

POLICY ISSUE INFORMATION

August 31, 2005

SECY-05-0158

FOR: The Commissioners

FROM: Luis A. Reyes
Executive Director for Operations

SUBJECT: PERIODIC ASSESSMENT OF THE ACTIVITIES OF THE COMMITTEE TO REVIEW GENERIC REQUIREMENTS (CRGR)

PURPOSE:

The purpose of this memorandum is to provide the Commission with a periodic assessment of the value added by the Committee To Review Generic Requirements (CRGR or the Committee) in reviewing various generic actions proposed by the staff.

BACKGROUND:

In response to the Commission's direction, the CRGR proposed a process and criteria for periodic reporting and evaluation of the Committee's activities in SECY-97-052. The Commission approved the recommended process and criteria by the Staff Requirements Memorandum (SRM), dated April 18, 1997. Accordingly, since 1997, the CRGR has been conducting an evaluation of its activities and reporting annually to the Commission. This report contains an evaluation of the valued added by CRGR activities conducted from June 1, 2004, through May 31, 2005.

The CRGR consists of Nuclear Regulatory Commission (NRC) senior managers from the Offices of the General Counsel (OGC), Nuclear Regulatory Research (RES), Nuclear Reactor Regulation (NRR), Nuclear Materials Safety and Safeguards (NMSS), Nuclear Security and Incident Response (NSIR), and one of the regional offices on a rotational basis. The CRGR reports to the NRC's Executive Director for Operations (EDO), who appoints the Committee chairman and members. The CRGR conducts its activities in accordance with the Committee's Charter, Revision 7, dated November 7, 1999, which describes the Committee's mission, scope of activities, and operating procedures. RES provides technical and administrative support to the Committee.

CONTACT: Sher Bahadur, RES
(301) 415-5779

The CRGR's mission is to ensure that new or revised generic requirements proposed by the NRC staff to impose on agency-licensed power reactor and nuclear materials licensees are appropriately justified based on the backfit provisions of the applicable NRC regulations and the Commission's backfit guidance and pertinent policy. Specifically, these regulations include Title 10, Sections 50.109, 50.54(f), and 2.204, of the *Code of Federal Regulations* (CFR) for power reactors, as well as 10 CFR 70.76, 72.62, and 76.76 for nuclear materials facilities. Revision 4 of NUREG/BR-0058, "Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission," dated July 2004, provides guidance relevant to the required backfit analysis.

The primary responsibilities of the CRGR are to recommend to the EDO either approval or disapproval of the staff's proposed generic actions and to assist the NRC program offices in ensuring consistency with the implementation of the Commission's backfit regulations, directives and guidance.

To accomplish its mission, the CRGR reviews proposed new or revised regulatory requirements related to nuclear power reactors; NUREG-series reports; safety evaluation reports (SERs) that endorse generic vendor initiatives; generic correspondence, such as information requests pursuant to 10 CFR 50.54(f); regulatory guides; and NRC staff guidance on licensing, inspection, assessment, and enforcement, which could imply or inadvertently impose an unjustified backfit. The CRGR also reviews selected nuclear materials issues and proposed new or revised nuclear materials-related requirements, generic correspondence, and regulatory guidance. In addition, the CRGR holds periodic meetings with stakeholders as part of its responsibility for monitoring the overall effectiveness of NRC's generic backfit management process. As part of its responsibility for regulatory effectiveness, the CRGR may conduct periodic audits of NRC's administrative controls for facility-specific backfitting to assess their effectiveness.

DISCUSSION:

During this 12-month assessment period, the CRGR reviewed proposed new or revised generic actions and evaluated their potential for improper or unjustified backfits consistent with the Committee's Charter. In doing so, the CRGR also identified pertinent technical, procedural, policy and legal issues, and continued to support NRC's move to less prescriptive, more performance-based, and risk-informed regulations. This is the first time the CRGR also reviewed a security-related proposed generic communication, i.e., Proposed Bulletin 2005-02, "Emergency Preparedness and Response Actions for Security Based Events."

CRGR Activities

The CRGR held five meetings during this assessment period to review seven proposed generic actions, which included two rulemakings, a generic letter, an SER, a regulatory guide, a bulletin, and a Regulatory Issue Summary (RIS). Of these, NRR sponsored five actions; NSIR and the Office of Enforcement (OE) sponsored one each (Attachment 1).

In order to gain efficiency in the review process, the CRGR chairman conducted a limited review of several RIS and regulatory guides to screen out any potential backfit (Attachment 2). As a result, only a RIS or regulatory guide that had backfit potential or dealt with key issues was presented to the Committee.

As part of its efforts to meet the strategic goals of openness and effectiveness, the CRGR meets periodically with licensees and other stakeholders. In October 2004, the CRGR chairman and another CRGR member participated in the "Industry Feedback on Backfitting and Generic Requirements Breakout Session" at the Nuclear Energy Institute (NEI) Licensing Forum held in Baltimore, Maryland. In a panel discussion during this session, they solicited feedback on NRC's generic backfit process and addressed questions posed by audience members.

The CRGR continued addressing the findings and recommendations included in its report on administrative controls for plant-specific backfits that was submitted to the Commission on September 24, 2003 [NRC's Agencywide Documents Access and Management System (ADAMS) Accession No. ML032550007]. That report was prepared at the EDO's direction in response to the concerns raised by industry representatives in the November 2001 NEI Licensing Forum on the adequacy of NRC's controls for the plant-specific backfit process, including appeals of imposed backfits. Some of the recommendations by the CRGR, as delineated in the backfit action plan (ML033210331), were already accomplished in the previous years. Those include the development and publication of MD 8.4, "Management of Facility-specific Backfitting and Information Collection" (ML050110156), and the inclusion of an NSIR representative on CRGR (ML032720457). These were reported to the Commission in the Committee's last periodic assessment (ML042710601). Currently, the revision of the CRGR Charter is in its planning stages, and will reflect NSIR representation appropriately in the Committee and expand the scope of CRGR's review to include staff proposals related to security or safeguards. Furthermore, the Committee plans to review the office and regional backfitting procedures that are currently being developed or revised in accordance with MD 8.4, and to periodically conduct the audits of the effectiveness of NRC's backfit controls.

In addressing one of the CRGR recommendations, RES developed a backfit recordkeeping system to facilitate effective storage and retrieval of the agency's backfit-related documents. This system is contained within the structure of ADAMS, and RES delivered the plans for its implementation to the Office of Information Services on March 7, 2005 (ML050610550). In consultation with RES and OGC, the Office of Human Resources is pursuing another CRGR recommendation, the development of a backfit training program for the NRC staff. This program will include the three-tier graded approach recommended by the Committee and utilize the video-recordings of training sessions that were conducted in June 2004. Additionally, RES is developing a Web site on backfitting that will serve as a training aid. This Web site will provide comprehensive information to the staff on the history of backfitting, related agency regulations, and pertinent Commission guidance.

Self-Assessment

The periodic assessment of the value added by the CRGR reviews of the proposed new or revised generic actions is based on both the program office input and the Committee's self-assessment of its activities and contributions to the agency's mission. Specifically, the CRGR's value added is assessed in terms of its effectiveness in fulfilling the following three categories of chartered responsibilities:

(1) Identification of improper, unjustified, or implicit backfits

The CRGR's primary mission is to ensure that no inadvertent backfits are either imposed or implied by the proposed new or revised generic requirements for NRC-licensed power reactors and nuclear materials facilities and that the staff-proposed actions are appropriately justified as required by NRC's regulations, Commission guidance and directives, as well applicable Acts and Executive Orders. Appendices C and D of the CRGR Charter require that detailed backfit and regulatory analyses, as appropriate, must be included in the packages submitted for the CRGR review and endorsement. During this assessment period, the NRC staff ensured that the proposals were consistent with the backfit provisions of applicable regulations and that any impact of these proposals on NRC and licensees were assessed and explained. There were no backfits identified during this assessment period.

(2) Identification of technical, procedural, or legal deficiencies, or flaws with respect to backfit policy presented to the CRGR

In addition to technical expertise from the program offices and field experience from the regions, the CRGR membership includes a senior manager from the OGC to identify legal deficiencies or flaws in proposed staff actions with respect to the Commission's backfit rules, guidance, policies, and directives. Staff improved their proposals and benefitted from CRGR's reviews because these reviews provided improvements from a process perspective and ensured consistency with the Commission's backfit regulations, directives and guidance.

(3) Consideration of the significance of the issues raised by the CRGR compared to the impact on schedules and resources expended to address those issues

The CRGR provided guidance and consultation to the NRC staff to eliminate potential backfits in the proposed documents, before issuing for public comment and a formal CRGR review. To prevent unnecessary delays, the CRGR scheduled the Committee meetings expeditiously as requested by the NRC staff. The CRGR scheduled special meetings to meet the schedule demands and provide necessary assistance to the staff prior to the formal CRGR review. When necessary to expedite the endorsement process, the CRGR staff assisted the sponsoring office staff in satisfactory resolution of the Committee's comments. As a result, the sponsoring office staff generally required minimal effort to respond to the CRGR comments and recommendations. The CRGR reviews did not impact the scheduled issuance of any rulemakings, generic communications or regulatory guidance.

The results of its self-assessment revealed that CRGR reviews were timely, focused on the priority issues, and useful to the NRC staff. Interactions with the NRC staff have been positive and professional, resulting in constructive feedback and useful insights to ensure product completeness.

NRC Program Office Assessment of the Value Added by the CRGR

The CRGR continues to seek feedback from the sponsoring offices on the value added by the Committee's reviews. The CRGR solicited feedback from sponsoring offices in a memorandum, dated June 27, 2005, (ML051790042) regarding (1) the value that the CRGR reviews added to

the quality of the product, (2) staff efforts expended to address the CRGR's comments and recommendations, (3) impact on the staff's schedules, and (4) significance of the issues and associated costs in terms of overall impact on schedules and resources. During this assessment period, NRR, NSIR, and OE sponsored seven proposals reviewed by the Committee. The Committee did not receive any proposals for review from NMSS and RES. The feedback from the offices, whose proposals were reviewed by the CRGR, are included in Attachment 3.

In general, the sponsoring offices indicated that the CRGR reviews were beneficial. The offices also noted that the CRGR's comments and recommendations improved their proposals by helping the staff focus on the underlying safety concerns, enhancing the quality of the final products, and ensuring that the products were consistent with the Commission's backfit regulations, directives and guidance.

The program offices indicated that the staff did not expend unnecessary effort and there was no noticeable impact on resources to address the CRGR's comments and recommendations. However, one of the program offices offered a suggestion to improve the Committee's effectiveness in streamlining the procedures for re-submitting the revised package for CRGR endorsement.

Specifically, NRR believed that the comments provided by the CRGR were insightful, significant, and resulted in a more refined and much improved product. Resolving the CRGR comments and recommendations did not significantly impact their schedule. Only in one instance did staff indicate that there was a delay due to the administrative efforts required to prepare the package for CRGR review.

NSIR considered CRGR's review of Bulletin 2005-02, "Emergency Preparedness and Response Actions for Security-based Events," was beneficial in ensuring a high-quality product. Also, special effort by the CRGR assisted the staff in fulfilling their Commission-directed aggressive schedule to issue the bulletin on time.

OE indicated that a limited review of its RIS should have been sufficient and that the RIS did not warrant a formal CRGR review. Although the RIS was voluntary and may not have had any backfit issues, the Committee performed a formal CRGR review because of the sensitive nature of the issue and the stakeholders' objection to receiving prescriptive guidance from the Commission. The staff stated that value was indeed added to the product by the formal CRGR review.

CONCLUSION:

The CRGR believes that it has been successfully contributing to the necessary staff and industry awareness of the applicable NRC regulations and Commission policy regarding backfits. The results of the self-assessment and feedback from program offices indicate that the Committee has provided its review and evaluation in an efficient and effective manner,

adding value to the regulatory process and contributing to the accomplishment of NRC's mission by identifying technical, procedural, and legal issues. The Committee will continue to monitor the effectiveness and efficiency of its operations and make necessary modifications.

/RA/

Luis A. Reyes
Executive Director for Operations

Attachments:

1. Topics Reviewed by the CRGR Between
June 1, 2004, and May 31, 2005
2. Topics Reviewed by the CRGR Chairman
Between June 1, 2004, and May 31, 2005
3. Program Office Assessments of CRGR Activities
Between June 1, 2004, and May 31, 2005

**TOPICS REVIEWED BY THE CRGR
BETWEEN JUNE 1, 2004, AND MAY 31, 2005
(CRGR Meeting Nos. 397 – 401)**

CRGR Meeting No. 397 (August 10, 2004)

- James E. Lyons (NRR/DSSA) — Proposed Generic Letter 2004-02, "Potential Impact of Debris Blockage on Emergency Recirculation During Design Basis Accidents at Pressurized-Water Reactors" (GSI-191).
Presenter: David C. Cullison (NRR)
- Michael E. Mayfield (NRR/DE) — Proposed Draft Final Rule Revising 10 CFR 50.55a, "Codes and Standards."
Presenter: Steve G. Tingen (NRR)

CRGR Meeting No. 398 (August 24, 2004)

- David B. Matthews (NRR/DRIP) — Proposed Final Amendments to 10 CFR PART 50, Appendix E Relating to (I) Nuclear Regulatory Commission Approval of Changes to Emergency Action Levels, Paragraph IV.B and (II) Exercise Requirements for Co-Located Licensees, Paragraph IV.F.2 and the associated Regulatory Guide 1.101, Revision 5, "Emergency Planning and Preparedness for Nuclear Power Reactors."
Presenter: Michael T. Jamgochian (NRR)

CRGR Meeting No. 399 (October 12, 2004)

- James E. Lyons (NRR/DSSA) — Proposed Draft Safety Evaluation for Nuclear Energy Institute Guidance Report (Proposed Document Number NEI 04-07), "Pressurized Water Reactor Sump Performance Evaluation Methodology."
Presenter: Mark A. Giles (Region I)

CRGR Meeting No. 400 (May 24, 2004)

- James G. Luehman (OE) — Proposed Regulatory Issue Summary 2005-XX, “Guidance for Establishing and Maintaining a Safety Conscious Work Environment.”
Presenter: Lisamarie Jarriel (OE)
- James E. Lyons (NRR/DSSA) — Proposed Draft Regulatory Guide, “Risk-Informed, Performance-Based Fire Protection for Existing Light-Water Nuclear Power Plants” and the associated document, Nuclear Energy Institute guide, NEI 04-02, “Guidance for Implementing a Risk-Informed, Performance-Based Fire Protection Program Under 10 CFR 50.48(c),” Revision 0.
Presenter: Paul W. Lain (NRR)

CRGR Meeting No. 401 (May 31, 2004)

- Eric J. Leeds (NSIR/DPR) — Proposed Bulletin 2005-02, “Emergency Preparedness and Response Actions for Security-Based Events” (ML051330192).
Presenter: Greg A. Casto (NSIR)

**TOPICS REVIEWED BY THE CRGR CHAIRMAN
BETWEEN JUNE 1, 2004, AND MAY 31, 2005**

Document Type	Topic	Decision on Formal CRGR Review
RIS	Regulatory Issue Summary 2004-13, "Consideration of Sheltering in Licensee's Range of Protective Action Recommendations" (ML041210046)	Waived July 7, 2004
RIS	Regulatory Issue Summary 2003-18, "Supplement 1, Use of Nuclear Energy Institute (NEI) 99-01, 'Methodology for Development of Emergency Action Levels,' Revision 4" (ML041550395)	Waived July 13, 2004
RIS	Regulatory Issue Summary 2004-12, "Clarification on Use of Later Editions and Addenda to the ASME OM Code and Section XI" (ML042090436)	Waived July 27, 2004
RIS	Regulatory Issue Summary 2004-16, "Use of Later Editions and Addenda to ASME Code Section XI for Repairs/Replacement Activities" (ML042590067)	Waived September 7, 2004
RIS	Regulatory Issue Summary 2004-19, "Providing Access to the Authorized Nuclear In-service Inspectors and NRC Authorized Alternatives to the ASME CODE Requirements" (ML042520050)	Waived September 8, 2004
RIS	Regulatory Issue Summary 2004-14, "Focusing Resources in the Office of Nuclear Reactor Regulation as a Result of Review of Security Plan Changes" (ML042020241)	Waived September 14, 2004
RIS	Regulatory Issue Summary 2004-02, "Clarifying the Process for Making Emergency Plan Changes" (ML042580404)	Waived September 30, 2004
RIS	Regulatory Issue Summary 2004-20, "Clarification of NRC Medical Requirements for Licensed Operators" (ML042510509)	Waived November 9, 2004

Document Type	Topic	Decision on Formal CRGR Review
RIS	Regulatory Issue Summary 2004-07, "Performance of Compensatory Measures to Satisfy the Fire Protection Requirements" (ML042360547)	Waived December 21, 2004
RIS	Regulatory Issue Summary 2005-01, "Changes to Notice of Enforcement Discretion (NOED) Process and Staff Guidance" (ML043500532)	Waived December 21, 2004
RIS	Regulatory Issue Summary 2005-05, "Regulatory Issues Regarding Criticality Analyses for Spent Fuel Pools and Independent Spent Fuel" (ML043500532)	Waived January, 12, 2005
RIS	Regulatory Issue Summary 2005-04, "Guidance on Protection of Unattended Openings that Intersect a Security Boundary or Area" (ML042600481)	Waived January 12, 2005
RIS	Regulatory Issue Summary 2004-13, "Supplement 1, Consideration of Sheltering in the Licensee's Range of Protective Action Recommendations, Dated August 2004" (ML050340531)	Waived March 3, 2005
RIS	Regulatory Issue Summary 2005-07, "Compensatory Measures to Satisfy the Fire Protection Program Requirements" (ML042360547)	Waived March 31, 2005
RIS	Regulatory Issue Summary 2005-XX, "Issuance of NUREG-1482, Revision 1, Guidelines for In-service Testing at Nuclear Power Plants" (ML050460055)	Waived March 31, 2005
RIS	Regulatory Issue Summary 2005-09, "High-Security Protected and Vital Area Barrier Breaching Analysis" (ML050040403)	Waived April 13, 2005
RIS	Regulatory Issue Summary 2005-14, "Clarification of Implementing Guidance for Compensatory Measures to Access Authorization Orders" (ML050070325)	Waived May 5, 2005

Document Type	Topic	Decision on Formal CRGR Review
RIS	Proposed Regulatory Issue Summary 2005-XX, "Guidance for Establishing and Maintaining a Safety Conscious Work Environment" (ML051150276)	CRGR review needed
RIS	Regulatory Issue Summary 2005-08, "Endorsement of Nuclear Energy Institute (NEI) Guidance, 'Range of Protective Actions for Nuclear Power Plant Incidents'" (ML050870432)	Waived May 31, 2005
Proposed SRP and NUREG	Standard Review Plan Chapter 13.1.2 – 13.1.3 and NUREG/CR-6838, "Technical Basis for Regulatory Guidance for Assessing Exemption Requests from Nuclear Power Plant Licensed Operator Staffing Requirements as Specified in 10 CFR 50.54(m)" (ML041470005)	Deferred July 8, 2004
Proposed Rule	Proposed Rule to Risk-Inform Requirements Related to Large Break Loss-of-Coolant-Accident (ML041880093)	Deferred August 24, 2004
Proposed Rule Amendment	Proposed Amendment of the Fitness-for-Duty Rule (10 CFR Part 26) (ML042180137)	Deferred September 3, 2004
Draft Regulatory Guide	Draft Regulatory Guide DG-1130, "Criteria for Use of Computers in Safety Systems of Nuclear Power Plants" (ML042390357)	Deferred September 9, 2004
Proposed Generic Letter	Proposed Generic Letter, "Steam Generator Tube Integrity and Associated Technical Specifications" (ML041060456)	Deferred September 22, 2004
Proposed Bulletin	Proposed Bulletin, "Material Control and Accounting at Reactors and Wet Spent Fuel Storage Facilities" (ML042520279)	Waived September 24, 2004
Proposed Regulatory Guide	Proposed Regulatory Guide 1.75, Revision 3, "Criteria for Independence of Electrical Safety Systems" (ML042720039)	Waived October 18, 2004
Proposed Rule	Post-Fire Operator Manual Actions Proposed Rule (ML042610111)	Deferred October 26, 2004

Document Type	Topic	Decision on Formal CRGR Review
Proposed Policy and Procedure Letter	Proposed Policy and Procedure Letter 1-84, "10 CFR Part 72 Backfit Guidance" (ML041770583)	Waived November 11, 2004
Regulatory Guide and NUREG	Regulatory Guide-1085, "Standard Format and Content Guide of Decommissioning Costs Estimates for Nuclear Power Reactors," and NUREG-1713, "Standard Review Plan for Decommissioning Cost Estimates for Nuclear Power Reactors" (ML042440770)	Waived November 19, 2004
Draft Regulatory Guide	Draft Regulatory Guide DG-1127, "Combining Modal Responses and Spatial Components in Seismic Response Analysis" (ML042870453)	Deferred November 19, 2004
Draft Regulatory Guide	Draft Regulatory Guide DG-1137, "Guidelines for Lightning Protection for Nuclear Power Plants" (ML050260456)	Deferred February 9, 2005
Draft Management Directive	"Second Draft Revision of Management Directive 6.4, 'Generic Issues Program'" (ML050120475)	Waived March 24, 2005
Proposed Generic Letter	Generic Letter, "Grid Reliability and the Impact on Plant Risk and the Operability of Offsite Power" (ML050390189)	Deferred April 4, 2005
Proposed Revision to Regulatory Guide	Proposed Revision to Regulatory Guide 3.71, "Nuclear Criticality Safety Standards for Fuels and Materials Facilities" (ML050610258)	Waived April 19, 2005
Proposed Rule Section Revision	Proposed Rulemaking to Revise Section 10 CFR 73.1, Design Basis Threat (DBT) Requirements (ML051010079)	Waived April 28, 2005
Draft Regulatory Guide	Draft Regulatory Guide 8.7, "Instructions for Recording and Reporting Occupational Radiation Dose Data" (ML051220611)	Deferred May 6, 2005

Document Type	Topic	Decision on Formal CRGR Review
Proposed SRP and NUREG	Standard Review Plan Chapter 13.1.2 – 13.1.3 and NUREG/CR-6838, “Technical Basis for Regulatory Guidance for Assessing Exemption Requests from Nuclear Power Plant Licensed Operator Staffing Requirements as Specified in 10 CFR 50.54(m)” (ML050910086)	Waived May 10, 2005

**PROGRAM OFFICE ASSESSMENTS OF CRGR ACTIVITIES
BETWEEN JUNE 1, 2004, AND MAY 31, 2005**

DISCUSSION

In accordance with Revision 7 of its Charter, effective November 18, 1999, the mission of the Committee to Review Generic Requirements (CRGR) is to ensure that new or revised generic requirements that the U.S. Nuclear Regulatory Commission (NRC) proposes to impose on agency-licensed power reactor and nuclear materials licensees are appropriately justified based on the backfit provisions of applicable NRC regulations and the Commission's backfit policy. As such, the primary responsibilities of the CRGR are to (1) recommend to NRC's Executive Director for Operations (EDO) either approval or disapproval of the staff's proposals for new or revised generic requirements and (2) assist NRC's program offices in implementing the Commission's backfit policy on nuclear power reactors and materials facilities.

To evaluate its effectiveness in terms of the value added by the Committee's reviews, the CRGR considered the significance of the issues raised and the associated costs, as measured by staff efforts and resources expended to address the issues, as well as any associated schedule impacts. This evaluation was accomplished through the CRGR's self-assessment of its activities and by soliciting input from the program offices that sponsored the actions that the CRGR reviewed during this assessment period.

The CRGR Chairman also considered the adequacy and quality of incoming proposals when the program offices submitted them for formal review by the Committee. In doing so, the CRGR Chairman did not reject any proposals during this assessment period.

Criteria for Program Office Assessment of the CRGR

In a memorandum dated June 27, 2005, the CRGR Chairman invited the program office directors to assess the value added by CRGR reviews of proposals sponsored by their respective offices. Specifically, the CRGR Chairman asked the program office directors to consider the following four criteria to evaluate the CRGR's effectiveness:

- (1) Value added by the CRGR review (e.g., improvement in the quality of the product from the standpoint of underlying safety concerns and backfit considerations; completeness; and consistency with the Commission's policies, rules, and regulations)
- (2) Staff efforts expended in addressing the CRGR's comments and recommendations, *excluding* the time required for reconcurrence by the program office and the Office of the General Counsel (OGC)
- (3) Schedule impact, if any
- (4) Significance of the issues and associated costs, in terms of overall impact on schedules and resources

The program offices addressed these four criteria in the responses associated with their respective staff proposals. In general, the offices indicated that the CRGR reviews were beneficial and added value to the products without significantly impacting staff schedules or resources. The offices also stated that the CRGR's comments and recommendations improved their proposals by helping the staff to focus on the underlying safety concerns, identifying implicit backfits, enhancing the quality of the final products, and ensuring that the products were consistent with the Commission's policies, rules, and regulations.

The following sections summarize the highlights of the CRGR assessments provided by the NRC's Offices of Nuclear Reactor Regulation (NRR), Enforcement (OE), and Nuclear Security and Incident Response (NSIR)¹:

NRR Overall Assessment

- (1) Value added by the CRGR review (e.g., improvement in the quality of the product from the standpoint of underlying safety concerns and backfit considerations; completeness; and consistency with the Commission's policies, rules, and regulations)**

The staff stated that, the comments and recommendations of the CRGR members improved the quality of the generic letter by identifying areas that could be modified or strengthened to clarify the intent, action, and information requests contained in the submitted packages. One significant area identified in a regulatory guide by the CRGR was the existing coordination issue with other ongoing probabilistic risk assessment and security requirements. Specifically the need to align the Probabilistic Risk Assessment (PRA) terminology with the 10 CFR 50.69, draft PRA rule 10 CFR 50.46(a) and address the safety/security interface when making risk-informed changes.

- (2) Staff efforts expended in addressing CRGR comments and recommendations, excluding the time required for concurrence by the program office and OGC**

The staff efforts to address the CRGR comments and recommendations were minimal.

- (3) Schedule impact, if any**

The staff indicated that a rule package would have been issued approximately 1 month earlier if a CRGR review had been required. For another rule package, the staff estimated that the CRGR review of the submitted package added less than 2 weeks. However, staff states regarding the other three packages reviewed, that the review did not impact the schedule for preparing and issuing the documents.

¹ The Office of Nuclear Regulatory Research and the Office of Nuclear Material Safety and Safeguards did not sponsor any issues for CRGR review during this assessment period.

(4) Significance of the issues and associated costs, in terms of overall impact on schedules and resources

The staff indicated that the CRGR did not identify any issue that significantly impacted the schedule or resources associated with issuing the final product. In one instance, the staff stated that the CRGR added significant value by questioning the role of regulatory guidance in matters related to the safety/security interface and consistency among risk-informed rules within the agency. They also stated that the questions of specific CRGR members were insightful and helped the staff refine and improve various documents. The resolution of the CRGR's questions had no impact on resources beyond the impact resulting from the preparation for the CRGR review. However, staff stated that for one topic in CRGR Meeting No. 397, they required approximately 60 hours of staff time to submit the rule package to CRGR.

NSIR Overall Assessment

(1) Value added by the CRGR review (e.g., improvement in the quality of the product from the standpoint of underlying safety concerns and backfit considerations; completeness; and consistency with the Commission's policies, rules, and regulations)

The staff indicated that CRGR review contributed significant value in terms of the quality of their product. Through the processes employed by the staff to prepare for CRGR review, (specifically the development of the CRGR responses to Appendix C of the CRGR Charter and the additional senior management meetings held in advance of the CRGR review meeting to validate the responses), a high level of attention to the bulletin was maintained, and they were better able to ensure that the bulletin was consistent with the scope and objectives of this type of generic communication.

Of the nine recommendations in CRGR Meeting No. 401, adopted by the staff, only one recommendation was subsequently removed at the Commission level prior to issue (there was a reference to an NEI white paper that provided similar information to licensees).

(2) Staff efforts expended in addressing CRGR comments and recommendations, excluding the time required for reconcurrence by the program office and OGC

Staff stated that modifications to address the comments from the CRGR required approximately 16 person hours to complete; however, 2 days following the meeting, the staff received additional editorial comments from several individual members. The staff indicated that addressing these editorial comments added approximately 2 days to the bulletin schedule and another 32 person hours. Additionally, they stated, that the document control process for handling the CRGR-reviewed bulletin caused a delay of approximately 2 days and 8 person hours. The staff requested a written process for handling this step in the future, to eliminate this schedule lag.

(3) Schedule impact, if any

The staff also indicated that preparation effort for the CRGR review was estimated at approximately 120 person hours and included generation of the CRGR review package document, preparation of presentation material, and pre-review meetings to review documents used in the review.

An aggressive 45-day target was given to the generation of this bulletin. The bulletin was provided to the Commission for 47 days following the May 4, 2005, SRM authorization to proceed with the bulletin. The staff requested and received an expedited review by CRGR. There was no significant impact to schedule adherence from responding to and preparing for CRGR reviews.

(4) Significance of the issues and associated costs, in terms of overall impact on schedules and resources

Staff states that the CRGR review process provided an overall benefit. Specifically, this high-level, focused, and standardized review process ensures that generic information issued by NRC maintains a high level of quality. Approximately 180 person hours for CRGR preparation and response were incurred. Approximately 4 days were added to address secondary (editorial) comments and document control issues.

OE Overall Assessment

(1) Value added by the CRGR review (e.g., improvement in the quality of the product from the standpoint of underlying safety concerns and backfit considerations; completeness; and consistency with the Commission's policies, rules, and regulations)

Although the staff did not believe that there were any backfit issues to address and there was a need for a formal CRGR review, they conceded that a modest value was added by the CRGR review. Value was added in that, during preparation for the review, the OE staff ensured that the intent of the document and expectations of licensees in response to the document were clear. The benefits of issuing the document outweighed any potential costs, and the document did not communicate that the practices in the guidance were required.

Staff also believes that the endorsement by the CRGR will likely add credibility to the document when it is issued and will further address concerns regarding NRC's intended use of the document.

(2) Staff efforts expended in addressing CRGR comments and recommendations, excluding the time required for OGC and program office reconcurrence

Staff did not indicate how much effort was expended in addressing the CRGR comments and recommendations.

(3) Schedule impact, if any

Staff indicated that two members of the OE staff dedicated a total of approximately 1 month of time preparing for the CRGR review.

(4) Significance of the issues and associated costs, in terms of overall impact on schedules and resources

Staff used approximately 1 month of time preparing for the CRGR review and received, in return, three statements in the guidance document that could be clarified, one editorial revision, and a recommendation that communications with the inspection staff be complete before issuing the RIS.