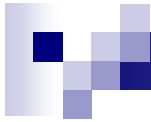




10 CFR Part 70 Backfit Guidance

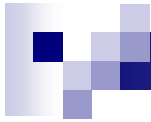
(NMSS Policy & Procedures Letter 1-82)

William C. Gleaves
Project Manager
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission



Background – New Part 70

- Regulatory performance requirements for high and intermediate consequence events, “Items Relied on for Safety”, ISA Summary, Baseline Design Criteria.
- Subpart H: risk informed.



Applicability of Part 70.76

- Backfit protection for licensees with a critical mass or less began when the PPL 1-82 was issued.
- Now that the PPL 1-82 is final, backfit protection for licensees with greater than a critical mass of SNM does not start until their ISA Summary is approved or October 18, 2004, whichever is earlier.



Purpose of the PPL 1-82

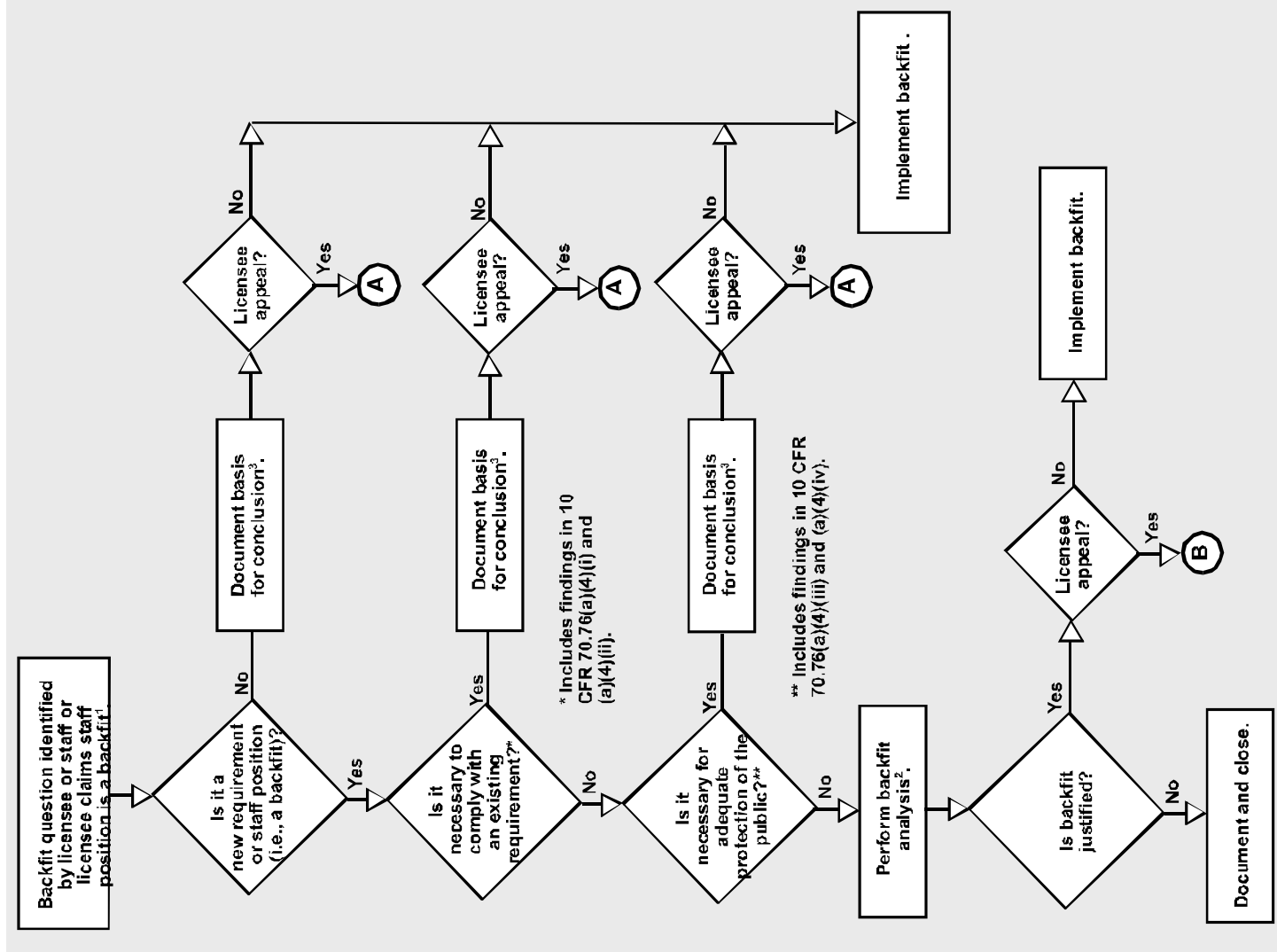
- Provide guidance to NRC staff for backfits of Part 70 licensed facilities.
- §70.76 “will not become effective until after the issuance of staff guidance for implementation.”
- “10 CFR Part 70 Backfit Guidance” was issued April 2004 (ML040980122).



Description of PPL 1-82

- Derived from backfit guidance of Management Directive 8.4, “NRC Program for Management of Plant-Specific Backfitting of Nuclear Power Plants,” and PPL 1-53 for §76.76 (GDPs) and adapted for Part 70.
- Adaptations included extensive use of appendices, flowcharts, graphics, and examples.
- Approved by CRGR on March 8, 2004.

Part 70 Backfit Process Flow





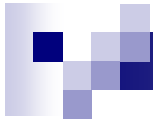
Stakeholder Comments

- Internal comments from NMSS, CRGR, NSIR, NRR/DRIP, RGN II, & OGC.
- External comments from NEI - positive and negative – generally supported.



Stakeholder Comments (NEI)

- NEI: “it assures that any new regulatory burdens imposed...have been supported by a cost-benefit study that demonstrates...costs of implementation...are more than offset by a substantial increase provided in the overall protection of public health and safety.” (Incorporated in PPL)



Future Actions

- Revise as necessary to reflect changes to upcoming revision to Management Directive 8.4.