

April 3, 2008

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

FROM: Michael R. Johnson, Chairman */RA/ M. Johnson*
Committee to Review Generic Requirements

SUBJECT: MINUTES OF THE 420th MEETING OF THE
COMMITTEE TO REVIEW GENERIC REQUIREMENTS

The purpose of this memorandum is to inform you that the Committee to Review Generic Requirements (CRGR) held its 420th meeting from 3:00 p.m. until 5:00 p.m. on Thursday, March 6, 2008. (The enclosure to this memorandum lists the meeting attendees.)

During this meeting, the CRGR members reviewed Regulatory Issue Summary (RIS) 2005-20, Rev. 1, "Revision to NRC Inspection Manual Part 9900 Technical Guidance, 'Operability Determinations and Functionality Assessments for Resolution of Degraded or Nonconforming Conditions Adverse to Quality or Safety.'" This RIS revises Inspection Manual Part 9900 which relaxes previously established inspector guidance regarding operability determinations involving American Society of Mechanical (ASME) Code Class 2 and 3 piping. The CRGR noted that, consistent with guidance contained in NUREG-1409, "Backfitting Guidelines," inspection procedures are intended for staff use in conducting inspections and govern the scope and depth of inspection of licensee activities. As such, inspection manuals are not considered approved staff positions and should not be used to convey new staff positions.

However, after review, the CRGR concluded that the previous RIS 2005-20 and subject inspection guidance did represent a staff position regarding operability determinations. By revising this guidance, RIS 2005-20 Revision 1 represents a new staff position. However, because it relaxes a previous staff position and does not impose any new requirements on licensees, it is not subject to the Backfit Rule. Notwithstanding this determination, the CRGR charter requires that the Office Director provide to the CRGR Chairman his 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. The charter also requires that the staff indicate if the proposed relaxations are optional or mandatory. The sponsoring office later provided responses to the above questions (Accession No. ML080840012). The CRGR agrees with these determinations.

CONTACT: Les R. Cupidon, CRGR
301-415-6366

L. Reyes

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Additionally, the CRGR suggested and the staff agreed to modify and include additional text in the "Backfit Section" of the RIS. The staff modification will provide a clearer understanding of why the subject RIS is not considered a backfit.

Specifically, the staff agreed to insert the following CRGR suggested text in the "Backfit Section":

RIS 2005, Rev. 1, revises the staff position that was previously established in Rev. 0 of this RIS (issued on September 26, 2005, Accession No. ML0520204240) related to piping flaw evaluation and responses to operational leakage for ASME Code Class 2 and 3 piping. This new staff position is a relaxation in the current position. Additionally, this relaxation is voluntary. Therefore, it is not a backfit under 10 CFR 50.109. Consequently, the staff did not perform a backfit analysis.

The staff intends to provide a final version of the RIS to the CRGR for informational purposes.

Enclosure:
As stated

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Enclosure:
As stated

DISTRIBUTION:

See next page

ADAMS Accession No.: ML080700025

OFFICE	CRGR	Tech Editor	CRGR
NAME	LCupidon	HChang	MJohnson
DATE	03/24/08	03/13/08	04/03/08

OFFICIAL RECORD COPY

Memo to Luis A. Reyes from Michael R. Johnson dated April 3, 2008

SUBJECT: MINUTES OF THE 420th MEETING OF THE COMMITTEE TO REVIEW
GENERIC REQUIREMENTS

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Commissioner Jaczko
Commissioner Lyons
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Vonna L. Ordaz, AO
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Loren Plisco, Region II
James L. Caldwell, Region III
Mark A. Satorius, Region III
Elmo E. Collins, Jr., Region IV
Arthur T. Howell, Region IV

**Attendees at the 420th Meeting
of the Committee to Review Generic Requirements
(March 6, 2008)**

CRGR Members

Michael R. Johnson, Chairman
William M. Dean, NSIR
John A. Grobe, NRR
Charles E. Ader, NRO/DSRA (alternate for Gary M. Holahan, NRO)
Eric J. Leeds, NMSS
Victor M. McCree, RII
George C. Pangburn, FSME
Kathryn L. Winsberg, OGC

Les R. Cupidon, CRGR Staff

NRR Staff

Michael J. Case, NRR/ADRO/DPR
Edmund J. Sullivan, NRR/ADES/DCI
Carl S. Shulten, NRR/ADRO/DIRS/IT
Aloysius O. Obodoako, NRR/DCI/CSG
Isaac A. Anchondo, NRR/ADES/DCI/CPN
James H. Oxendine, NRR/ADES/DCI/CPT
Araceli T. Billoch-Colon, NRR/ADRO/DORL/LP
Jason C. Paige, NRR/ADRO/DORL/LP
Lynnea E. Wilkins, NRR/ADRO/DORL/LP
Shaun M. Anderson, NRR/ADRO/DIRS/IP
Michael D. Orenak, NRR/ADES/DCI/CPT
Juan F. Uribe, NRR/ADES/DE/EMCB
Jesse E. Robles, NRR/ADRO/DIRS/IR
Robert L. Torres, NRR/ADES/DSS/SSI

NRO Staff

Ellery T. Coffman, NRO/DNRL/DDLO/NW

RES Staff

Mauricio R. Gutierrez, RES/DE/CIB
Luisette Candelurio-Quintana, RES/DE/SGSEB
Timothy R. Lupold, RES/DE/CMB

Enclosure