

April 12, 2007

MEMORANDUM TO: James T. Wiggins, Chairman
Committee to Review Generic Requirements

FROM: Les Cupidon, CRGR Staff **/RA/**
Committee to Review Generic Requirements

SUBJECT: SUMMARY OF MARCH 29, 2007, COMMITTEE TO REVIEW
GENERIC REQUIREMENTS PUBLIC MEETING WITH
INTERESTED STAKEHOLDERS REGARDING THE NUCLEAR
REGULATORY COMMISSION BACKFIT CONTROLS

The Committee to Review Generic Requirements (CRGR) held a public meeting with interested stakeholders on March 29, 2007, to discuss the Nuclear Regulatory Commission (NRC) backfit controls. There were 32 participants in attendance at the public meeting including the CRGR members and alternates (enclosure 1).

The meeting began in accordance with the agenda (enclosure 2) with the NRC meeting facilitator setting the meeting ground rules and the CRGR members, alternates and stakeholders introducing themselves. The discussion began with the CRGR Chairman giving a brief slide presentation (enclosure 3) followed by two of the three invited stakeholders, Mr. Tom Houghton of the Nuclear Energy Institute (NEI) and Mr. David Culberson of the Fuel Cycle Facilities Forum (FCFF). The two industry representatives each gave a 20 minute slide presentation (see enclosure 4 and 5) in which they expressed their interests and gave comments regarding the CRGR activities and review process.

After each industry presentation, the CRGR engaged the presenters in a discussion with clarifying questions and comments. The following is a list summarizing the comments and suggestions provided by the two representatives regarding the CRGR activities. There are some overlapping comments.

NEI Comments:

- 1) Establish an enhanced backfit training program.
- 2) Revise the CRGR charter to include plant specific backfits (FCFF).
- 3) CRGR participation should also include site visits and annual public meetings with the industry and not only participating as a panel member in the annual NEI licensing forum.
- 4) Open the CRGR review process to external stakeholders (FCFF).

- 5) Conduct more stringent reviews and follow through as there is a continued industry belief that informal backfits are occurring, specifically in the area of compliance (i.e., what is being implemented in the field via RIS, GL, inspection findings, is either not what the CRGR endorsed or should not have been endorsed by the CRGR).
- 6) NEI claimed that the CRGR permitted the issuance of a rule (10 CFR Part 26) with aggregate backfit issues.
- 7) Increase the scope of CRGR review (i.e., RIS, include other major regulatory actions)(FCFF).
- 8) Develop externally available CRGR web page.
- 9) Engage a third party (i.e., former CRGR members, retired NRC managers, or consultants) to assess CRGR activities (FCFF).
- 10) Conduct sample reviews of past CRGR endorsed packages and make adjustment in the CRGR process where necessary.

FCFF Comments:

- 1) Establish a process to avoid “creeping” backfits or requirements (i.e., *plant* specific requirement or backfit becoming generic in nature)(NEI).
- 2) CRGR should review staff requested changes in decommissioning plans because, for various reasons (i.e., new staff, different interpretation), the definition of adequate protection is not static between the decommission plan and decommissioning process, resulting in large increase in cost but minimal increase in safety (also for partial site clean up).
- 3) Backfits results in changes to procedures and organizations at a significant cost not considered by the staff.
- 4) Licensee is not consulted as provided for in 10 CFR 70.76 (b)(2), on the activity that would be required by the licensee to complete the backfit from the standpoint of an evaluation of costs and effect on the licensee (presenter’s interpretation).
- 5) Freedom to select alternative means to achieve compliance or adequate protection are curtailed as licensees are “steered” towards an alternative solution that has been “tested or used at another facility” (creeping requirements)(NEI).
- 6) Consult occasionally with external entity or group of industry representatives for input on specific issues or specific aspects of the industry.

Mr. David Lochbaum, of the Union of Concerned Scientist (UCS), was invited and attended briefly at the beginning of the meeting but chose to leave before presenting his slides. Mr. Lochbaum's slides are enclosed (enclosure 6)

The last 60 minutes of the meeting involved the attendees participating in an open discussion in which the CRGR and industry exchanged clarifying questions and comments. The CRGR also took this opportunity to pose the following question to the attendees (paraphrasing), should the CRGR continue in its review process, i) on an as needed basis, ii) in large part as is, or, iii) in an enhanced role? The response from the floor was that, including the presenter's suggestions, the CRGR should "continue as a line activity as opposed to relaxing it." The meeting concluded with the general agreement that the discussion was very productive and provided an opportunity for a good exchange of information.

Presently, the CRGR is in the process of reviewing and assessing the various comments to determine what and if any recommendations need to be made to the EDO regarding any changes in the CRGR process. This meeting was transcribed and a copy of the meeting transcript is provided (enclosure 7).

Enclosures:

1. List of attendees
2. Meeting agenda
3. CRGR meeting handouts
4. NEI meeting handouts
5. FCFE meeting handouts
6. UCS meeting handouts
7. Meeting transcript

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PUBLIC MEETING WITH INTERESTED STAKEHOLDERS REGARDING THE NUCLEAR
REGULATORY COMMISSION BACKFIT CONTROLS

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