



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

March 8, 1994

MEMORANDUM FOR: All NRR Employees

FROM: William T. Russell, Director
Office of Nuclear Reactor Regulation

SUBJECT: NRR OFFICE LETTER NO. 116, "PROCEDURES FOR
IMPLEMENTATION OF NEW REGULATIONS"

PURPOSE

This office letter establishes a formal process for the periodic management review of implementation of new regulations. This formal review process is intended (1) to ensure that rules for which NRR has implementation and oversight responsibility are implemented consistent with the original intent of the rule and (2) to ensure consistency between the rule and its implementing guidance.

BACKGROUND

Development of new regulations and implementing guidance (e.g., regulatory guides, standard review plan, inspection guidance) should be done concurrently to ensure consistency between the rule and its implementing guidance. Although concurrent development of a new rule and its implementing guidance may be the best approach in terms of ensuring a greater degree of review and consistency, there have been instances in which new rules have been issued and implementing guidance was developed at a later time. For these cases plans for management review of implementation guidance and oversight of rule implementation will be developed.

OBJECTIVES

Use of the management review process described in this memorandum will ensure that implementing guidance is properly issued and that there is consistency between the rule and its implementing guidance when rule issuance precedes its implementing guidance. The management review process also provides the status of NRC and licensee activities regarding implementation of new regulations.

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PDR ORG NRRB
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Contact: A. Masciantonio, NRR
504-1290

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RESPONSIBILITIES AND AUTHORITIES

Director, NRR

- Approves the implementation plan.
- Decides whether any implementation issues and proposed resolutions should be raised to the EDO or the Commission for review and approval.
- Reviews the progress of implementation.
- Approves major changes to the implementation plan.

NRR Executive Team

Reviews the implementation plan and summary reports and makes appropriate recommendations to the Director, NRR.

Division Director

- Develops and executes the implementation plan.
- Prepares and submits periodic status summary reports to the Director, NRR, on the schedule identified in the implementation plan, identifying key issues and recommended solutions.
- Provides periodic status report to the Director, NRR, of implementation progress, identifying implementation problems and proposed solutions.
- Provides justification when an implementation plan is not needed.

NRR Staff

- Prepares an implementation plan if all implementing guidance has not been developed and issued in conjunction with the rule.
- Prepares the implementation plan status report for management review. The report is prepared approximately every six months consistent with the schedule in the implementation plan.
- Prepares a semi-annual status report of implementation progress and problems for management review.

BASIC REQUIREMENTS

I. Implementation Plan

The implementation guidance¹ for new regulations establishes the preferred acceptance criteria and provides methods for assessing approaches that do not meet the preferred criteria. To ensure consistency, all implementation guidance should be developed and issued along with the rule. However, if any implementation guidance is developed after a rule is issued, the staff responsible for implementing the new rule will prepare an implementation plan concurrent with the development of the new rule and will issue the plan within 3 months of issuing the rule.

¹Implementation guidance includes regulatory guides, NUREGs, standard review plan, and inspection guidance.

These procedures are applicable to all rules and regulations for which NRR has implementation or oversight responsibility. If all implementation guidance is issued with the rule and no further guidance is anticipated or planned (i.e., no inspection guidance, changes to the Standard Review Plan, or other guidance issuance is planned), an implementation plan is not required. If an implementation plan is not provided, the responsible division director will document the basis in a memorandum to the Director, NRR.

The implementation plan will identify

- how plant-specific aspects of the new rule will be implemented (e.g., through license condition or technical specification)
- NRC plans for pre- or post-implementation review
- NRC plans for inspection of licensee implementation (i.e., the need for a Temporary Instruction)
- key issues that need to be addressed in development of the implementation guidance
- NRC plans for public involvement, including comment from affected licensees (e.g., formal public comment, workshops, and regional meetings)
- schedules for activities described in the plan
- NRC organizations, including roles and responsibilities, that are required to be involved in the development and execution of the implementation plan
- resources needed for development of implementation guidance
- major milestones and points that require management review.

The lead division director will submit the implementation plan to the Director, NRR, and to other members of the NRR Executive Team for review. The Executive Team makes appropriate recommendations to the Director, NRR, who approves the implementation plan and determines if it is necessary to raise any of the implementing issues or proposed resolutions to the EDO or the Commission.

II. Periodic Review of Development of Implementation Guidance

The implementation plan will include a schedule of major milestones and points that require management review before proceeding. The division director in the responsible organization will conduct periodic reviews (as identified in the implementation plan but no less frequently than every six months), provide a summary report of the progress in development of implementation guidance, and update the plan as necessary. The summary report will identify key issues and recommended solutions and will be submitted to the Director, NRR, and to other members of the Executive Team who will make appropriate recommendations to the Director, NRR. Major plan changes will be approved by the Director, NRR. The following constitute major plan changes:

- changes in lead division responsibility (division responsible for implementation)
- changes in the approach to implementation (e.g., pre- or post-implementation review)

- changes in approach to obtaining public comment (e.g., formal notice, workshop, public meeting)
- schedule changes of 6 months or more.

Other plan changes will be approved by the responsible NRR Associate Director. The periodic reviews will continue until all implementation guidance has been developed and issued.

III. Semi-Annual Review of Implementation of New Requirements

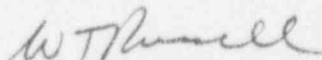
When the implementation guidance has been approved and issued, whether issued with the new rule or at a later time, the implementing organization will conduct semi-annual reviews of how the rule is being implemented. The lead implementing division will prepare a status report that identifies

- status and progress of licensee implementation, and status of NRC review and inspection
- problems identified during rule implementation
- proposed resolutions/options for problems identified during rule implementation.

The status reports will be submitted to the Director, NRR, and to other members of the Executive Team who will make appropriate recommendations to the Director, NRR. The semi-annual reviews will continue until the rule is fully implemented.

EFFECTIVE DATE

This office letter is effective immediately.



William T. Russell, Director
Office of Nuclear Reactor Regulation

cc: J. Taylor, EDO
T. Martin, R-I
S. Ebnetter, R-II
J. Martin, R-III
L. J. Callan, R-IV
K. Perkins, R-V
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WILLIAM T. RUSSELL

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L. Reyes J. Caldwell
D. Crutchfield A. Masciantonio

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 DCrutchfield* LReyes* ATHadani* FMiraglia* WRussell
 12/20/93 3/3/94 3/4/94 3/7/94 3/8/94

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