

September 26, 2005

MEMORANDUM TO: Luis A. Reyes  
Executive Director for Operations

FROM: Sher Bahadur, Chairman */RA/*  
Committee to Review Generic Requirements

SUBJECT: MINUTES OF THE COMMITTEE TO REVIEW GENERIC  
REQUIREMENTS MEETING NUMBER 403

The Committee to Review Generic Requirements (CRGR) Meeting Number 403 was held on September 13, 2005, from 1:00 P.M. to 3:00 P.M., with the attendees listed in Attachment 1. The purpose of the meeting was to review the Interim Staff Guidance (ISG) process for license renewal. The cover memo is located in ML052310174; all the ISGs and attachments are located in ML052280145; and the slides for the CRGR presentation are located in ML052570163.

The two associated documents, NUREG-1800, Revision 1, Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants (SRP-LR) and Regulatory Guide 1.188 (RG), Standard Format and Content for Applications to Renew Nuclear Power Plant Operating Licenses, Revision 1, were not reviewed because, as determined by the Commission, the backfit rule 10 CFR 50.109 does not apply to the license renewal rule (60 FR 22490, 56 FR 64974). The SRP-LR incorporates by reference NUREG-1801, Generic Aging Lessons Learned (GALL) Report, September 2005. The RG endorses the Nuclear Energy Institute's NEI 95-10, Industry Guidelines for Implementing the Requirements of 10 CFR Part 54 – The License Renewal Rule, Revision 6.

Mr. David Matthews, Director, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation (NRR) made introductory remarks; Mr. Stephen Hoffman and Ms. Linh Tran, both NRR staff, made the detailed presentation on the ISGs.

On August 26, 2003, an information briefing was provided to the CRGR to discuss the ISGs (ML032670732). At that time, the CRGR and staff agreed that a formal review of the ISGs would occur when the guidance documents were updated to incorporate the ISGs, and before implementation of the ISGs for those plants that have already received a renewed license. This meeting was the follow up to that staff commitment.

In a number of discussions and correspondence, NEI has indicated that it disagrees with the staff position regarding the application of 10 CFR 54.37(b) in the license renewal process. In its latest letter dated February 18, 2005 (ML050560129), NEI states that 10 CFR 54.37(b) does not create an exception to the backfit rule unique to license renewal and that the ISG process should be subject to the same controls as other generic communications. The staff reaffirmed its position in a response letter to NEI dated May 5, 2005 (ML051250245).

L. Reyes

-2-

The Committee endorses the staff's position in the ISG process for license renewal, that there is no backfit regarding implementation of the requirements of 10 CFR 54.37(b). The provisions of the backfit rule, 10 CFR 50.109, will continue to apply for imposition of changes on holders of renewed licenses for changes that are outside the scope of 10 CFR 54.37(b).

The CRGR and staff agreed that the license renewal ISGs would be given a nomenclature to differentiate them from other agency ISGs, such as the spent fuel ISGs.

Attachments: As stated

cc: See attached list

L. Reyes

-2-

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OFFICE	CRGR	E	CRGR	
NAME	L. Cupidon:dpv		S. Bahadur	
DATE	09/26/05		09/26/05	

MEMORANDUM DATED: 9/26/2005

SUBJECT: MINUTES FOR THE COMMITTEE TO REVIEW GENERIC REQUIREMENTS  
MEETING NUMBER 403

cc w/atts: (via e-mail)  
Chairman Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
Commissioner Jaczko  
Commissioner Lyons  
Annette Vietti-Cook, Secretary of the Commission  
Luis A. Reyes, EDO  
William F. Kane, DEDR  
Martin J. Virgilio, DEDMRS  
Hubert T. Bell, OIG  
Karen D. Cyr, OGC  
Kathryn L. Winsberg, OGC  
John T. Larkins, ACRS  
Jack R. Strosnider, NMSS  
Margaret V. Federline, NMSS  
James E. Dyer, NRR  
Brian W. Sheron, NRR  
Roy P. Zimmerman, NSIR  
Michael F. Weber, NSIR  
Carl J. Paperiello, RES  
James T. Wiggins, RES  
Farouk Eltawila, RES  
Sher Bahadur, RES  
Eliot B. Brenner, OPA  
Michael R. Johnson, OE  
Samuel J. Collins, Region I  
William D. Travers, Region II  
James L. Caldwell, Region III  
Bruce S. Mallett, Region IV  
Thomas P. Gwynn, Region IV  
David B. Matthews, NRR  
Samson S. Lee, NRR  
Stephen T. Hoffman, NRR  
Linh N. Tran, NRR

**CRGR MEETING No. 403**  
**LIST OF ATTENDEES**  
**(September 13, 2005)**

**CRGR Members**

Sher Bahadur, Chairman  
Margaret V. Federline, NMSS  
Thomas P. Gwynn, RIV  
Brian W. Sheron, NRR  
Michael F. Weber, NSIR  
James T. Wiggins, RES  
Kathryn L. Winsberg, OGC

Les R. Cupidon, CRGR Staff

**NRR Staff**

David B. Matthews, NRR/DRIP  
Samson S. Lee, NRR/DRIP/RLEP/RL  
Jacob Zimmerman, NRR/DRIP/RLEP/RL  
Stephen T. Hoffman, NRR/DRIP/RLEP/RL  
Linh N. Tran, NRR/DRIP/RLEP/RL  
Amy L. Hull, CONTR  
Ira J. Dozier, NRR/DRIP/RLEP/RL  
Gregory F. Suber, NRR/DRIP/RLEP/RL  
Kiyoto Tanabe, NRR/DRIP/RLEP/RL  
Qi Gan, NRR/DRIP/RLEP/RL  
On H. Yee, NRR/DRIP/RLEP/RL

**RES Staff**

Peter J. Kang, RES/DET/MEB/AITS

**OGC Staff**

Robert M. Weisman, OGC/GCHEA/AGCRP