or final rulemaking for which the Committee would accept the associated regulatory analysis as a substitute. Although the requirements frequently refer to the "Backfit Rule" (10 CFR 50.109 for power reactors), in preparation of generic staff proposals related to the nuclear materials facilities, the backfit provisions of the applicable regulations (e.g, 10 CFR 72.62 and 10 CFR 76.76), the guidance contained in the Regulatory Analysis Guidelines (NUREG/BR-0058), or the Commission's backfit policy and directives shall apply.

For each proposed action submitted for the CRGR for review and endorsement, the staff shall provide 10 copies and include the following information:

(i) The new or revised generic requirement or staff position as it is proposed to be sent out to licensees or to be issued for public comments. The staff should focus on developing generic actions which are less prescriptive and are consistent with the NRC's move to performance-based and risk-informed regulation. The proposed requirement should merely specify the objective or result to be attained, rather than prescribing to the licensees how the objective or result is to be attained. The objective or intended result of a proposed generic requirement or staff position should be clearly stated such that it can be achieved by setting readily quantified standards, which have an unambiguous relationship to a readily measurable quantity, and is enforceable.

(ii) Draft papers or other documents supporting the requirements or staff positions. (A copy of all materials referenced in the document shall be made available upon request to the CRGR staff. In the event a Committee member requests the CRGR staff to obtain a copy of any reference material for his or her use, copies of the said material will be distributed to all members and will also be retained in the CRGR meeting files.)

(iii) Each proposed requirement or staff position shall contain the sponsoring office's position as to whether the proposal would modify requirements or staff positions, implement existing requirements or staff positions, or relax or reduce existing requirements or staff positions.

(iv) The proposed method of implementation and resource implications, along with the concurrence (and any comments) of OGC on the method proposed, and the concurrence of all affected offices, including regions, or an explanation of any non-concurrences. Regulatory analysis generally conforming to the directives and guidance of NUREG/BR- 0058 and NUREG/BR-0184, as applicable.[1] (This does not apply to backfits that ensure compliance or, define or re-define adequate protection. For power reactors, a documented evaluation is required as discussed under item (ix) of this

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[1] Ref: NUREG/BR-OO58, Revision 2, dated November 1995, "Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission" and NUREG/BR-O184, dated January 1997, "Regulatory Analysis Technical Evaluation Handbook"

Appendix. For nuclear materials items, for the purpose of CRGR review of such items under this Charter, a similar documented evaluation should be provided by the staff as part of the CRGR review package.)

(v) Identification of the category of power reactors or nuclear materials facilities or activities to which the proposed generic requirement or staff position is applicable (i.e., whether it is only applicable to future plants, operating plants, all pressurized water reactors (PWRs), all boiling water reactors (BWRs), specific nuclear steam supply system (NSSS) vendor types, specific vintage types plants, gaseous diffusion plants (GDPs), etc.).

(vi) For proposed backfits, other than either the compliance or the adequate protection backfits, a backfit analysis as defined in the Backfit Rule (10 CFR 50.109 for power reactors and 10 CFR 76.76 for the GDPs) should be performed.[2] [3] [4] The backfit analysis shall include, for each category of nuclear power reactor or nuclear materials facility or activity, an evaluation which demonstrates how the proposed action should be prioritized and scheduled in light of other ongoing regulatory activities. The backfit analysis shall document for consideration pertinent information available concerning any of the following factors, as appropriate, and any other information, which is relevant and material to the proposed action:

(a) Statement of the specific objectives that the proposed action is intended to achieve;

(b) general description of the activity that the licensee or applicant would be required to perform in order to complete the action;

(c) Potential change in the risk to the public from the accidental offsite release of radioactive material;

(d) Potential impact on radiological exposure of facility employees and other onsite workers;

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[2]As a legal matter, the Backfit Rule does not strictly apply unless a backfit is required by, for example, a rule or an order. However, the NRC backfit process, including the CRGR Charter, is defined on the principle that new positions, as well as new requirements, are to be reviewed for backfitting considerations and, if appropriate, meet the standards of the backfit rule before they are issued to the licensee(s). New generic positions in documents, such as generic letters, bulletins, and regulatory guides, whether affecting power reactors or nuclear materials facilities/activities, are to be considered and justified as backfits before they are issued.

[3]Types of actions to which the standards of the backfit rule do not apply include: (1) voluntary actions, (2) actions mandated by statute, and {3) requests for information. (See NUREG-1409, “Backfitting Guidelines,” dated July 1990. See Section 2.1.1 for further discussion.)

[4]Reporting requirements, such as those contained in 10 CFR 50.72 and 10 CFR 50.73 (for power reactors), or those contained in 10 CFR 70.50 and 10 CFR 70.52 (for nuclear materials activities), are more akin to the information requests covered under 10 CFR 50.54(f) than they are to modifications covered under the backfit rule (10 CFR 50.109). They should be justified by an evaluation against criteria similar to the analogous provision in 10 CFR 50.54(f) (i.e., by demonstrating that the burden of reporting is justified in view of the potential safety benefits to be obtained from the information reported).

(e) Installation and continuing costs associated with the action, including the cost of facility downtime or the cost of construction delay;

(f) The potential safety impact of changes in plant or operational complexity, including the relationship to proposed and existing regulatory requirements and staff positions;

(g) The estimated resource burden on the NRC associated with the proposed action and the availability of such resources;

(h) The potential impact of differences in facility type, design, or age on the relevancy and practicality of the proposed action;

(i) Whether the proposed action is interim or final, and if interim, the justification for imposing the proposed action on an interim basis;

(j) For both rulemaking actions and proposed generic correspondence, staff evaluation of comments received as a result of the notice and comment process;[5]

(k) How the action should be prioritized and scheduled in light of other ongoing regulatory activities. The following information may be appropriate in this regard:

(a) The proposed priority or schedule,
(b) A summary of the current backlog of existing requirements awaiting implementation,
(c) An assessment of whether implementation of existing requirements should be deferred as a result, and
(d) Any other information that may be considered appropriate with regard to priority, schedule, or cumulative impact. For example, could implementation be delayed pending public comment?

(vii) For each proposed backfit analyzed pursuant to 10 CFR 50.109(a)(2), 10 CFR72.62(c), or 10 CFR 76.76(a)(3), (i.e., for backfits other than either adequate protection backfits or compliance backfits), the proposing office director's determination, together with the rationale for the determination based on the consideration of the previous paragraphs (i) through (vii), that a substantial increase in the overall protection of public health and safety or the common

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5 Generic communications which state a new staff position or seek additional licensee commitments affecting power reactors are generally noticed for public comment. The Commission's instructions in this regard are documented in the following staff requirements memoranda: (1) Memorandum for J. M. Taylor from S. J. Chilk, dated October 27, 1992, Subject: SECY-92-338 -Implementing Procedures for Issuing Urgent Generic Communications; (2) Memorandum for J. M. Taylor from S. J. Chilk, dated July 17, 1992, Subject: SECY-92-224 - Revised Implementing Procedures for Issuance of Generic Communications; and (3) Memorandum for J. M. Taylor from S. J. Chilk, dated December 20, 1991, Subject: SECY-91-172 - Regulatory Impact Survey.

defense and security will be derived from the proposal;([6])([7]) and the direct and indirect costs of implementation for the facilities affected are justified in view of this increased protection.

Although, as a legal matter, 10 CFR 50.109 does not apply to nuclear materials facilities and activities that are not licensed under Part 50; however, footnote 6 does apply to the evaluation of proposed backfits affecting the selected nuclear facilities and activities items submitted to CRGR for review. However, specific provisions of 10 CFR 72.62 and 10 CFR 76.76 should be considered, as appropriate, when considering backfit-related matters for independent spent fuel storage installations (ISFSI) and the monitored retrievable storage installations (MAS), GDPs, respectively. Additionally, in the context of Part 70 licensing actions, the Commission supported the requirement that "...any new backfit pass a cost-benefit test without the "substantial" increase in safety test. The Commission believes that modest increase in safety at minimal or inconsequential cost should be justified on a cost-benefit basis."[(8)]

(viii) For adequate protection or compliance backfits affecting power reactors, evaluated pursuant to 10 CFR 50.109(a)(4) (or analogous provisions in 10 CFR 72.62 or 10 CFR 76.76, as appropriate),

G. A documented evaluation consisting of:

a. the objectives of the modification
b. the reasons for the modification
c. if the compliance exception is invoked,

– the requirements (e.g., Commission regulation, license condition, order) or written licensee commitments, for which compliance is sought.

– an assessment of risk/safety implications of not requiring licensees to immediately restore compliance, and the basis for determination that a reasonable concession could be allowed to

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6 Appendix D to this Charter provides additional guidance on consideration of qualitative factors in applying the “substantial increase” standard of 10 CFR 50.59 for actions affecting power reactors. By its terms, 10 CFR 50.109 does not apply to nuclear material facilities and activities that are not licensed under Part 50; but the staff should consider in conjunction with other Commission directives, the applicable guidance in Appendix D in evaluating qualitative factors that may contribute to the justification of proposed backfitting actions directed to nuclear materials facilities and activities.

7 Certain proposed actions affecting power reactors may not meet the "substantial increase" standard but, in the staff’s judgment, should be promulgated nonetheless. The Commission has indicated the willingness to consider such exceptions to the Backfit Rule on a case-by-case basis; but such exceptions would be promulgated only If the proposal (not to apply the Backfit Rule to the proposed rulemaking) is made the subject of public notice and comment.

8 The Staff Requirements Memorandum - SECY-98-85 - Proposed Rulemaking - Revised Requirements for the Domestic Licensing of Special Nuclear Material," dated December 1, 1998.

defer restoration of compliance at a later time (e.g., next refueling outage).

– demonstrated consideration of other possible alternatives and rationale for rejecting them in favor of compliance backfitting.

(d) evaluation from cost-benefit considerations (not a full-blown regulatory analysis) and a rationale for compliance exception.

(e) If the adequate protection exception is invoked, the basis for concluding that the matter to be addressed involves adequate protection, and why current requirements (e.g., Commission regulation, license condition, order) or written licensee commitments do not provide adequate protection.

(B) In addition, for actions that were immediately effective (and therefore issued without prior CRGR review as discussed in Section III of the CRGR Charter), the evaluation shall document the safety significance and appropriateness of the action taken and (if applicable) consideration of how costs contributed to selecting the solution among various acceptable alternatives.

(ix) For each request for information from power reactor licensees under 10 CFR 50.54(f), which is for purposes other than to verify compliance with the facility's licensing basis, an evaluation that includes at least the following elements:

(a) A problem statement that describes the need for the information in terms of potential safety benefit.

(b) The licensee actions required and the cost to develop a response to the information request.

(c) An anticipated schedule for NRC use of the information.

(d) A statement affirming that the request does <u>not</u> impose new requirements on the licensee, other than submittal of the requested the information. The proposing office director's determination that the burden to be imposed on the respondents is justified in view of the potential safety significance of the issue to be addressed in the requested information.

Under the provisions of 10 CFR 50.54(f), unless the request for information is for the purpose of verifying compliance with the licensing basis of a facility, the EDO shall approve the staff's justification. Additional guidance for preparing this evaluation is provided in Section 5.4 of NUREG/BR-0058, Revision 2. (See footnote 9.)

Include an analogous evaluation addressing items (a) through (e) for each information request directed to the licensees of the selected nuclear materials facilities or activities referred to in Section III of the CRGR Charter.

(x) For each proposed power reactor backfit analyzed pursuant to 10 CFR 50.109 (a)(2) (i.e., backfits other than either adequate protection or compliance backfits), an assessment of how the proposed action relates to the Commission's Safety Goal Policy Statement.[9]

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9 Detailed guidance for addressing the Commission's safety goals is contained in "Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Guidelines" (NUREG/BR-OO58, Revision 2, dated November 1995).

APPENDIX D TO THE CRGR CHARTER

GUIDANCE ON APPLICATION OF THE "SUBSTANTIAL INCREASE" STANDARD

The Backfit Rule states that, aside from exceptions for cases of adequate protection or compliance, the Commission shall require the backfitting of a facility only when it determines, on the basis of a backfit analysis, "that there is a substantial increase in the overall protection of the public health and safety or the common defense and security to be derived from the backfit and that the direct and indirect costs of implementation for that facility are justified in view of this increased protection."[1] The Commission's Regulatory Analysis Guidelines are intended to be a primary source of guidance on application of the "substantial increase" standard as well as application of the Commission's safety goals.[2]

Generally, the staff should quantify the benefits of a proposed backfit to the extent feasible. With regard to cases where the safety benefits of a backfit cannot be quantified, or can only be partially quantified, a flexible approach is warranted.

> In the preamble to the 1985 backfit rule the Commission said:
>
> Substantial means "important or significant in a large amount, extent, or degree." Under such a standard the Commission would not ordinarily expect that safety improvements would be required as backfits that result in an insignificant or small benefit to public health and safety or common defense and security, regardless of costs. On the other hand, the standard is not intended to be interpreted in a manner that would result in disapprovals of worthwhile safety or security improvements having costs that are justified in view of the increased protection that would be provided.[3]

In a 1993 memorandum to the staff, the Commission said that it continues to believe that these words embody a sound approach to the "substantial increase" criterion and that this approach is flexible enough to allow for qualitative arguments that a given proposed rule would substantially increase safety .[4] Additionally, in the context of Part 70 licensing actions, the Commission supported the requirement that "...any new backfit pass a cost-benefit test without the "substantial" increase in safety test. The Commission believes that modest increase in safety at minimal or inconsequential cost should be justified on a cost-benefit basis."[5]

Examples of general areas where the benefits of new requirements have not been considered amenable to quantification and, therefore, qualitative arguments have been used, include plant

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1 10 CFR 50.109(a)(3), 10 CFR 72.62(c), and 10 CFR 76.76(a)(3)

2 NUREG/BR-0058, "Regulatory Analysis Guidelines of the U. S. Nuclear Regulatory Commission," Revision 2, dated November 1995

3 *Federal Register Notice* 50 FA 38102, September 20, 1985

4 Memorandum to James M. Taylor and William C. Parler from Samuel J. Chilk, dated June 30, 1993, Subject: SECY-93-086, Backfit Considerations

5 The Staff Requirements Memorandum - SECY-98-185 - Proposed Rulemaking - Revised Requirements for the Domestic Licensing of Special Nuclear Material," dated December l, 1998

access control (10 CFR 73); fitness for duty (10 CFR 26); and Emergency Response Data System (10 CFR 50.72 and Appendix E)

The Commission further said that the qualitative approach is also flexible enough to allow for arguments that consistency with national and international standards, or the incorporation of wide spread industry practices, contributes either directly or indirectly to a substantial increase in safety. Such arguments concerning consistency with other standards, or incorporation of industry practices, would have to rest on the particulars of a given proposed rule (see footnote 4 to this Appendix).

Incorporation of industry standards (including revisions to existing codes and standards) into NRC rules or staff positions, as a prudent means of assuring continued conformance with currently voluntary standards and practices that provide substantial safety benefit, can provide the basis for a finding that a proposed backfit meets the “substantial increase” standard of the backfit rule. This practice will also be consistent with Public Law 104-113.

In addition, factors such as the following may be argued to contribute directly or indirectly to a substantial increase in safety:

1. Incorporation of advances in science and technology
2. Greater flexibility in practice or less prescriptive requirements
3. Greater specificity in existing generally stated requirements
4. Correction of significant flaws in current requirements
5. Greater confidence in the reliability and timeliness of information or programs
6. Fewer exemption requests and interpretive debates
7. Better focusing of corrective actions towards the sources of problems
8. Benefits that may accrue in the longer term, beyond the immediately apparent effects of the Backfit

APPENDIX C
BACKFIT IDENTIFICATION AND TRACKING FORM

Plant Name:_____ Unit(s) Affected:
Project Manager:_____ Division:___
Office Responsible for Providing Backfit Determination: _____
Identifier of Backfit or Potential Backfit
(Licensee, NRR, NMSS, NSIR, RI, RII, RIII, RIV, or RV):_____

Identification of Backfit

Document Listing (List documents pertaining to the backfit or backfit claim. Description should only identify relationship to backfit.)
Date:_____ Description:_____
_____
_____
Date:_____Description:_____
_____
_____
Date:_____Description:_____
_____
_____
Backfit Issue Substance (Describe the technical substance of the issue, including licensee and staff positions.):
_____
_____
_____
_____
_____
Predicted Backfit Determination Date:_____

Backfit Determination

Backfit Determination Date (forwarded to licensee):_____
Backfit Determination Organization (e.g., NRR/DRIP):_____
Backfit Determination Official (last name, initial):_____
Backfit Determination Substance (Describe why issue was, or was not, determined to be a backfit.):
_____
_____
_____
_____

Predicted Appeal Date:_____ Predicted Closing Action Date:_____

Appeal by Licensee

Appeal Date:____ Appeal Organization:_____
Appeal Official (last name, initial):_____
Appeal Description:_____
_____
_____
_____

Closing Action

Date Reg Analysis Sent:_____ Closing Action Date:_____
Closing Organization:_____ Closing Official:_____
Closing Action Description (Describe how technical aspects of issue were resolved. See Section VI.B.1.):

APPENDIX D

SAMPLE CRGR REVIEW PACKAGE

PROPOSED ACTION: Issue the proposed supplement to Generic Letter 83-28. The proposed generic letter supplement does not request any actions by the addressees.

Question (i): Has the proposed generic requirement or staff position as it is proposed been sent out to licensees?

Response: The proposed position is set forth in the generic letter supplement.

Question (ii): Do draft staff papers or other staff documents support the requirements or staff positions?

Response:

1. GL 83-28, "Required Actions Based an Generic Implications of Salem ATWS Events," dated July 8, 1983.

2. Memorandum from William T. Russell to Thomas E. Murley, "Charles Morris Differing Professional Opinion - RE: Life Testing of Reactor Trip Breakers.""

3. 10 CFR 50.62," Requirements for Reduction of Risk From Anticipated Transients Without Scram (ATWS) Events for Light-Water-Cooled Nuclear Power Plants."

Question (iii): Does each of the proposed requirements or staff positions contain the sponsoring office's position as to whether the proposal would modify staff requirements or staff positions, implement existing staff requirements or positions, or relax or reduce existing requirements or staff positions?

Response: The purpose of the proposed GL supplement is to inform licensees that the actions of items 4.2.3 (life testing) and 4.2.4 (periodic replacement of breakers or components) as originally described in the enclosure to GL 83-28 are no longer needed. Thus, the proposed generic letter supplement would relax the original positions taken in items 4.2.3 and 4.2.4 of GL 83-28.

Question (iv): Does the proposed method of implementation or the concurrence (or any comments) of OGC on the method proposed and the concurrence of all affected offices, including the regions, include an explanation of any nonconcurrences?

Response: The method of implementation will be the proposed generic letter supplement. OGC concurrence has been obtained.

Question (v): Does the regulatory analysis generally conform to the directives and guidance in NUREG/BR-0058 and NUREG/CR-3568?

Response: As stated above, the proposed position is a relaxation of a previous staff position. No value/impact analysis was made.

Question (vi): Does the GL supplement identify the category of power reactors or nuclear materials facilities or activities to which the generic requirements or staff position will apply?

Response: The proposed GL supplement would apply to all holders of OLs or construction permits for pressurized-water reactors.

Question (vii): For backfits other than compliance or adequate protection backfits, is a backfit analysis as defined in the Backfit Rule [10 CFR 50.109] for power reactors and 10 CFR 76.76 for the gas diffusion pants (GDP) included? The backfit analysis shall include, for each category of nuclear power reactor or nuclear materials facility or activity, an evaluation which demonstrates how the action should be prioritized and scheduled In light of other ongoing regulatory activities. The backfit analysis shall document for consideration information available concerning any of the following factors as may be appropriate and any other information relevant and material to the proposed action.

Response: This GL supplement is relaxing the original positions taken in items 4.2.3 and 4.2.4 of GL 83-28 and is not considered a backfit. However, even if this change in staff position is deemed to be a backfit the staff has prepared answers to that addresses the following points:

(a) Statement of the specific objectives that the proposed action is designed to achieve.

Response: The purpose of the proposed GL supplement is to inform licensees that the actions of items 4.2.3 (life testing) and 4.2.4 (periodic replacement of breakers or components) as originally described in the enclosure to GL 83-28 are no longer needed.

(b) General description of the activity that would be required by the licensee or applicant in order to complete the action.

Response: Response to this item is not necessary because the proposed generic letter supplement requires no specific action or written response.

(c) Potential change in the risk to the public from the accidental offsite release of radioactive material.

Response The revised staff position will not result in any significant change In risk relative to the original position. Refer to memo from Russell to Murley, “Charles Morris Differing Professional Opinion - Re: Life Testing of Reactor Trip Breakers,” dated January 16, 1992.

(d) Potential impact on radiological exposure of facility employees and other onsite workers.

Response: No potential impact.

(e) Installation and continuing costs associated with the actions, including the cost of facility downtime or the cost of construction delay.

Response: The proposed actions will decrease costs because the need to further implement items 4.2.3 and 4.2.4 of GL 83-28 will be eliminated.

(f) The potential safety impact of changes in plant or operational complexity, including the relationships to proposed and existing regulatory requirements and staff positions.

Response: The potential safety impact of the changes due to this revised staff position are insignificant. Refer to memo from Russell to Murley, "Charles Morris Differing Professional Opinion - Re: Life Testing of Reactor Trip Breakers," dated January 16, 1992.

(g) The estimated resource burden on the NRC associated with the proposed action and the availability of such resources.

Response: No increase in burden on the NRC resources is expected because the pro-posed generic letter supplement requires no specific action or written response.

(h) The potential impact of differences in facility type, design, or age on the relevancy and practicality of the proposed action.

Response: There are no such potential impacts because the proposed generic letter supplement requires no specific action.

(i) Whether the proposed action is interim or final, and if interim, the justification for imposing the proposed action on an interim basis.

Response: The revised staff position is final.

(j) For both rulemaking actions and proposed generic correspondence, staff evaluation of comments received as a result of the notice and comment process.

Response: No comments were received.

(k) How the action should be prioritized and scheduled in light of other ongoing regulatory activities.

Response: The proposed GL supplement requires no specific action to be prioritized or scheduled.

Question (viii) For each backfit analyzed pursuant to 10 CFR 50.109(a)(2), 10 CFR72.62(c), or 10 CFR 76.76(a)(3), does the proposing office director's determination together with the rationale for the determination based on the consideration of paragraphs (i) through (vii) above, demonstrate that:

A. there is a substantial increase in the overall protection of public health and safety or the common defense and security to be derived from the proposal; and

B. the direct and Indirect costs of implementation, for the facilities affected, are justified in view of this increased protection.

Although, as a legal matter, 10 CFR 50.109 does not apply to nuclear materials facilities and activities that are not licensed under Part 50; however, footnote 6 does apply to the evaluation of proposed backfits affecting the selected nuclear facilities and activities items submitted to CRGR for review. However, specific provisions of 10 CFR 72.62 and 10 CFR 76.76 should be considered, as appropriate, when considering backfit-related matters for independent spent fuel storage installations (ISFSI) and the monitored retrievable storage installations (MAS), GDPs, respectively.

Response: Response to this item is not necessary because the proposed GL supplement relaxes previous staff positions and requires no specific action or written response.

Question (ix): For adequate protection or compliance backfits evaluated pursuant to 10 CFR 50.109(a)(4) (or analogous provisions in 10 CFR 72.62 or 10 CFR 76.76, as appropriate),

(a) a documented evaluation consisting of:

(1) the objectives of the modification

(2) the reasons for the modification

(3) if the compliance exception is invoked,

(A) the requirements (e.g., Commission regulation, license condition, order) or written licensee commitments for which compliance is sought.

(B) an assessment of risk/safety implications of not requiring licensees to immediately restore compliance, and the basis for determination that a reasonable concession could be allowed to defer restoration of compliance at a later time (e.g., next refueling outage).

(C) demonstrated consideration of other possible alternatives and rationale for rejecting them in favor of compliance backfitting.

(D) evaluation from cost-benefit considerations (not a full-blown regulatory analysis) and a rationale for compliance exception.

(4) If the adequate protection exception is invoked, the basis for concluding that the matter to be addressed involves adequate protection, and why current requirements (e.g., Commission

regulation, license condition, order) or written licensee commitments do not provide adequate protection.

(b) In addition, for actions that were immediately effective, the evaluation shall document the safety significance and appropriateness of the action taken and (if applicable) consideration of how costs contributed to selecting the solution among various acceptable alternatives.

Response: Response to this item is not necessary because the proposed generic letter supplement is relaxing the original staff positions. The backfit rule 10 CFR 50.109(a)(4) does not apply.

Question (x): For each evaluation conducted for proposed relaxations or decreases in current requirements or staff positions, is the proposing office director's determination, together with the rationale for the determination based on the considerations of questions (i) through (vii) above that:

A. the public health and safety and the common defense and security would be adequately protected if the proposed reduction in requirements or positions were implemented, and

B. the cost savings attributed to the action would be substantial enough to justify taking the action.

Response: The public health and safety and the common defense and security will not be impaired by this proposed relaxation of the staff position. Based on the staff's review of RTB operating experience, the staff has concluded that the actions already completed pursuant to GL 83-28 have been effective in improving PTS reliability to open. Furthermore, since issuing GL 83-28, the NRC has promulgated the requirements for reducing the risk from ATWS events in 10 CFR 50.62. The hardware and software modifications associated with this regulation further reduce the risk resulting from the failure of RTBS. Therefore, the staff concludes that further actions in response to items 4.2.3 and 4.2.4 of GL 83-28 are not necessary. For detail, please refer to the memo from Russell to Murley, "Charles Morris Differing Professional Opinion - Re: Life Testing of Reactor Trip Breakers," dated January 16, 1992. Substantial cost savings to the industry could accrue because of the elimination of the unnecessary test and the associated administrative and documentation cost.

Question (xi): Does the assessment of the proposed action relate to the Commission's Safety Goal Policy Statement?

Response: The relaxation of the staff position in the proposed GL supplement will have an insignificant effect on meeting the Commission's safety goal.