

April 29, 1982



SECY-82-39A

POLICY ISSUE
(Notation Vote)

For: The Commissioners

From: William J. Dircks
Executive Director for Operations

Subject: PROCEDURES FOR CONTROLLING GENERIC REQUIREMENTS ON
REACTOR LICENSEES

Purpose: To obtain Commission approval of the revised Charter
of the Committee to Review Generic Requirements

Discussion: In SECY-82-39, the proposed Charter for the Committee
to Review Generic Requirements (CRGR) was transmitted
for Commission approval. In memoranda from Samuel Chilk
dated March 26, 1982, and April 2, 1982, the Commission
directed that the Charter be rewritten to incorporate
specific changes. The enclosed CRGR Charter has been
revised in accordance with the Commission instructions.

With regard to the future agenda for CRGR, I intend to
direct the CRGR to address the following major areas
over the next 6 months:

1. Nuclear Plant Equipment Qualification
2. Quality Assurance in Nuclear Plants
3. NRC Policy on Severe Accidents
4. NRC Safety Goal Implementation
5. TMI Action Plan Requirements
6. SEP and NREP Plans
7. Nuclear Plant System Safety (e.g., Systems
Interaction, Appendix K revision, ATWS)
8. Emergency Response Capability

Contact:
V. Stello, Jr., DEDROGR
49-29704

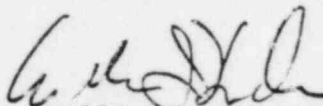
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XA Copy Has Been Sent to PDR

9. Nuclear Plant Operations (e.g., Human Factors Plan)
10. Radiological Protection
11. Nuclear Plant Safeguards (e.g., Fitness for Duty Rule)
12. Nuclear Plant Decommissioning Requirements
13. Reporting Requirements
14. NRC Value-Impact Guidelines

The Commission further suggested in the March 26, 1982, memo that the NRC develop the ability to do independent cost estimates. I have requested NRR to explore the NRC staff and contractual resource requirements needed to do independent cost estimates associated with proposed new requirements for nuclear plants. When this assessment is complete, I will report to the Commission with recommendations.

Recommendation: That the Commission approve the revised CRGR Charter.



William J. Dircks
Executive Director for Operations

Enclosure: Revised CRGR
Charter

NOTE: Commissioners' comments should be provided directly to the Office of the Secretary by c.o.b. Friday, May 14, 1982.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT Friday, May 7, 1982, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

DISTRIBUTION: Commissioners

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| OGC | OCA |
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| SECY | OPA |
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| ELD | |
| ACRS | |
| ASLBP | |
| ASLAP | |

CHARTER

COMMITTEE TO REVIEW GENERIC REQUIREMENTS (CRGR)

- I. Purpose
- II. Membership
- III. Scope
- IV. Operating Procedures
- V. Reporting Requirements

Attachment 1: Appointments to CRGR

Attachment 2: New Requirements Review Process

Attachment 3: Procedures to Control Communication of
Generic Requirements to Reactor Licensees

I. PURPOSE

The Committee to Review Generic Requirements (CRGR) has the responsibility to review and recommend to the Executive Director for Operations (EDO) approval or disapproval of requirements to be imposed by the NRC staff on one or more classes of power reactors. The CRGR will develop means for controlling the number and nature of the requirements placed by NRC on licensees. The objectives of these controls are to eliminate or remove any unnecessary burdens placed on licensees, reduce the exposure of workers to radiation in implementing some of these requirements, and conserve NRC resources while at the same time not reducing the levels of protection of public health and safety. The controls should make sure that requirements in place or to be issued (a) do in fact contribute effectively and significantly to the health and safety of the public, and (b) do lead to utilization of both NRC and licensee resources in as optimal a fashion as possible in the overall achievement of protection of public health and safety. By having the Committee submit recommendations directly to the EDO, a single agency-wide point of control will be provided.

The CRGR will focus primarily on proposed new requirements, but it will also review selected existing requirements which may place unnecessary burdens on licensee or agency resources. In reaching its recommendation, the CRGR shall consult with the proposing office to ensure that the reasons for the proposed requirement are well understood. If the CRGR recommends disapproval or major modifications of a proposed requirement, it shall submit to the EDO a statement of the reasons for its recommendation. This statement shall provide a clear indication of the basis for the recommendation not to apply the requirement to individual reactors or classes of reactors.

The CRGR will review only those proposed power reactor safety requirements which (a) the responsible office director has reviewed and approved, or (b) the office director has requested CRGR review, or (c) review has been directed by the EDO. CRGR reviews will be based primarily on the information provided by the responsible NRC office. Other information considered by the CRGR shall be documented as to source and content and shall receive appropriate distribution. However, the primary focal point for public comments will be the responsible NRC office and not CRGR.

Tools used by the CRGR for scrutiny would be expected to include cost-benefit analysis and probabilistic risk assessment where data for its proper use are adequate. Therefore, to the extent possible, written justifications should make use of these evaluation techniques. The use of cost-benefit analyses and other tools should make it possible to determine which proposed requirements have real safety significance, as distinguished from those proposed requirements which should be given a lower priority or those which might be dropped entirely.

II. MEMBERSHIP

This Committee shall be chaired by the Deputy Executive Director for Regional Operations and Generic Requirements (DEDROGR), and it shall consist of, in addition to the DEDROGR, one individual each from NRR, IE, NMSS, RES, AEOD and ELD, appointed by the Executive Director for Operations. The Office of the DEDROGR will provide staff support. The Committee may use several non-NRC persons as consultants in special technical areas. In a memorandum dated October 29, 1981 (Attachment 1), the EDO appointed six members to the CRGR.

New members will be appointed by the EDO as the need arises. If a member cannot attend a meeting of the CRGR, his Office Director may propose an alternate for the EDO's approval. It is the responsibility of the alternate member to be fully versed on the agenda items before the Committee.

III. CRGR SCOPE

- A. The CRGR shall consider all proposed new generic requirements to be imposed by the NRC staff on one or more classes of power reactors. These include:
- (i) All staff papers which propose the adoption of rules or policy statements affecting power reactors or modifying any other rule so as to affect technical requirements applicable to reactor licensees, including technical information required of reactor licensees or applicants for reactor licenses or construction permits.
 - (ii) All staff papers proposing new or revised rules of the type described in paragraph (i), including Advanced Notices.
 - (iii) All proposed new or revised regulatory guides; all proposed new or revised Standard Review Plan (SRP) sections; all proposed new or revised branch technical positions; all proposed generic letters; all multiplant orders; show cause orders; all 50.54f letters; all bulletins and circulars; all USI NUREGs; and all new or revised Standard Technical Specifications.

B. The CRGR shall consider all licenses, license amendments, approvals of Preliminary Design Approvals (PDAs) and Final Design Approvals (FDAs), minutes of conferences with owners groups, licensees or vendors, staff approvals of topical reports, information notices, and all other documents, letters or communications which are represented to reflect or interpret NRC staff positions, unless such documents refer only to requirements or staff positions* previously approved by the appropriate officials. The following are examples of approved requirements not requiring CRGR review:

- (i) positions or interpretations which are contained in regulations, policy statements, regulatory guides, the Standard Review Plan, branch technical positions, generic letters, orders, topical approvals, PDAs, FDAs, licenses and license amendments which have been promulgated prior to November 12, 1981. Any document or communication of this type shall cite and accurately state the position as reflected in a previously promulgated regulation, order, Regulatory Guide, SRP, etc.
- (ii) positions after that date which have been approved.

C. For those rare instances where it is judged that an emergency action is needed to protect the health and safety of the public, no review by the CRGR is necessary. However, the CRGR Chairman should be notified by the Office originating the

*It is expected that the Offices will develop internal procedures to ensure that the documents and communications referenced above will contain only previously approved requirements or staff positions.

action. These emergency action requirements will be reported to the Committee for information and will be included in the report to the Commission.

- D. For each proposed requirement not requiring emergency action, the proposing Office is to identify the requirement as either Category 1 or 2. Category 1 requirements are those which the proposing Office rates as urgent to overcome a safety problem requiring immediate resolution or to comply with a legal requirement for immediate or near term compliance. Category 1 items are expected to be infrequent and few in number, and they are to be routinely approved or otherwise dealt with within 2 working days of receipt by the CRGR. If the appropriateness of designation as Category 1 is questioned by the Chairman, and if the question is not resolved within the 2 working-day limit, the proposed requirement is to be forwarded by the Chairman to the EDO for decision.

Category 2 requirements are those which do not meet the criteria for designation as Category 1. These are to be scrutinized carefully by the CRGR on the basis of written justification, which must be submitted by the proposing Office along with the proposed requirements. Upon notice to the members of the CRGR, and without objection, the CRGR Chairman may exempt any Category 2 proposal from review on the grounds that he concludes that it involves only an insignificant effect on the NRC staff and on licensees.

- E. The DEDROGR shall compile and maintain a list of projected generic requirements based on input from the NRC offices. The CRGR will normally receive an early briefing from the Offices on the proposed new generic requirements before the staff has developed the requirements and held discussions with the ACRS.
- F. The CRGR shall be consulted on the proposed backfit policy to be developed by DEDROGR staff.
- G. The CRGR shall be consulted on the proposed plan to control communications with licensees to be developed by DEDROGR staff.
- H. The CRGR may be consulted on any issue deemed appropriate by the CRGR Chairman.

IV. CRGR OPERATING PROCEDURES

A. Meeting Notices

Meetings will generally be held at regular intervals and will be scheduled well in advance. Meeting notices will generally be issued by the CRGR Chairman 2 weeks in advance of each meeting, except for Category 1 items, with available background material on each item to be considered by the Committee.

B. Contents of Packages Submitted to CRGR

Each package submitted to the CRGR for review shall include ten (10) copies of the following information:

- (i) The proposed generic requirement as it is proposed to be sent out to licensees.

- (ii) Draft staff papers or other underlying staff documents supporting the requirements. (A copy of all materials referenced in the document shall be made available upon request to the DEDROGR staff. Any Committee member may request DEDROGR staff to obtain a copy of any referenced material for his use.)
- (iii) A brief description of each of the steps anticipated that licensees must carry out in order to complete the requirements; e.g.,
- Are there separate short-term and long-term requirements?
 - Is it the definitive, comprehensive position on the subject or is it the first of a series of requirements to be issued in the future?
 - How does this requirement affect other requirements? Does this requirement mean that other items or systems or prior analyses need to be reassessed?
 - Is it only computation? Or does it require or may it entail engineering design of a new system or modification of any existing systems?
 - What plant conditions are needed to install, conduct preoperational tests and declare operable?
 - Is plant shutdown necessary? How long?

- Does design need NRC approval?
 - Does it require new equipment? Is it available for purchase in sufficient quantity by all affected licensees or must such equipment be designed? What is the lead time for availability?
 - May it be used upon installation or does it need staff approval before use? Does it need tech. spec. changes before use?
- (iv) Identification of the category of reactors to which the generic requirement is to apply (that is, whether it is to apply to new plants only, new OLs only, OLs after a certain date, OLs before a certain date, all OLs, all plants under construction, all plants, all water reactors, all PWRs only, some vendor types, some vintage types such as BWR 6 and 4, jet pump and nonjet pump plants, etc.).
- (v) For each such category of reactor, the following information should be provided:
- A risk reduction assessment performed using a data base and methodology commonly accepted within NRC (for example, similar to that outlined in SECY 81-513).
 - An assessment of costs to NRC, an assessment of costs to licensees, including resulting occupational dose increase or decrease, added plant and operational complexity, and total financial costs.

- Consistent with the first two items above, provide the basis for requiring or permitting implementation by a given date or on a particular schedule.
- Other acceptable implementation schedules and the basis therefor. This should include sufficient information to demonstrate that the schedules are realistic and provides sufficient time for indepth engineering, evaluation, design, procurement, installation, testing, development of operating procedures, and training of operators.
- Schedule for staff actions involved in completion of requirement (based on hypothesized effective date of approval).
- Prioritization of the proposed requirement considered in light of all other safety related activities under way at all affected facilities. This prioritization shall be based upon the guidance and direction provided from time-to-time by the EDO. Until such advice is provided, each proposing Office shall use its best technical judgment and explain the basis therefor.
- For proposed requirements involving reports and/or record keeping, an assessment of whether such reporting or record keeping is the best means of implementation and the appropriate degree of formality and detail to be imposed.

- To the extent that the category contains plants of different types or vintages, the items listed above shall be provided for each type and vintage, or justification shall be provided demonstrating that the analysis of each item is valid for all types and vintages covered.

(vi) Each proposed requirement shall contain the sponsoring Office's position as to whether the requirement implements existing regulations or goes beyond them.

(vii) The proposed method of implementation along with the concurrence (and any comments) of OELD on the method proposed.

(viii) Regulatory analysis sufficient to address the Paperwork Reduction Act, the Regulatory Flexibility Act and Executive Order 12291.

C. DEDROGR Staff Review

DEDROGR staff shall review the package for completeness. If incomplete, the package shall be returned by DEDROGR to the originating Office with reasons for incompleteness. Prior notice to the Committee is not needed; however, at each meeting of the Committee, the DEDROGR staff shall report on rejected packages.

- If a package is complete, it shall be scheduled for CRGR consideration; however, scheduling priorities shall be at the discretion of the CRGR Chairman.

- All requests for particular scheduling shall be made to the CRGR Chairman.
- The DEDROGR staff may obtain additional information from industry and consultants on such proposals, particularly with respect to the cost of implementation, realistic schedule for implementation, and the ability of licensees to safely and efficiently carry out the full range of safety related activities at each facility while implementing the proposed requirement.

D. CRGR Meeting Minutes

At each meeting, for each package scheduled for discussion, the sponsoring Office shall attend to respond to comments and questions. The DEDROGR staff shall present a brief analysis of the package. A reasonable amount of time, within the discretion of the CRGR Chairman, shall be permitted for discussion of each item by Committee members. At the conclusion of discussion, each Committee member shall summarize his position. Minutes of the meeting, including minutes of the discussion, shall be maintained. Minutes shall be circulated to all members within 3-working days after the meeting, and each member shall have the opportunity to comment in writing on the minutes. It is the responsibility of each member to assure that the minutes accurately reflect his views. All comments received within 5-working days from receipt shall be maintained as part of the minutes of the meeting.

The Committee shall recommend to the EDO approval, disapproval, modification, or conditioning of each recommendation for generic requirements considered by the Committee, as well as the method of implementation of such requirements and appropriate scheduling for such implementation, which shall give consideration to the ability of licensees to safely and efficiently carry out the entire range of safety related activities at each facility. The minutes shall give an accurate description of the basis for the recommendations and shall accurately reflect the consensus decision of the Committee. Copies of the Committee's recommendation, and EDO's approval, disapproval, or other action shall be provided to Committee members.

E. Record Keeping System

The DEDROGR staff will assure that there is an archival system for keeping records of all packages submitted to DEDROGR, actions by the staff, summary minutes of CRGR consideration of each package including corrections, recommendations by the Committee, and decisions by EDO.

V. REPORTING REQUIREMENTS

The DEDROGR staff shall prepare a report to be submitted by the EDO to the Commission each month. The report will provide a brief summary of CRGR activities, including a list of all items that have been sent to the CRGR on which action has not been completed. Committee members will be on distribution for these reports.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

October 29, 1981

MEMORANDUM FOR: Darrell G. Eisenhut, NRR
Edward L. Jordan, IE
Donald B. Mausshardt, NMSS
Robert M. Bernero, RES
Clemens J. Heltemes, Jr., AEOD
Joseph Scinto, ELD

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: APPOINTMENTS TO COMMITTEE TO REVIEW GENERIC
REQUIREMENTS (CRGR)

On October 16, 1981, Chairman Palladino announced a reorganization of NRC staff activities. The objectives are to improve our control over requirements imposed on NRC licensees and focus the priorities of the agency and the nuclear industry on those requirements having the greatest safety significance. The mechanism established to accomplish this is a new Committee to Review Generic Requirements which will be chaired by the new Deputy Executive Director for Regional Operations and Generic Requirements.

The Chairman has directed me to appoint members to the Committee from the Offices of NRR, IE, NMSS, RES, AEOD and ELD. I am appointing, by this memorandum, the following individuals to the Committee:

Darrell Eisenhut, NRR
Edward L. Jordan, IE
Donald B. Mausshardt, NMSS
Robert M. Bernero, RES
Clemens J. Heltemes, Jr., AEOD
Joseph Scinto, ELD

I consider the responsibilities assigned by the Chairman to the new Committee to be the key to effectively controlling new requirements and assuring their safety significance. It is essential that your commitment to and participation in the work of the Committee match the job at hand.

It is expected that a meeting of the Committee will be held in the near future to develop the procedures which will be followed for the Committee's work.

A handwritten signature in dark ink, appearing to read "William J. Dircks".

William J. Dircks
Executive Director for Operations

cc: See attached list

October 29, 1981

cc: Harold Denton, Director, NRR
Richard DeYoung, Director, IE
John Davis, Director, NMSS
Robert Minogue, Director, RES
Caryle Michelson, Director, AEOD
Howard Shapar, Executive Legal Director
Victor Stello, Jr., Deputy Executive Director ROGR

NEW REQUIREMENT REVIEW PROCESS

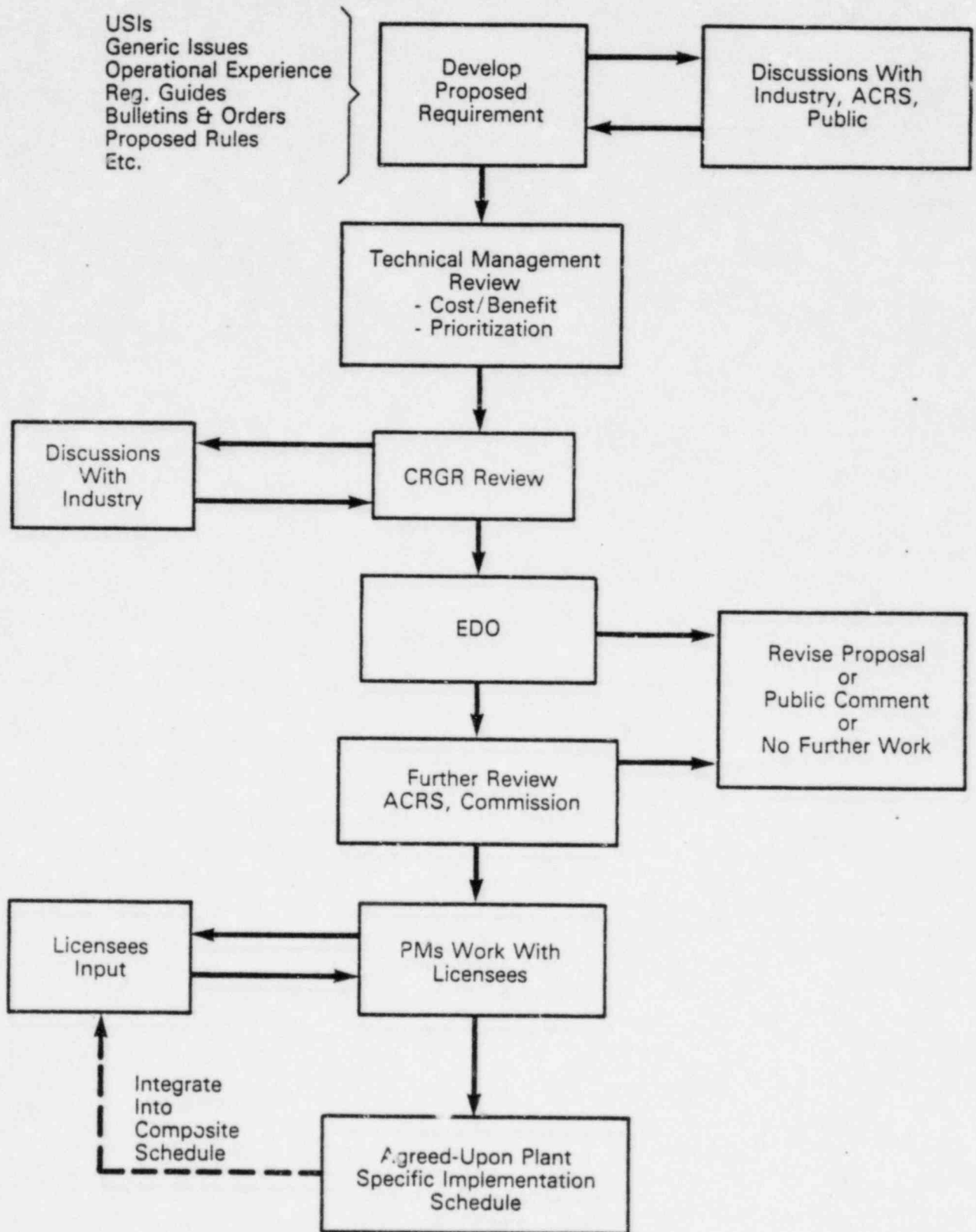
The attached chart is a schematic representation of how new generic requirements are developed, reviewed and implemented under the new system.

In the early stages of developing a proposed new requirement, it is contemplated that the staff may have discussions with the industry, ACRS and the public to obtain preliminary information of the costs and safety benefits of the proposed requirement. On the basis of this information, the proposing Office will prepare the package for CRGR review.

The CRGR may recommend approval, revision, disapproval or that further public comment be sought. After CRGR and EDO approval, there may be further review by the ACRS or the Commission. Decisions by the Commission are controlling.

Once final approval is received, the individual Project Managers will work with each licensee to develop a plant specific implementation schedule taking into consideration all of the other requirements that must be implemented at each plant.

SCHEMATIC REPRESENTATION OF NEW REQUIREMENTS REVIEW



PROCEDURES TO CONTROL COMMUNICATION
OF GENERIC REQUIREMENTS TO REACTOR LICENSEESA. Background

In a memorandum from the Chairman to the Executive Director for Operations dated October 8, 1981, the Commission expressed concern over conflicting or inconsistent directives and requests to reactor licensees from various components of the NRC staff. By that memorandum, the Commission outlined certain recommended actions to establish control over the number and nature of requirements placed by NRC on reactor licensees. These included: establishing a Committee to Review Generic Requirements (CRGR); establishing a new position of Deputy Executive Director for Regional Operations and Generic Requirements (DEDROGR); conducting a survey of formal and informal mechanisms to communicate with reactor licensees; and developing and implementing procedures for controlling communications involving significant requirements covering one or more classes of reactors. The following procedures have been established for controlling communications with reactor licensees which impose or purport to express generic requirements of NRC.

B. Committee to Review Generic Requirements (CRGR)

Except for emergency situations, the CRGR will review all proposed new generic requirements to be imposed on one or more classes of power reactors in accordance with the charter of the Committee, before such proposed requirements are forwarded to the EDO and Commission and imposed on or communicated for use or guidance to any reactor licensee.

C. Office Responsibility

Each office shall develop internal procedures to assure that the following policy requirements regarding reactor licensees are carried out:

- (1) All proposed generic requirements (Table I attached) shall be submitted for CRGR review. Such submittals should conform to the provisions of the CRGR charter relating to the contents of such submittals.
- (2) All documents, letters and communications that establish, reflect or interpret NRC staff positions or requirements (Table II attached) shall be submitted for review by CRGR unless these documents refer only to requirements approved prior to November 12, 1981. In the latter case, the previously approved requirement should be specifically cited and accurately stated. Offices should be careful to review new or specific interpretations to assure that they are only case-specific applications of existing requirements rather than initial applications having potential generic use.
- (3) For all other communications with licensees (Table III, attached), no statements shall be used that might suggest new or revised generic requirements, staff positions, guidance or recommendations (unless such statements have been approved by the EDO or the Commission).

D. Emergency Action

For those rare instances where it is judged that an emergency action is needed to protect the health and safety of the public, no review by the CRGR is necessary. However, the DEDROGR, who is

Chairman of the CRGR, should be notified by the office originating the action. These emergency action requirements will be reported to the Commission.

TABLE I

PRINCIPAL MECHANISMS USED BY NRC STAFF TO ESTABLISH
OR COMMUNICATE GENERIC REQUIREMENTS

Rulemaking¹

Advanced Notices
Proposed Notices
Final Rules
Policy Statements

Other Formal Requirements²

Multiplant orders including show cause orders and
confirmatory orders

Staff Requirements³

Bulletins
Circulars
Multiplant letters (including 50.54f and TMI Action
Plan letters)
Regulatory Guides
SRP (including Branch Technical Positions)
Standard Tech Specs
USI NUREGs

¹ While Rulemaking is an action of the Commission rather than the staff, most rules are proposed or prepared by the staff.

² The document itself imposes a legal requirement; e.g., regulatory orders license conditions.

³ Mechanisms which reflect staff positions which, unless complied with or a satisfactory alternative offered, the staff would impose or seek to have imposed by formal requirement.

TABLE II

MECHANISMS OFTEN USED TO INTERPRET GENERIC REQUIREMENTS

Action on Petitions for Rulemaking

Action on 2.206 Requests

Approval of Topicals

Facility Licenses and Amendments

SERs

FDAs, PDAs

I&E Manual

I&E (HQ) Positions

NUREG Reports (other than USIs)

Operator Licenses and Amendments

Single Plant Orders

Staff Position on Code Committees

Unresolved Issues Resulting from Inspections

TABLE III

ADDITIONAL MECHANISMS SOMETIMES USED TO COMMUNICATE GENERIC REQUIREMENTS

DES, FES

Entry, Exit & Management Meetings

Information Notices

Licensee Event Report; Construction Deficiency Reports (sent to other Licensees)

NRC Operator Licensing People Contact with Licensees

Phone Calls or Site Visits by NRC Staff or Commission to Obtain Information (i.e., Corrective Actions, Schedules, Conduct Surveys, etc.)

Pleadings

Preliminary Notifications

Press Releases

Proposed Findings

Public Meetings, Workshops, Technical Discussions

Resident Inspector Day-to-Day Contact

SALP Reports

SECY Papers (some utilities apparently sent operators to college based on recent SECY paper on operator qualifications)

Special Reports

Speeches to Local Groups or Industry Associations

Technical Specifications

Telephone calls and meetings with Licensees, vendors, industry representatives, owners groups

Testimony