



**U.S.NRC**

UNITED STATES NUCLEAR REGULATORY COMMISSION

*Protecting People and the Environment*

# **The Future Role of the Committee to Review Generic Requirements**

November 9, 2009

NRC Headquarters, Rockville MD



## **Purpose of Meeting:**

- Provide background and history with regard to the evolution of the role for the Committee to Review Generic Requirements (CRGR).
- Provide a forum for stakeholders that are impacted by the backfit rule to voice their opinion regarding the future roll of the CRGR.



## **Recent OIG Audit of the CRGR Activities**

- The agency's processes have evolved which, in effect, resulted in other offices assuming some of the CRGR's duties.
- Consequently, the CRGR no longer performs the central role in this process.
  - Offices have their own backfitting procedures incorporating both Agency backfitting requirements as well as specific CRGR Charter requirements



## **OIG Recommendations**

- Develop, document, implement, and communicate an agencywide process for reviewing backfit issues to ensure that generic backfits are appropriately justified based on NRC regulations and policy
- Determine what, if any, role CRGR should perform in NRC's backfit review process, to include whether the CRGR function is still needed.



# Background and Evolution of the CRGR

## In the beginning:

- New positions were sometimes developed within Sections/Branches without buy-in from senior management and without coordination with other organizations that had a stake in the technical issue.
- Many new requirements came out of TMI actions leading to strengthening the backfit rule to control the process.
- New positions were issued via Generic Letters or Bulletins without the benefit of public involvement.
- As a result, CRGR had broad responsibilities regarding new technical positions that went beyond ensuring that the backfit was justified, including the technical adequacy of the new position.



# Background and Evolution of the CRGR

## Currently:

- New positions are vetted through management before extensive resources are expended.
- There is better communication and coordination within and across offices.
- Generic communications, regulatory guides and rulemaking all have branches dedicated to their processes.
- Most new positions are taken to ACRS.
- Generic letters, regulatory information summaries and regulatory guides are issued for public comment.
- CRGR removed from rulemaking.



# Background and Evolution of the CRGR

## Current Program Office Responsibilities:

- Identify changes to agency positions
- Coordinate technical resolutions within program office and with other affected program offices
- Perform regulatory analysis to determine if proposed position is a backfit
- Obtain OGC determination on whether proposed position is a backfit
- Determine the appropriate vehicle for implementing or communicating position (rule, regulatory guide, generic communication)



# Background and Evolution of the CRGR

## Current CRGR Responsibilities:

- Review all generic communications for compliance with the backfit rule
  - Formal
  - Informal
- Review regulatory guides if there are public comments regarding backfit
- Periodic assessments
  - Annual
  - 5-year audit



# Proposed Options for CRGR

## Option 1:

- No review of rulemakings (current practice)
- Review regulatory guides if there are public comments regarding backfit
- Review **all** generic communications
  - Formal
  - Informal
- Program offices responsible for meeting backfit rule
  - Establish a backfit point of contact for each office
- Put in place a formal generic and plant-specific backfit appeal process
- CRGR to hear appeals of generic backfit determinations
  - Public meetings with stakeholders
- Periodic assessments
  - Annual
  - 5-year audit

**Note:** For any of the options, an improved training program regarding backfits will be developed.



## Proposed Options for CRGR

### Option 2:

- No review of rulemakings (current practice)
- Review regulatory guides if there are public comments regarding backfit
- Review **selected** generic communications
  - Identified by CRGR Chairman
  - Identified by Office
  - Non-concurrence regarding backfit
  - All Bulletins and Generic Letters
- Program offices responsible for meeting backfit rule
  - Establish a backfit point of contact for each office
- Put in place a formal generic backfit appeal process
- CRGR to hear appeals of generic backfit determinations
  - Public meetings with stakeholders
- Periodic assessments
  - Annual
  - 5-year audit



## **Proposed Options for CRGR**

### Option 3:

- All generic communications to receive public comments
- Program offices responsible for meeting backfit rule
  - Establish a backfit point of contact for each office
- Put in place a formal generic and plant-specific backfit appeal process
- CRGR renamed Backfit Appeal Panel to hear appeals of generic backfit determinations
  - Public meetings with stakeholders



## Proposed Options for CRGR

### Option 4:

- All generic communications to receive public comments
- Program offices responsible for meeting backfit rule
  - Establish a backfit point of contact for each office
- Put in place a formal generic backfit appeal process
- Ad hoc panel selected to hear appeals of generic backfit determinations
  - Public meetings with stakeholders



## Next Steps:

- Review and incorporate as appropriate any input from the public meeting
- Provide recommendation to EDO and Commission
- Modify the CRGR Charter as appropriate
- Modify the Management Directive (MD) 8.4 as appropriate
- Ensure relevant offices reflect the new role of CRGR and reflect the revised above guidance in their training and procedures
- Develop overarching agency training to ensure staff is in compliance with agency backfit rule and policy and which also reflects new role of CRGR