

JAN - 9 1978

NOTE TO: C. J. Heltemes

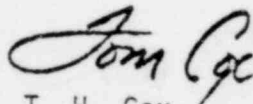
FROM: T. H. Cox

SUBJECT: CATEGORIZATION OF NEW REGULATORY REQUIREMENTS

We've talked several times in recent months, in the general context of regulatory stability, of the need for clarity and simplicity in the NRC policies and procedures for regulatory standardization.

A recurrent theme in these talks is the importance of improved management of the implementation of new requirements and the direct payoff of such effort in regulatory stability. In those discussions I've stated my belief that only two meaningfully different categories of new requirements (1) are actually used in practice, (2) are really useful, and (3) would, if formally sanctioned, help to streamline all aspects of the management of new requirements.

I thought it would be useful to have these ideas written out and have done so in the enclosure. The concept of two categories, and particularly the implementation of each, is completely compatible with the concepts for implementation of new requirements as expressed in your recent proposals to NRR management. I hope there will be an opportunity to develop the "two-category" concept further, in concert with the other proposals that SB has been developing regarding management of new requirements.


T. H. Cox

Enclosure:
Suggested Redefinition of
New Requirements Categories

cc w/encl:
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SB Members

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SUGGESTED DEFINITION
OF NEW REQUIREMENTS CATEGORIES

New regulatory requirements should be of two types only:

- Type 1 - Forward fit - Applicable only to each application docketed on or after (some future date).
- Type 2 - Retrofit - Applicable to all applications and plants. Given a new requirement in the retrofit category, the question is - when does each affected applicant/licensee consider and implement this requirement? Consideration and implementation would take place at a time established by the relationship of the new requirements effective date^{1/} to the RRCOD for a given application, or to the next scheduled outage for an operating plant.

For an application, if the new requirement effective date precedes the preliminary design RRCOD, the requirement must be met prior to a preliminary design decision, either PDA or CP. If the effective date falls after the preliminary design RRCOD but before the final design RRCOD, then implementation may be deferred, but will be necessary to obtain a final design approval or OL issuance.

If the effective date follows a final design RRCOD, then implementation is required at the first scheduled refueling outage of the operating plant, or at the first unscheduled plant outage which is (then) expected

^{1/}The new requirement effective date is the date that the appropriate Office Director issues a decision on an RRRC recommendation.

to require a plant down-time comparable to or greater than that associated with a refueling outage, or at some other time established by staff review under the Systematic Evaluation Program for operating reactors.

For the "retrofit" class of requirements, it is particularly important to consider what the form and substance of a new regulatory requirement should be. The new regulatory requirement will establish principal engineering criteria, and perhaps even certain elements of plant system design -- but the level of detail specified should not be so great as to preclude different acceptable designs by the affected applicants and licensees, within the context of the value-impact balance for each affected plant, or proposed plant. If this constraint (or requirement) is placed on the definition of new requirements as articulated and promulgated by the NRC, there should be little difficulty in applying the same (retrofit) requirement to all plants and applications at the appropriate point in the licensing process for each applicant licensee, as discussed in the above paragraphs for the retrofit category.