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

DEC 15 1982

MEMORANDUM FOR: All NRR Employees

FROM: Harold R. Denton, Director
Office of Nuclear Reactor Regulation

SUBJECT: NRR OFFICE LETTER NO. 39, REVISION 1 - NRR PROCEDURES FOR CONTROL AND REVIEW OF GENERIC REQUIREMENTS

This Revision supersedes and replaces the interim version dated May 19, 1982.

On June 16, 1982 the Commission approved the Charter of the Committee to Review Generic Requirements (CRGR). The charter was sent to all licensees for information on July 2, 1982.

CRGR has been constituted to review generic requirements imposed by NRC. NRR will interface with CRGR to transmit new generic requirements proposed by NRR and to support generic requirements prepared by other NRC offices. Procedures for reviewing generic requirements to support other offices will be covered separately.

This Revision sets forth the procedures to be followed by NRR personnel to control the communication of generic requirements to the industry and obtain CRGR review of new generic requirements and changes in existing generic requirements.

The lead Division within NRR for the particular proposed generic requirement is responsible for ensuring that a complete CRGR submittal package has been prepared, including value impact analysis, and that sufficient time has been budgeted for a thorough internal review as called for in this procedure.

The lead Division Director is responsible for presenting the proposed requirement and the supporting bases. Attendance at CRGR meetings will be established by the lead Division Director and coordinated with the Technical Support Branch of PPAS.

All substantive written communications from NRR to CRGR will be signed by the Office Director.

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosure:
Procedures for Processing
NRR Proposed Generic Requirements

cc: V. Stello, Jr.
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ENCLOSURE

PROCEDURES FOR PROCESSING NRR PROPOSED GENERIC REQUIREMENTS

I. INTRODUCTION AND SCOPE

All significant actions proposed to be implemented upon a class of nuclear power plants, licensees, or applicants are required to be reviewed by the Committee to Review Generic Requirements (CRGR). Such actions are defined by this procedure as:

(1) All proposed generic requirements (Table I attached) shall be submitted for CRGR review.

(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. Divisions 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).

(4) The above list is not meant to be all inclusive. These procedures apply to other circumstances in which the staff may wish to communicate

changes in requirements indirectly to licensees (e.g., plant specific letters or Safety Evaluation Reports that contain actions that the staff intends to apply to other licensees.) The procedures apply regardless of whether the item represents an increase or a decrease in the nature or impact of requirements or in prior understandings of the staff position.

(5) These procedures are not intended to apply to actions that solicit truly voluntary responses, such as commitments requested to support value-impact statements. Also, CRGR review is not required for matters that are purely administrative and are determined by the Director, NRR, to involve only a trivial burden, or generic communications which are truly sent to simply promulgate information (e.g., meeting notices etc).

For those items of paragraph (2) and (3) above, the cognizant NRR Project Manager should be consulted to independently assess the compliance with this procedure. The Project Manager should initiate and monitor actions to resolve disputed issues through appropriate management levels.

(6) 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.

II. CONTENT OF THE GENERIC REQUIREMENTS REVIEW PACKAGE

The NRR lead division - the originator of the proposed requirement - will prepare a forwarding memorandum and necessary attachments.

The forwarding memorandum will identify the proposed requirement as one of the following:

Emergency Action - Actions that are immediately needed to protect the health and safety of the public.

Category 1 - Actions that are required to overcome a safety problem requiring prompt resolution or to comply with a legal requirement for immediate or near-term compliance.

Category 2 - Actions that do not meet the criteria for designation as Emergency or Category 1.

A brief statement that explains the basis for the categorization will also be provided. For actions identified as Emergency Actions no review by the CRGR prior to implementation is required and the emergency action is only reported to the CRGR for its information. For proposed actions identified as Category 1, the CRGR should be requested to complete its review and provide recommendations within two working days. For Category 2 requirements, the CRGR should be

requested to complete its review and provide recommendations according to a schedule stated in the forwarding memorandum. A short explanation of the basis for the stated schedule should be provided. Absent good reason for a shorter or longer schedule, 2 weeks should be allowed for CRGR review (after completion of internal NRR review).

Ten copies of the following will be attached to the memorandum:

1. The generic action as it is proposed to be, or in the case of Emergency Actions, was sent out to licensees/applicants. If not included as part of the action paper, the implementation schedule and method for each category of facilities (e.g., PWR, BWR, operating reactors, OL or CP applicant, CP holder) or licensees should be provided.

2. 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.)

3. A brief description of each of the steps anticipated that licensees must carry out in order to complete the requirements; e.g.,
   3.1. Are there separate short-term and long-term requirements?
   3.2. 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?

3.3. How does this requirement affect other requirements? Does this requirement mean that other items or systems or prior analyses need to be reassessed?

3.4. Is it only computation? Or does it require or may it entail engineering design of a new system or modification of any existing systems.

3.5. What plant conditions are needed to install, conduct preoperational tests and declare operable?

3.6. Is plant shutdown necessary? How Long?

3.7. Does design need NRC approval?

3.8. 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?

3.9. May it be used upon installation or does it need staff approval before use? Does it need tech. spec. changes before use?

4. 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.)

5. For each such category of reactor, the following information should be provided:

5.1. A value impact analysis prepared in accordance with Office Letter No. 16. The scope of the regulatory analysis should primarily be in proportion to the safety significance of the regulatory action being addressed and include the following information. However, a rule or generic requirement of small safety significance and large potential costs should be rigorously analyzed. The extent to which costs and benefits should be addressed for alternatives is to be determined by the responsible Office Director.

5.1.1. A risk reduction assessment performed using a data base and methodology commonly accepted within NRC.

5.1.2. An assessment of costs to NRC, and assessment of cost to licensees, including resulting occupational dose increase or decrease, added plant and operational complexity, and total financial costs.

5.2. Other Information*:

5.2.1. Consistent with the first two items above, provide the basis for requiring or permitting implementation by a given date or on a particular schedule.

5.2.2. Other acceptable implementation schedules and the basis therefor. This should include sufficient information to demonstrate that the schedules are realistic and provide sufficient time for in-depth engineering, evaluation, design procurement, installation, testing, development of operating procedures, and training of operators.

5.2.3. Schedule for staff actions involved in completion of requirement (based on hypothesized effective date of approval).

* Information regarding schedules and priorities should be formulated by the sponsoring division in consultation with DL and/or DST as appropriate.

5.2.4 Prioritization of the proposed requirement considered in light of all other safety-related activities underway at all affected facilities. The sponsoring division will identify whether the proposed requirement is "more important than", "equally important as", or "less important than" implemented safety-related activities under that division's cognizance. DST will provide a determination of priority for the proposed item, using the same methodology as used in prioritizing Generic Safety Issues (i.e., HIGH, MEDIUM, LOW or DROP).

5.2.5. 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.

5.2.6. 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.

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

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

8. The OMB clearance package when required under the Paperwork Reduction Act, and regulatory analysis sufficient to address the Regulatory Flexibility Act and Executive Order 12291.

a. OMB clearance is required whenever information collection from ten or more persons outside the Federal Government is involved, except where public comments on proposed rules, regulatory guides, standards, etc. are being requested. The OMB requirement applies to both voluntary and mandatory information collections. The applicability of the OMB clearance requirement, special provisions for urgent situations, and the required content of the OMB Clearance Package are described in NRR Office Letter No. 32.

b. The Regulatory Flexibility Act and the Executive Order 12291 apply to rulemaking. In general, only a negative declaration is needed to meet the requirements of the Regulatory Flexibility Act and the value-impact analysis will suffice for Executive Order 12291. However the Rules and Procedures Branch of the Division of Rules and Records of ADM should be contacted for rulemaking issues.

III. INTERNAL NRR REVIEW PROCESS

NRR will provide a thorough review of all generic requirements review packages to be sent to CRGR. This review will be implemented in two phases. (Category 1 actions may receive expedited treatment).

Phase 1: Divisional Review

A draft of the generic requirements review package described in Section II, above, should be routed in parallel to the Directors of DL, DST, and other appropriate NRR divisions with a copy to PPAS eight weeks prior to the scheduled CRGR meeting. Within two weeks of receipt, these divisions will concur or comment, including identification of any technical, policy, implementation, value-impact and other relevant issues for the consideration of the Director, ONRR.

Phase 2: ONRR Review

The lead division will transmit the draft generic requirements review package, revised in accordance with comments received, and including discussion of any unresolved comments, to the Director, NRR, six weeks prior to the scheduled CRGR meeting.

Generally, the Director, NRR, will schedule a dry run of the CRGR presentation and discussion of any outstanding issues.

Following approval and any comments or instructions from the Director, NRR, the lead division will revise the package and finalize the forwarding memorandum to CRGR for the Director, NRR's signature. The transmittal will include the concurrences or significant comments of appropriate NRR divisions, plus discussion of any divergent views and the decisions of the Director, NRR.

The NRR lead division - the originator of the proposed requirement - will be responsible for the timely preparation of the generic requirements review package; that the procedures specified herein for an internal NRR review of the package are followed; that the views of other appropriate NRC offices are presented to the Director, NRR and the CRGR and that the package is forwarded to CRGR in a timely manner.

The lead division is responsible for insuring that this internal review process is completed.

Phase 3: CRGR Review

In general, the Director of the lead Division is expected to present the proposed requirement before CRGR. NRR attendance at these meetings should be kept to a minimum and in general be limited to the presentor and those technical experts whose knowledge is considered vital to the meeting.

The Technical Support Staff of PPAS will coordinate attendance at CRGR meetings to insure that only necessary NRR personnel are at meetings with CRGR.

III. GUIDANCE

The lead division will identify what other support is required and with the concurrence of the other divisions, assign tasks and establish schedules such that the completion of the generic action, the value-impact analysis and the OMB Clearance Package are coordinated. DST provides guidance on the methods used in making value-impact assessments.

DL in coordination with DST, develops and maintains a prioritization of all actions that have already been issued to licensees and applicants and whose accomplishment might compete for licensee/applicant resources. DL develops and maintains implementation schedules for all licensees. DST provides guidance on the methods to be used in determining the priority of the proposed action relative to all of these other actions that have been issued.

The Planning and Program Analysis Staff coordinates the development of CRGR schedules, the review of the proposed requirement by the CRGR, and provision of additional information, if requested, to the CRGR.

TABLE I

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

Rulemaking[1]

- Advanced Notices
- Proposed Notices
- Final Rules
- Policy Statments

Other Formal Requirements[2]

- Multiplant orders including show cause orders and confirmatory orders

Staff Requirements[3]

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

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[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 TDAs

NUREG Reports (other than USIs)

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

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

Press Releases

Proposed Findings

Public Meetings, Workshops, Technical Discussions

SALP Preports (NRR Input)

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