

RESPONSES FOR APPENDIX C TO THE COMMITTEE TO REVIEW GENERIC REQUIREMENTS (CRGR) CHARTER REGARDING PROPOSED NRC REGULATORY ISSUE SUMMARY, “DISPOSITION OF INFORMATION RELATED TO THE TIME PERIOD THAT SAFETY-RELATED STRUCTURES, SYSTEMS OR COMPONENTS ARE INSTALLED”

PROPOSED ACTION: The U.S. Nuclear Regulatory Commission (NRC) is issuing this proposed regulatory issue summary (RIS) to address issues concerning licensees' dispositioning of information related to the time period that safety-related structures, systems or components are installed. Specifically, the NRC is issuing this proposed RIS:

- (1) to reiterate existing requirements related to dispositioning information pertaining to the capability of safety-related structures, systems, and components (SSCs) to perform their safety functions in nuclear power plants;
- (2) to reinforce the obligations of nuclear power plant licensees to maintain safety-related SSCs in accordance with 10 CFR Part 50, Appendix B, “Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants,” the licensee’s NRC-approved quality assurance (QA) program, and the licensee’s operability/functionality determination process; and
- (3) to address instances where a licensee becomes aware of information pertaining to the time period that a safety-related SSC is installed that may impact its ability to perform its safety function(s)

The remainder of this document lists staff responses to each of the items in Appendix C of the CRGR Charter.

- (i) The new or revised generic requirement or staff position as it is proposed to be sent out to licensees.**

The proposed RIS does not communicate a new requirement or new staff position.

- (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.)**

The table shown below presents all generic communications and guidance documents that support the requirements presented in this proposed RIS, along with their Agencywide Documents Access and Management System (ADAMS) accession numbers.

Document Number	Document Name	ADAMS Accession No.
NUREG-0737	Clarification of TMI [Three Mile Island] Action Plan Requirements	ML051400209
GL 83-28, Supplement 1	Required Actions Based on Generic Implications of Salem ATWS Events	ML031210064
GL 90-03	Relaxation of Staff Position in Generic Letter 83-26, Item 2.2, Part 2, 'Vendor Interface of Safety-Related Components	ML031140578
IMC 0326	Operability Determinations and Functionality Assessments for Conditions Adverse to Quality or Safety	ML13274A578
IN 2012-06	Ineffective Use of Vendor Technical Recommendations	ML112300706
SECY-92-223	Resolution of Deviations Identified During the Systematic Evaluation Program	ML12256B290
Staff Study	IOEB [NRR's Operating Experience Branch] Analysis Team Study on Component Aging – Insights from Inspection Findings and Reportable Events	ML13044A469

- (iii) The sponsoring office's position on each proposed requirement or staff 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.**

The proposed RIS does not increase, reduce, or modify existing requirements or staff positions.

- (iv) The proposed method of implementation and resource implications, along with the concurrence (and any comments) of the Office of General Counsel (OGC) on the method proposed, the concurrence of affected program offices, or an explanation of any nonconcurrences.**

The method of implementation will be to issue the proposed RIS. There are no information collection requirements and no subsequent data evaluation requirements.

The OGC comments were dispositioned in the document. OGC has made a determination of no legal objection to the proposed RIS.

One NRC staff member submitted a nonconcurrence on the proposed RIS. Two revisions of the nonconcurrence, along with staff's responses, are included as enclosures to the memorandum forwarding the request for CRGR review.

- (v) Regulatory analyses conforming to the directives and guidance of NUREG/BR-0058 and NUREG/BR-0184, as applicable. (This does not apply to backfits that ensure compliance or ensure, define, or redefine adequate protection. For power reactors, a documented evaluation is required as discussed under item [ix] of this appendix.)**

This item is not applicable, since the proposed RIS is not imposing any new or modified position or requirement.

- (vi) Identification of the category of power reactors, new 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, all boiling-water reactors, specific nuclear steam supply system vendor types, specific vintage types plants, gaseous diffusion plants (GDPs), etc.).

The proposed RIS applies to:

- (1) all holders of an operating license or construction permit for a nuclear power reactor under 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities;"
- (2) all holders of and applicants for a power reactor early site permit, combined license, standard design approval, or manufacturing license under 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Reactors," all applicants for a standard design certification, including such applicants after initial issuance of a design certification rule; and
- (3) all holders of and applicants for an independent spent fuel storage installation license under 10 CFR Part 72, "Licensing Requirements for the Independent Storage of Spent Fuel, High Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste."

- (vii) 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, "Backfitting," for power reactors and 10 CFR 76.76, "Backfitting," for the GDPs) should be performed. 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;
- (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;
- (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:
 - 1. The proposed priority or schedule;
 - 2. A summary of the current backlog of existing requirements awaiting implementation;
 - 3. An assessment of whether implementation of existing requirements should be deferred as a result;
 - 4. 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?

This item is not applicable, since the proposed RIS is not imposing any new or modified position or requirement.

- (viii) For each proposed backfit analyzed pursuant to 10 CFR Part 50.109(a)(2) (i.e., not adequate protection backfits and not compliance backfits), the proposing Office Director's determination, together with the rationale for the determination based on the consideration of paragraph (i) and (vii) above, that:
 - (a) There is a substantial increase in the overall protection of public health and safety or the common defense and security will 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.

This item is not applicable, since the proposed RIS is not imposing any new or modified position or requirement.

- (ix) 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),
 - (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 (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.

This item is not applicable, since the proposed RIS is not imposing any new or modified position or requirement.

- (x) 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 not impose new requirements on the licensee, other than submittal of the requested information.
 - e. 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 [Executive Director for Operations] shall approve the staff's justification. Additional guidance for preparing this evaluation is provided in Section 5.4 of NUREG/BR-0058, Revision 2.

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

The proposed RIS does not request a response.

- (xi) **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.**

This item is not applicable, since the proposed RIS is not imposing any new or modified position or requirement.