PDR: per R Emrit

Reference
1194-1

DEC 21 1988

MEMORANDUM FOR: R. Fraley, ACRS
T. Murley, NRR
E. Jordan, AEOD
H. Thompson, NMSS
J. Partlow, OSP

FROM: Eric S. Beckjord, Director
Office of Nuclear Regulatory Research

SUBJECT: RES OFFICE LETTER NO. 3, REVISION 1
PROCEDURE AND GUIDANCE FOR THE RESOLUTION
OF GENERIC ISSUES

A study of the system of internal controls in the Division of Safety Issue Resolution (DSIR) for the resolution of Generic Issues (GIs) included a review of RES Office Letter No. 3. It was the general conclusion of the Internal Control Team that RES internal controls for the resolution of generic issues were adequate. However, as a result of this review several areas in RES Office Letter No. 3 which could be improved were identified in a memo from Bill M. Morris, D/DRA, to R. Wayne Houston, D/DSIR, dated August 15, 1988. The enclosed revision 1 of RES Office Letter No. 3 includes changes which were made in response to suggested improvements.

The generic issue process consists of six phases: Identification, Prioritization, Resolution, Imposition, Implementation, and Verification. The enclosure to this letter specifies the procedure to be followed for the resolution of generic issues. RES Office Letter No. 1 provides the procedures to be followed through the first two stages (Identification and Prioritization) as well as the tracking of those issues through their resolution. RES Office Letter No. 2 addresses procedures for obtaining regulatory impact analysis review and support. The procedure developed here is based on extensive experience with the generic issue process with the addition of recent initiatives which were developed to speed the process. Since a few generic issues are still assigned for resolution in other offices, this procedure is being provided outside RES for information.

ORIGINAL SIGNED BY

Eric S. Beckjord, Director
Office of Nuclear Regulatory Research

Enclosure:
Procedure for the Resolution of Generic Issues

ADD: R Emrit, RES

DFO:

cc: V. Stello, EDO
ALL RES Employees

[RES OFC LTR NO. 3, JF]

*See previous concurrence

OFFC:	DSIR:RPSIB*	DSIR:DD*	DSIR:D*	DD:GRI:RES	D:RES
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DATE:	/ /88	/ /88	/ /88	12/19/	12/21/88

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cc: V. Stello, EDO
ALL RES Employees

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OFFC:	DSIR:RPSIB	DSIR:DD	DSIR:D	DD:GRI:RES	D:RES
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DATE:	12/6/88	12/12/88	12/13/88	/ /	/ /

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R. Baer

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

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Eric S. Beckjord

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Office of Nuclear Regulatory Research

Enclosure:
Procedure for the Resolution of Generic Issues

cc: V. Stello, EDO
ALL RES Employees

ENCLOSURE

PROCEDURE FOR THE RESOLUTION OF GENERIC ISSUES

INTRODUCTION

A generic issue is an issue that is applicable to all, several or a class of reactors or reactor related facilities. The term generic issue as used here includes Unresolved Safety Issues (USI), Generic Safety Issues (GSI), Environmental Issues (EI), Licensing Issues (LI), and Regulatory Impact Issues (RI). A generic issue concerns matters that are not of an immediately urgent nature. Aside from this program NRC takes immediate action to cause licensees to promptly eliminate confirmed inadequate safety. Nevertheless if during the resolution of a generic issue, inadequate plant safety becomes known, such information should be immediately conveyed to cognizant NRR management for action. The generic issue process is divided into six distinct stages; identification, prioritization, resolution, imposition, implementation and verification. The procedures used for identification and prioritization are described in RES Office Letter No. 1 which also includes a description of the tracking of issues through the resolution process. The procedure described here is for the resolution of a generic issue.

It's important to pursue resolution for those issues that are likely to result in requirements and/or industry actions that cause licensee actions resulting in substantial plant net safety improvement. As discussed later in more detail continuing contact between NRR and RES management and staff will facilitate resolution and imposition. It's also important to consolidate and integrate issues and resolutions to achieve the best safety benefit.

RESOLUTION PLAN

Resolution of a generic issue starts with the documented output of the prioritization step, which includes a description of the issue and the details of how it was prioritized. The initial step in the resolution process is to perform a quick review of the issue which would evaluate the risk, the possible

resolutions and the cost of such resolutions using very limited time and resources in order to identify a resolution which is obviously cost beneficial. Or alternatively such a quick review could limit the cost of resolutions that could be justified with the determined risk, based on the backfit rule. Or such a review might also indicate that the issue could best be handled by consolidation or integration with other issues. The purpose of this quick review is to arrive at a quick resolution if possible without the need for expending large resources of time, manpower and contractor assistance. The branch chief should concur in any planning regarding a quick review.

If the quick review does not result in a resolution the next step in the resolution process is to prepare a plan and schedule for the work that needs to be done to resolve the issue. For a large and complex issue this plan would be very elaborate with a large number of tasks described in detail, but for a simpler issue it would be much less elaborate. It's important that the plan should be tailored for effective, efficient and timely resolution of each generic issue. Within the funding restraints tasks should be done in parallel to minimize the overall schedule. The plan, often call a Task Action Plan, should be developed with the following headings:

1. Description of the problem

   Include a background or history (including previous regulatory or industry actions), a definition and the safety significance of the issue including the affected plants e.g. PWRs, BWRs, etc. The definition should be supplemented as necessary to clearly set forth the scope of the issue. The relationship to all other generic issues and programs (both those of the NRC and of outside groups such as DOE, EPA, NUMARC, INPO, Owners Groups, and foreign activities) should be discussed. Consideration should also be given to current plans for legislation, rules, Regulatory Guides, Policies, Licensing, Inspection, industry/licensee actions, bulletins and generic letters. These relationships may also partly define the scope and depth of the issue resolution.

2. Plan for problem resolution which may include the following tasks:

(a) A task(s) which describes the development of the necessary technical information and understanding which may culminate in a formal staff NUREG or contractor NUREG report which present the technical findings.

(b) A task(s) which, given the technical findings, develops a number of alternative licensing actions that could be used to resolve the issue. This should include the identification and development of any necessary regulations, Regulatory Guides, licensing and inspection guidance, Standard Review Plans, Generic Letters, Bulletins or Information Notices required to achieve the safety benefit of the resolution.

(c) A task(s) which estimates the incremental net risk reduction that would be achieved for each alternative proposed. Both decreases and increases (e.g. public and/or occupational exposure during plant implementation and thereafter) should be estimated.

(d) A task(s) which estimates the net costs to the public, the licensees, and the NRC associated with each alternative. Both increased costs due to design, installation, operation and maintenance and decreased costs due to improved reliability and plant availability (including averted accidents and precursors) should be estimated.

(e) A task which documents a regulatory analysis which discusses the alternatives and the value/impact of each and which recommends an alternative which takes into account the requirements of the backfit rule as seen for that particular issue. The analysis should be reviewed in accordance with RES Office Letter No. 2, "Procedures Relating to Regulatory Impact Analyses." The analysis should follow the requirements of 10 CFR 50.109 and the guidelines of NUREG/BR-0058 Revision 1, and NUREG/CR-3568. Other useful information is also included in the references to RES Office Letter No. 2.

3. NRC technical organizations involved and manpower requirements
This would include a discussion of the plans for coordination, especially with NRR.

4. Technical Assistance contracting
A discussion of the technical assistance required to do the work. Specific procedures for technical assistance contracting to be followed in RES are provided in Section 4, Contracting, of the "RES Policy and Procedures Manual."

5. Interaction with outside organizations
This would address the planned coordination with outside organizations such as licensees, industry groups such as NUMARC, EPRI, NSSS vendors, ACRS and others as appropriate. There is no explicit procedural guidance available at the present time. The preferred approach is to conduct meetings open to the public and place minutes of meetings with enclosures in the Public Document Room (PDR). Any draft documents that are provided to or received from an outside organization should also be placed in the PDR.

6. Total resource requirements of manpower in person-years and contract dollars by fiscal year for all participating offices.

7. Proposed schedule for resolution with major milestones. This schedule should be used in the Generic Issues Management Control System (GIMCS).

8. Any additional explanatory material that is deemed necessary.

The Task Action Plan does not have to follow any explicit format or content. The only requirement is that the work plan, needed resources, coordination points, and schedule be made clear. The Task Action Plan shall be approved by the Division Director of each participating Division with responsibility for resolution. A copy of the Task Action Plan shall be sent to the Advanced Reactor and Generic Issues Branch so that the appropriate milestones can be incorporated into GIMCS.

Integration and coordination of the resolution of generic issues with other generic issues, NRC programs and outside activities is essential. The prime responsibility for this integration and coordination lies with the Task Manager. The Task Manager must take the initiative to seek out all related issues and programs, assure coordination and integration, resolve differences and elevate inconsistencies to management when necessary.

INTERFACE AND COORDINATION WITH NRR, ACRS AND OTHER OFFICES

Interfacing should be planned at the following points in the resolution process. Informal coordination at other points also may be appropriate. Early and continuing face to face coordination between participating NRR and RES staff and management is encouraged.

- At completion of the draft Task Action Plan, provide NRR with a copy requesting comment to assure that the proposed path to resolution identifies practical objectives, schedules and NRR/Region resources. Confirm NRR assignment of a lead contact. This contact need not review the detailed technical information developed by RES but should be involved in the key decisions such as which alternative resolution approaches are to be considered. A copy of the draft Task Action Plan should also be sent to the ACRS for their information.

  A final Task Action Plan shall be sent to NRR, other involved offices and the ACRS for their information. Anytime significant changes, especially in scope, are made, an update of the plan shall be sent to NRR, other involved offices, and ACRS for their information.

- At completion of draft NUREG reports (contractor or staff) provide NRR with a copy for their information. NRR has stated that they will generally not serve as a part of the technical review of these documents. Generally a detailed management review of the draft documents by the section leader, branch chief and Division deputy director will suffice. However, on a case by case basis a technical review may be needed or considered to be highly desirable. This

type of participation in the technical review process should be explicitly requested for those issues. This should be arranged during the planning stage if possible.

- At the completion of a draft resolution package, provide NRR with a copy for their information.

- At the completion of a final resolution package that recommends the imposition of a new requirement, provide NRR with a copy for their concurrence. Resolutions with no new requirements or guidance for licensees (and therefore no imposition by NRR) do not need NRR concurrence (or anyone outside RES), but NRR should be given a copy of the closeout resolution informally prior to obtaining RES Office Director approval.

All requests for NRR review of draft reports or assignment of an NRR contact for generic issue resolutions should be sent from the RES Branch Chief to the Director, Program Management, Policy Development and Analysis Staff (PMAS). PMAS will determine the appropriate contact points in NRR. You may suggest contact but do not assume or decide on an appropriate contact point unless designated by the PMAS. For NRR Concurrence, packages should be routed to the director PMAS. Failure of NRR to meet review or concurrence schedules will have to be addressed through PMAS. The PMAS should be notified by phone and a note approximately 2-3 weeks before any formal package is sent. Correspondence between NRR and RES should be addressed to the Director PMAS with a copy to the NRR/ILRB contact and a copy to the NRR person with technical responsibility.

GUIDANCE FOR IMPOSITION IN THE RESOLUTION

The three steps following the resolution which lead to concluding a generic issue have been identified as imposition, implementation and verification. The NRC imposes any new requirement and the licensees implement and the NRC verifies, if necessary. Experience has shown that a plan for generic and plant specific imposition is a very important part of the resolution. It is

important that the task manager's understanding and insight of the generic and issue be involved in determining the detailed plan for generic and plant specific imposition. Since NRR will be responsible for the imposition, coordination with NRR at this stage becomes particularly important. This should be arranged at the planning stage to the degree possible.

Careful consideration should be given to the NRR resources that will be required to impose any resolution of a generic issue. NRR or the Regions may not have sufficient resources to review the imposition or verify the implementation of every issue. Our proposed resolutions for issues should be based on what technically makes the best sense, and should not be compromised because of a lack of resources needed to implement a resolution. However, in reality the need for a review before or after implementation by NRR or a verification inspection by the regional offices is very subjective. The RES Task Manager should work closely with the NRR contact(s) and attempt to structure the proposed resolution so as to minimize the agency resources needed. The Task Manager should carefully consider whether review by NRR is absolutely necessary to effectively implement an issue, since justification in some detail of the needed resources will be required. Requiring licensees to maintain the information on-site and available for inspection can be adequate for many issues. The Task Manager should be prepared to assist NRR during the imposition and implementation phases.

Consideration should also be given to involving appropriate industry groups such as NUMARC, PWR or BWR Owners Groups, EPRI or others. Discussions and agreements can help to assure industry understanding of the resolution and effective implementation. Procedures which assure the independence and openness of the NRC need to be followed in pursuing this path.

CONTENT AND REVIEW PROCEDURES FOR THE RESOLUTION PACKAGE

The resolution package should contain the following information.

- A clear and definitive presentation of the issue including any background information necessary to understand the issue, its safety significance and the sense of urgency for resolving the issue.

- Alternative ways to resolve the issue, including "do nothing", with a value/impact analysis of each alternative.

- A recommended alternative and a discussion of the decision rationale for its selection.

- A plan for schedule and method of generic and plant specific imposition (Rule, Order, Bulletin, Generic Letter, other) and any new or revised guidance (Standard Review Plan, Regulatory Guide, Inspection, other) that codifies the new requirement.

An initial draft should be coordinated with other divisions in RES and, after review by the Task Manager's Division Director, NRR and at the same time to other Offices such as OGC, AEOD and NMSS as deemed necessary.

If new requirements or guidance are proposed, concurrence on the final package shall be requested by using parallel copies for each office. The office that originated the issue should generally concur. ACRS and CRGR review and comment shall be scheduled so that their reviews occur at about this time. If there is no new requirement or guidance the resolution package is sent to the EDO from the Director, Office of Research with a copy to ACRS and CRGR, but without ACRS, CRGR or anyone outside RES review.

After CRGR and ACRS review and consideration of comments, the resolution package is sent to the EDO from the Director, Office of Research and, if Rulemaking is involved as a part of the resolution, on to the Commission for their consideration.

Experience has shown that significiant delays often occur during the above review and concurrence procedures which involve many interfaces between organizational subelements in the NRC. Strong effort by the Task Manager is needed to keep the package moving. It takes the Task Manager's personal involvement with a willingness to explain and schedule meetings and make presentations in order to stimulate and obtain the necessary action.

If a new rule, rule change, addition or change to the Standard Review Plan or Regulatory Guide is a part of the resolution it must be issued for public comment with an appropriate Federal Register Notice. After the comments are received and addressed appropriately the review and concurrence procedures described above are repeated for the final resolution.

TRACKING OF PROGRESS

Tracking of progress on generic issues is done through the Generic Issue Management Control System (GIMCS) which is issued quarterly. The requirement for a quarterly update of the information in GIMCS provides an excellent management opportunity to review progress and suggest new initiatives as appropriate. This method of management control and the required activities of the Task Manager are discussed in detail in RES Office Letter No. 1, Procedures for Identification, "Prioritization, and Tracking of the Resolution of Generic Issues." Any slippages in the Generic Issue Resolution dates provided in the quarterly update to GIMCS are required to be approved by the cognizant Division Director and the RES Deputy Director for Generic Issues. This is presently done by addressing such changes in the GIMCS quarterly update memo from the Division Director thru the Deputy Director for Generic Issues. The formal GIMCS update from the Office Director/RES to the EDO also include these changes.