

Revision 3
September 1986

CHARTER
COMMITTEE TO REVIEW GENERIC REQUIREMENTS

Revision 3
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REVISION 1 APPROVED BY THE COMMISSION (SECY MEMO DTD JANUARY 6, 1984)

REVISION 2 APPROVED BY THE COMMISSION (COMSECY-86-5, JUNE 20, 1986)

REVISION 3 APPROVED BY THE COMMISSION (SECY MEMO DTD AUGUST 13, 1986)

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 or staff positions to be imposed by the NRC staff on one or more classes of power reactors. This review applies to staff proposals of requirements or positions which reduce existing requirements or positions and proposals which increase or change requirements. The implementation of this responsibility shall be conducted in such a manner so as to assure that the provisions of 10 CFR 2.204, 10 CFR 50.109 and 10 CFR 50.54(f) as pertaining to generic requirements and staff positions are implemented by the staff. The objectives of the CRGR process 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 assuring the adequate protection of the public health and safety and furthering the review of new, cost-effective requirements and staff positions. The CRGR and the associated staff procedures will assure NRC staff implementation of 10 CFR 50.54(f) and 50.109 for generic backfit matters. The overall process will assure that requirements and staff positions 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 agencywide point of control will be provided.

The CRGR will focus primarily on proposed new requirements and staff positions, but it will also review selected existing requirements and staff positions 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 or staff position are well understood and that the provisions of 10 CFR 50.109, 50.54(f), and 10 CFR 2.204, if applicable, are appropriately addressed by the staff proposal. The CRGR shall submit to the EDO a statement of the reasons for its recommendations. This statement shall provide a clear indication of the basis for the recommendation and, when appropriate, relate this basis to the provisions of 10 CFR 50.109, 50.54(f), and 10 CFR 2.204.

Tools used by the CRGR for scrutiny are expected to include cost-benefit analysis and probabilistic risk assessment where data for its proper use are adequate. Therefore, to the extent possible, written staff justifications should make use of these evaluation techniques. The use of cost-benefit analyses and other tools should help to make it possible to determine which proposed requirements and staff positions have real safety significance, as distinguished from those proposed requirements and staff positions which should be given a lower priority or those which might be dropped entirely. When such techniques cannot be applied for lack of available, appropriate, or relevant data, other methods will be used.

The EDO may authorize deviations from this Charter when the EDO, after consulting with the Chairman, finds that such action is in the public interest and the deviation otherwise complies with applicable regulations including 10 CFR

2.204, 50.54(f) and 50.109. Such authorization shall be written and shall become a part of the record of CRGR actions. The rulemaking proposal presented to and considered by the CRGR, and ultimately, if presented to the Commission, should include any necessary exemption request with supporting reasons for the proposed exemption.

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 and AEOD appointed by the Executive Director for Operations and one individual from OGC appointed by the EDO with the concurrence of the General Counsel. The DEDROGR shall assure that process controls for overall agency management of the generic backfit process are developed and maintained. These process controls shall include specific procedures, training, progress monitoring systems, and provisions for obtaining and evaluating both staff and industry views on the conduct of the backfit process. The DEDROGR is also responsible for assuring that each licensee is informed of the existence and structure of the NRC program described in this Charter. The DEDROGR shall assure that substantive changes in the Charter are communicated to the licensees.

The Office of the DEDROGR will provide staff support. The Committee may use several non-NRC persons as consultants in special technical areas.

New members will be appointed as the need arises. If a member cannot attend a meeting of the CRGR, the applicable Office Director may propose an alternative for the appointing official'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 or amended generic requirements and staff positions 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 requirements or staff positions applicable to reactor licensees, including 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, and 50.54(f) letters¹ ; all bulletins and circulars; and USI NUREGs; and all new or revised Standard Technical Specifications.

All staff proposed generic information requests will be examined by the CRGR in accordance with 10 CFR 50.54(f). Except for information sought to verify licensee compliance with the current licensing basis for a facility, the staff must prepare the reason or reasons for each information request prior to issuance to ensure that the burden to be imposed on respondents is justified in view of the potential safety significance of the issue to be addressed in the requested information. CRGR examination of generic letters will include those letters proposed to be sent to construction permit holders. For those plants for which an operating license is not yet issued, an exception to staff analysis may be granted by the Office Director only if the staff seeks information of a type routinely sought as part of the standard procedures applicable to the review of applications. If a request seeks to gather information pursuant to development of a new staff position, then the exception does not apply and the reasons for the request must be prepared and approved prior to issuance of the request. When staff evaluations of the necessity for a request are required, the evaluation shall include at least the following elements:

- (a) A problem statement that describes the need for the information in terms of potential safety benefit.
- (b) The licensee actions required and the cost to develop a response to the information request.
- (c) An anticipated schedule for NRC use of the information.

- 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 of a generic nature which are presented to reflect or interpret NRC staff positions, unless such documents refer only to requirements or staff positions² previously applicable to the affected licensees and approved by the appropriate officials. The

1 It is expected that the offices will develop internal procedures to ensure that information requests are developed in accordance with 50.54(f)

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

following are examples of approved staff positions 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 November 12, 1981 which have been approved through this established generic review process.

C. For those rare instances where it is judged that an immediately effective action is needed to ensure that facilities pose no undue risk to the health and safety of the public (10 CFR 50.109(a)(4)(ii)), no prior review by the CRGR is necessary. However, the staff shall conduct a documented evaluation which includes a statement of the objectives of and reasons for the actions and the basis for invoking the exception. The analysis referenced in 50.109(a)(2) may be conducted either before or after the action is taken and shall be subject to CRGR review. This analysis shall document the safety significance and appropriateness of the action taken and consideration of how costs contribute to selecting the solution among various acceptable alternatives. The CRGR Chairman should be notified by the Office Director originating the action. These immediately effective requirements will be reported to the Committee for information and will be included in the report to the Commission.

D. For each proposed requirement or staff position not requiring immediately effective action, the proposing office is to identify the requirement as either Category 1 or 2.

Category 1 requirements and staff positions 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 reviewed 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 CRGR Chairman, and if the question is not resolved within the 2 working-day limit, the proposed requirement or staff position is to be forwarded by the CRGR Chairman to the EDO for decision.

3 The requirements of the backfit rule and the Commission guidance for relaxation of requirements and staff positions shall continue to apply.

Category 2 requirements and staff positions 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 requirement or staff position.

Staff proposed generic modifications considered necessary to bring facilities into compliance with licenses or the rules or orders of the Commission, or into conformance with written commitments by licensees, will not require analyses of the type described in Section IV (B)(vii). The proposed action shall be presented to the CRGR Chairman with a documented evaluation including a statement of the objectives of and reasons for the proposed requirement or staff position and the basis for involving the exception under 10 CFR 50.109(a)(4)(i).

- E. The DEDROGR shall compile and maintain a list of projected generic requirements and staff positions based on input from the NRC offices. The CRGR may receive early briefings from the offices on the proposed new generic requirements or staff positions before the staff has developed the requirements or positions and held discussions with the ACRS.
- F. 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

The following requirements apply for proposals to reduce existing requirements or positions as well as proposals to increase requirements or positions. Each package submitted to the CRGR for review shall include fifteen (15) copies of the following information:

- (i) The proposed generic requirement or staff position as it is proposed to be sent out to licensees.
- (ii) Draft staff papers or other underlying staff documents supporting the requirements or staff positions. (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 or her use.)

- (iii) Each proposed requirement or staff position shall contain the sponsoring office's position as to whether the proposal would increase requirements or staff positions, implement existing requirements or staff positions, or would relax or reduce existing requirements or staff positions.
- (iv) The proposed method of implementation along with the concurrence (and any comments) of OGC on the method proposed.
- (v) Regulatory analyses generally conforming to the directives and guidance of NUREG/BR-0058 and NUREG/CR-3568.
- (vi) Identification of the category of reactor plants to which the generic requirement or staff position 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.).
- (vii) For each such category of reactor plants, an evaluation which demonstrates how the action should be prioritized and scheduled in light of other ongoing regulatory activities. The evaluation shall document for consideration information available concerning any of the following factors as may be appropriate and any other information relevant and material to the proposed action:
 - (a) Statement of the specific objectives that the proposed action is designed to achieve;
 - (b) General description of the activity that would be required by the licensee or applicant in order to complete the action;
 - (c) Potential change in the risk to the public from the accidental offsite release of radioactive material;
 - (d) Potential impact on radiological exposure of facility employees and other onsite workers.
 - (e) Installation and continuing costs associated with the action, including the cost of facility downtime or the cost of construction delay;
 - (f) The potential safety impact of changes in plant or operational complexity, including the relationship to proposed and existing regulatory requirements and staff positions;
 - (g) The estimated resource burden on the NRC associated with the proposed action and the availability of such resources;

- (h) The potential impact of differences in facility type, design or age on the relevancy and practicality of the proposed action;
 - (i) Whether the proposed action is interim or final, and if interim, the justification for imposing the proposed action on an interim basis.
- (viii) For each evaluation conducted pursuant to 10 CFR 50.109, the proposing office director's determination, together with the rationale for the determination based on the considerations of paragraphs (i) through (vii) above, that
- (a) there is a substantial increase in the overall protection of public health and safety or the common defense and security to be derived from the proposal; and
 - (b) the direct and indirect costs of implementation, for the facilities affected, are justified in view of this increased protection.
- (ix) For each evaluation conducted for proposed relaxations or decreases in current requirements or staff positions, the proposing office director's determination, together with the rationale for the determination based on the considerations of paragraphs (i) through (vii) above, that
- (a) the public health and safety and the common defense and security would be adequately protected if the proposed reduction in requirements or positions were implemented, and
 - (b) the cost savings attributed to the action would be substantial enough to justify taking the action.

C. DEDROGR Staff Review

DEDROGR staff shall review each package for completeness. If the package is not sufficient for CRGR consideration, it shall be returned by DEDROGR to the originating office with reasons for such action. Prior notice to the Committee is not needed; however, CRGR members shall be informed of such actions.

- An accepted package 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 or staff position. The DEDROGR staff normally shall provide a brief summary analysis of each package to CRGR members prior to the meetings.

D. CRGR Meeting Minutes

At each meeting, for each package scheduled for discussion, the sponsoring office shall present to the CRGR the proposed generic requirement or staff position and respond to comments and questions. 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 the discussion, each Committee member shall summarize his position. The minutes of each meeting, including CRGR recommendations and the bases therefor shall be prepared. Minutes normally shall be circulated to all members within 5-working days after the the meeting, and each member shall have 5-working days 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 that period shall be part of the minutes of the meeting.

The Committee shall recommend to the EDO, approval, disapproval, modification, or conditioning of generic proposals considered by the Committee, as well as the method of implementation of such requirements or staff positions 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 minutes shall be distributed to the Commission, Office Directors, Regional Administrators, CRGR Members, and the Public Document Room. The EDO's action taken in response to the Committee's recommendations shall be provided in writing to the Commission.

E. Recordkeeping 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 the 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 and their current status. The report shall be distributed to CRGR Members, Office Directors, Regional Administrators and the Public Document Room.

NEW GENERIC REQUIREMENT AND STAFF POSITION REVIEW PROCESS

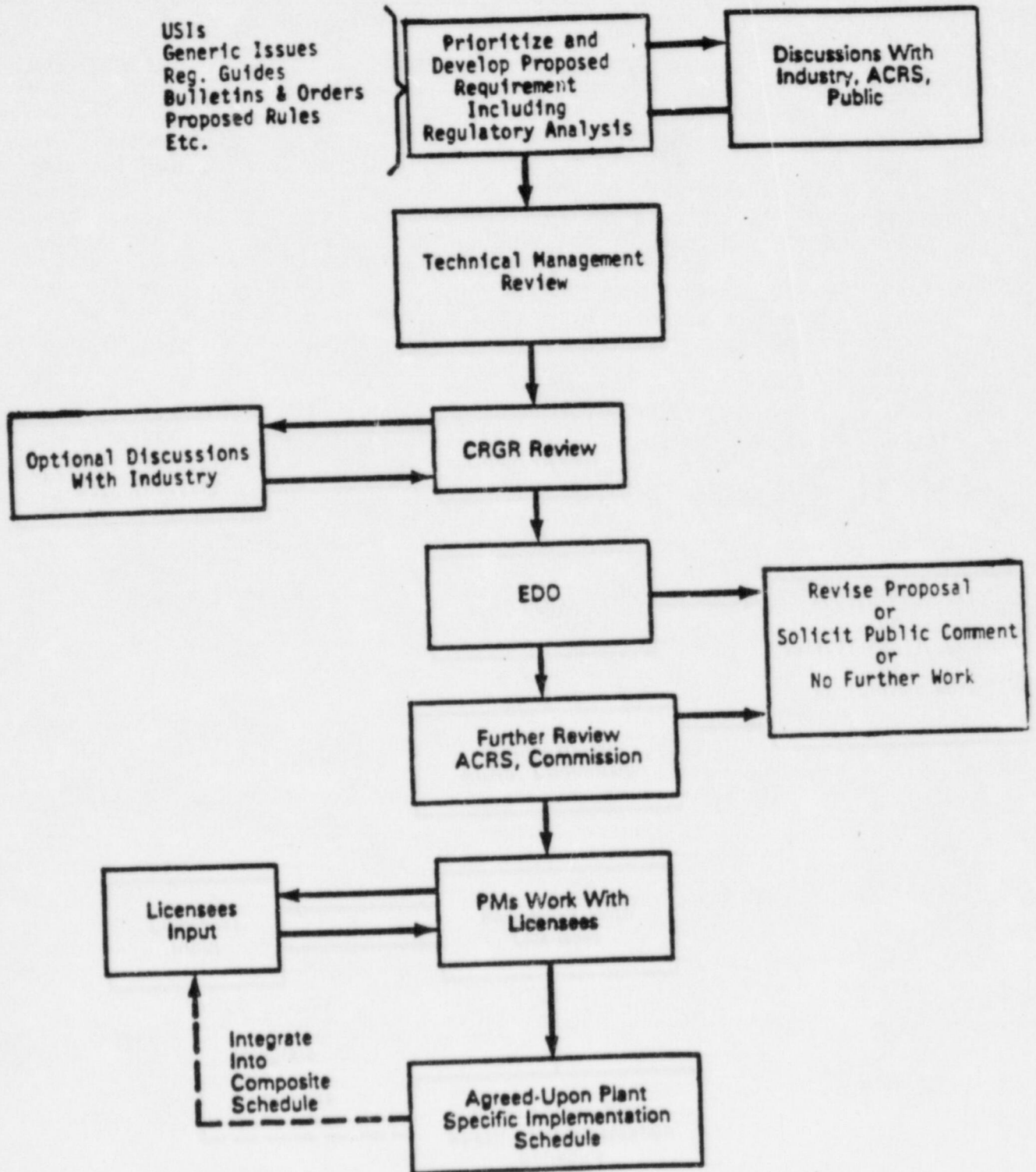
The attached chart is a schematic representation of how new generic requirements and staff positions are developed, revised and implemented.

In the early stages of developing a proposed new requirement or staff position, 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 action. On the basis of this information, the proposing office will prepare the package for CRGR review.

The CRGR may recommend approval, revision, or 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 normally work with each licensee to develop a plant-specific implementation schedule taking into consideration all of the other requirements and staff positions that are being implemented at each plant.

SCHEMATIC REPRESENTATION OF NEW REQUIREMENTS REVIEW



PROCEDURES TO CONTROL
GENERIC REQUIREMENTS AND STAFF POSITIONS

A. 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 generic requirements or staff positions and are designed to implement the provisions of 10 CFR 50.109, 50.54(f) and 2.204.

B. Committee to Review Generic Requirements (CRGR)

Except for immediately effective actions, the CRGR shall review all proposed new generic requirements and staff positions to be imposed on one or more classes of power reactors in accordance with the Charter of the Committee, before such proposed requirements or staff positions 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 and staff positions (Table I attached) shall be submitted for CRGR review. Such submittals shall conform to the provisions of the CRGR Charter relating to the contents of such submittals.
- (2) All generic 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 or staff positions approved prior to November 12, 1981. In the latter case, the previously approved requirement or staff position 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. Case-specific applications are governed by NRC Manual Chapter 0514.

- (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) In developing a proposed new generic requirement or staff position for CRGR review, an office may determine that it is in possession of important safety information that should be made available to licensees. It is the responsibility of that office to take immediate action to assure that such information is communicated to the licensees by the appropriate office. Such actions may be taken before completion of any proposed or ongoing CRGR reviews.

D. Immediately Effective Action

For those rare instances where it is judged that an immediately effective action is needed to ensure that facilities pose no undue risk to the health and safety of the public (10 CFR 50.109(a)(4)(ii)), no prior review by the CRGR is necessary. However, the staff shall conduct a documented evaluation which includes a statement of the objectives of and reasons for the actions and the basis for invoking the exception. The analysis referenced in 50.109(a)(2) may be conducted either before or after the action is taken and shall be subject to CRGR review. This analysis shall document the safety significance and appropriateness of the action taken and consideration of how costs contribute to selecting the solution among various acceptable alternatives. The CRGR Chairman should be notified by the Office Director originating the action. These immediately effective requirements will be reported to the Committee for information and will be included in the report to the Commission.

TABLE I

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

Rulemaking¹

Advanced Notices
Proposed Notices
Final Rules
Policy Statements

Other Formal Requirements²

Multiplant orders including show cause orders and
confirmatory orders

Staff Positions³

Bulletins
Circulars
Multiplant letters (including 10 CFR 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 Documents that 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 OR STAFF POSITIONS

Action and Petitions for Rulemaking
Action on 10 CFR 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 Positions on Code Committees
Unresolved Issues Resulting from Inspections

TABLE III

ADDITIONAL MECHANISMS SOMETIMES USED TO COMMUNICATE
GENERIC REQUIREMENTS OR STAFF POSITIONS

DES & FES

Entry, Exit and Management Meetings

Information Notices

Licensee Event Reports; 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