

**Table 1 – Final Regulations and Orders Directed to Nuclear Power Reactors for Which a Backfit Analysis Was Not Prepared**

RIN or Order #	Docket ID	Title	FRN Date FR Citation	Reason(s) Why Backfit Analysis Not Prepared
3150-AI01	NRC-2007-0008	Final Rule - Alternate Fracture Toughness Requirements for Protection Against Pressurized Thermal Shock Events	1/4/2010 <a href="#">75 FR 13</a>	A backfit analysis was not required for this final rule because it is not mandatory for any pressurized water reactor licensee, but rather could be voluntarily implemented.
3150-AI74	NRC-2009-0516	Final Rule - Increase in the Primary Nuclear Liability Insurance Premium	4/2/2010 <a href="#">75 FR 16645</a>	A backfit analysis was not required for this final rule because it was mandated by the Price-Anderson Amendments Act of 1988 (Pub. L. 100-408) and therefore is not subject to backfitting or issue finality protection.
3150-AI27	NRC-2009-0269	Final Rule - Categorical Exclusions From Environmental Review under the National Environmental Policy Act (NEPA)	4/19/2010 <a href="#">75 FR 20248</a>	A backfit analysis was not required for this final rule because it addressed the NRC's compliance with the National Environmental Policy Act (NEPA) (the rule allows the NRC to avoid preparation of environmental assessments or environmental impact statements for the listed types of agency action). Therefore, the rulemaking addresses an area which is outside the scope of backfitting and issue finality protection.
3150-AI70	NRC-2009-0333	Final Rule - Revision of Fee Schedules; Fee Recovery for FY 2010	6/6/2010 <a href="#">75 FR 34220</a>	A backfit analysis was not required for this final rule because it addresses the recovery of NRC's costs through fees, a matter which is required by statute, and therefore is not subject to backfitting or issue finality protection.

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3150-AI87	NRC-2010-0157	Final Rule - Public Records	7/16/2010 <a href="#">75 FR 41368</a>	A backfit analysis was not required for this final rule because it makes changes which are of an administrative nature. These types of changes do not constitute backfitting or a violation of issue finality provisions in 10 CFR Part 52.
3150-AI37	NRC 2009-0014	Final Rule - Updates to Incorporation by Reference of Regulatory Guides for ASME Code Cases	10/5/2010 <a href="#">75 FR 61321</a>	A backfit analysis was not required for this final rule because it allows nuclear power plant applicants and licensees to voluntarily use NRC-approved ASME Code Cases, sometimes with conditions.
3150-AH49	NRC-2009-0085	Final Rule - Miscellaneous Administrative Changes	11/30/2010 <a href="#">75 FR 73935</a>	A backfit analysis was not required for this final rule because it is a generally-applicable rule making corrections and changes which are of an administrative nature. These types of changes do not constitute backfitting or a violation of issue finality provisions in 10 CFR Part 52.
3150-AI47	NRC-2008-0404	Final Rule - Consideration of Environmental Impacts of Temporary Storage of Spent Fuel After Cessation of Reactor Operation	12/23/2010 <a href="#">75 FR 81032</a>	A backfit analysis was not required for this final rule because it addressed the NRC's compliance with the National Environmental Policy Act (NEPA) (the rule sets forth a generic NRC determination on the environmental impacts of temporary storage of spent fuel after cessation of operation). Therefore, the rulemaking addresses an area which is outside the scope of backfitting and issue finality protection.

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3150-AI09	NRC-2008-0361	Final Rule - License and Certificate of Compliance Terms	2/16/2011 <a href="#">76 FR 8872</a>	A backfit analysis was not required for this final rule because it did not involve any provisions that would impose backfits as defined in 10 CFR 72.62 (i.e., a requirement for the addition, elimination, or modification of structures, systems, or components of an Independent Spent Fuel Storage Installation (ISFSI) or of the procedures or organization required to operate an ISFSI).
3150-AI55	NRC-2008-0030	Final Rule - Decommissioning Planning	6/17/2011 <a href="#">76 FR 35512</a>	A backfit analysis was not required for this final rule because it clarified existing requirements for nuclear power plant decommissioning planning; required the collection and reporting of information using existing equipment and procedures, which do not constitute backfitting or a violation of issue finality provisions in 10 CFR Part 52; and addressed administrative matters outside the scope of the backfitting rules.
3150-AI35	NRC-2008-0554	Final Rule - American Society of Mechanical Engineers (ASME) Codes and New and Revised ASME Code Cases	6/21/2011 <a href="#">76 FR 36232</a>	A backfit analysis was not required for this final rule (with one exception) because the regulation addresses the use of newer editions and addenda of ASME Codes for inservice inspection and testing during successive 10-year intervals of each nuclear power plant's operating license. This regulatory system for inservice inspection and testing is part of the licensing basis for each nuclear power plant, and therefore

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				does not constitute backfitting. However, the NRC deemed one change to be an adequate protection backfit, thereby not requiring a backfit analysis.
3150-AI93	NRC-2011-0016	Final Rule - Revision of Fee Schedules; Fee Recovery for Fiscal Year 2011	6/22/2011 <a href="#">76 FR 36780</a>	A backfit analysis was not required for this final rule because it addresses the recovery of NRC's costs through fees, a matter which is required by statute, and therefore is not subject to backfitting or issue finality protection.
3150-AI94	NRC-2011-0058	Final Rule - Alternative to Minimum Days Off Requirements	7/21/2011 <a href="#">76 FR 43534</a>	A backfit analysis was not required for this final rule because it provides nuclear power plant licensees with a voluntary alternative for compliance with the controls in 10 CFR 26.205(d)(3) governing minimum days off for certain nuclear power plant workers. Licensees are free to comply with either the requirements governing minimum days off or with the alternative requirements in 10 CFR 26.205(d)(7).
3150-AI79	NRC-2010-0075	Final Rule - Licenses, Certifications, and Approvals for Materials Licensees	9/15/2011 <a href="#">76 FR 56951</a>	A backfit analysis was not required for the final rule with respect to nuclear power plant licensees or applicants, because the final rule does not address activities within the scope of the power plant facility operating license – to which backfitting protection under 10 CFR 50.109 applies.
3150-AJ01	NRC-2011-0169	Final Rule - Miscellaneous Administrative Changes	11/22/2011 <a href="#">76 FR 72082</a>	A backfit analysis was not required for this final rule because it is a generally-applicable rule making corrections and

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				changes which are of an administrative nature. These types of changes do not constitute backfitting or a violation of issue finality provisions in 10 CFR Part 52.
3150-AI84	NRC-2010-0134	Final Rule - U.S. Advanced Boiling Water Reactor Aircraft Impact Design Certification Amendment	12/19/2011 <a href="#">76 FR 78096</a>	A backfit analysis was not required for this final rule because: (i) the final rule added a voluntary "option" for entities who wished to reference the U.S. Advanced Boiling Water Reactor design certification; and (ii) there were no protected entities (i.e., combined license holders referencing this design certification rule (DCR)) to whom backfitting or issue finality provisions would protect) at the time of issuance of the final rule.
3150-AI81	NRC-2010-0131	Final Rule - AP1000 Design Certification Amendment	12/30/2011 <a href="#">76 FR 82079</a>	A backfit analysis was not required for this final rule because there were no protected entities (i.e., combined license holders referencing this DCR) to whom backfitting or issue finality provisions would apply and protect at the time of issuance of the final rule.
3150-AJ00	NRC-2011-0161	Direct Final Rule - Access Authorization Fees	5/3/2012 <a href="#">77 FR 26149</a>	A backfit analysis was not required for this direct final rule because collection of fees to recover the NRC's costs is required by statute (42 U.S.C. 2214(b)), and therefore is not subject to backfitting or issue finality protection.

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3150-AG41	NRC-1999-0005	Final Rule - Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste	6/11/2012 <a href="#">77 FR 34194</a>	A backfit analysis was not required for this final rule because the rule is directed at entities who transport or place into the shipping process certain radioactive materials. While some of these entities are nuclear power plant licensees, the rule's requirements do not treat the nuclear power plant licensees differently than non-power-plant licensees. In addition, the transportation activities within the scope of the final rule are not activities authorized by the facility operating license, and therefore do not constitute backfitting as defined in 10 CFR 50.109 or represent a violation of applicable issue finality requirements in 10 CFR Part 52.
3150-AJ03	NRC-2011-0207	Final Rule - Revision of Fee Schedules; Fee Recovery for Fiscal Year 2012	6/15/2012 <a href="#">77 FR 35809</a>	A backfit analysis was not required for this final rule because it addresses the recovery of NRC's costs through fees, a matter which is required by statute, and therefore is not subject to backfitting or issue finality protection.
3150-AJ16	NRC-2012-0092	Final Rule - Technical Corrections	7/6/2012 <a href="#">77 FR 39899</a>	A backfit analysis was not required for this final rule because it is a generally-applicable rule making corrections and changes which are of an administrative nature. These types of changes do not constitute backfitting or a violation of issue finality provisions in 10 CFR Part 52.

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3150-AH91	NRC-2008-0338	Final Rule - Requirements for Distribution of Byproduct Material	7/25/2012 <a href="#">77 FR 43665</a>	A backfit analysis was not required for this final rule because the requirements contained in this final rule do not involve any provisions that will impose backfits on nuclear power plant licensees as defined in 10 CFR Parts 50 or 52, or on licensees for gaseous diffusion plants, independent spent fuel storage installations or special nuclear material as defined in 10 CFR Parts 70, 72 and 76. In addition, the NRC determined that there are no applicable provisions for backfit with respect to licenses issued under 10 CFR Parts 30, 31, and 32.
3150-AI43	NRC-2008-0415	Final Rule - Amendments to Adjudicatory Process Rules and Related Requirements	8/3/2012 <a href="#">77 FR 46561</a>	A backfit analysis was not required for this final rule because it provides updates to the NRC's rules of practice and procedure. None of these amendments affected the systems, structures, components, or design of a facility; or the procedures or organization required to design, construct or operate a facility.
3150-AI77	NRC-2010-0012	Final Rule - Requirements for Maintenance of Inspections, Tests, Analyses, and Acceptance Criteria	8/28/2012 <a href="#">77 FR 51880</a>	A backfit analysis was not required for this final rule because it addressed requirements concerning the collection and reporting of information to the NRC to support the Commission's finding on Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) and the conduct of hearings addressing ITAAC. Neither the backfit rule nor the issue finality provisions of 10 CFR Part 52

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				applies to information collection and reporting requirements.
3150-AI12	NRC-2010-0194	Final Rule - Physical Protection of Byproduct Material	3/19/2013 <a href="#">78 FR 16922</a>	The activities within the scope of the final rule are not activities authorized by the facility operating license, and therefore do not constitute backfitting as defined in 10 CFR 50.109 or represent a violation of applicable issue finality requirements in 10 CFR Part 52.
3150-AI64	NRC-2009-0163	Final Rule - Physical Protection of Irradiated Reactor Fuel in Transit	5/20/2013 <a href="#">78 FR 29520</a>	A backfit analysis was not required for this final rule because it did not add or modify any regulations to impose backfits as defined in § 50.109 or § 72.62.
3150-AH15	NRC-2009-0084	Final Rule - Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions	5/29/2013 <a href="#">78 FR 32310</a>	A backfit analysis was not required for this final rule because it did not involve any provisions that impose backfits on nuclear power plant licensees as defined in 10 CFR Parts 50 or 52, or on licensees for gaseous diffusion plants, independent spent fuel storage installations or special nuclear material as defined in 10 CFR Parts 70, 72, and 76. The NRC determined that there are no provisions for backfit for 10 CFR Part 40 licensees.
3150-AJ23	NRC-2013-0019	Final Rule - Miscellaneous Corrections	6/7/2013 <a href="#">78 FR 34245</a>	A backfit analysis was not required for this final rule because it is a generally-applicable rule making corrections and changes which are of an administrative nature. These types of changes do not



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				constitute backfitting or a violation of issue finality provisions in 10 CFR Part 52.
3150-AI42	NRC-2008-0608	Final Rule - Revisions to Environmental Review for Renewal of Nuclear Power Plant Operating Licenses	6/20/2013 <a href="#">78 FR 37281</a>	A backfit analysis was not required for this final rule because it addressed the NRC's compliance with the National Environmental Policy Act (NEPA), with respect to the matters which must be addressed by the NRC in a nuclear power plant licensing proceeding. Therefore, the rulemaking addresses an area which is outside the scope of backfitting and issue finality protection.
3150-AJ19	NRC 2012-0211	Final Rule - Revision of Fee Schedules; Fee Recovery for Fiscal Year 2013	7/1/2013 <a href="#">78 FR 39462</a>	A backfit analysis was not required for this final rule because it addresses the recovery of NRC's costs through fees, a matter which is required by statute, and therefore is not subject to backfitting or issue finality protection.
3150-AJ25	NRC-2013-0072	Final Rule - Inflation Adjustments to the Price-Anderson Act Financial Protection Regulations	7/12/2013 <a href="#">78 FR 41835</a>	A backfit analysis was not required for this final rule because it was mandated by the Energy Policy Act of 2005.
3150-AJ32	NRC-2013-0276	Final Rule - Revision of Fee Schedules; Fee Recovery for Fiscal Year 2014	6/30/2014 <a href="#">79 FR 37124</a>	A backfit analysis was not required for this final rule because it addresses the recovery of NRC's costs through fees, a matter which is required by statute, and therefore is not subject to backfitting or issue finality protection.
3150-AJ20	NRC-2012-0246	Final Rule - Continued Storage of Spent Nuclear Fuel	9/19/2014 <a href="#">79 FR 56238</a>	A backfit analysis was not required for this final rule because it did not impose any requirements on power reactors. The rule incorporated the environmental

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				impacts of continued storage of spent fuel into the regulations in 10 CFR Part 51 by making a generic determination that the impacts are those identified in NUREG-2157. With this generic determination, power reactor licensees in license renewal and applicants do not need to determine site-specific environmental impacts for continued storage.
3150-AJ34	NRC-2010-0271	Direct Final Rule - Domestic Licensing of Special Nuclear Material—Written Reports and Clarifying Amendments	9/26/2014 <a href="#">79 FR 57721</a>	A backfit analysis was not required for this direct final rule because it (i) introduced a voluntary relaxation of NRC requirements and (ii) addressed changes in reporting requirements, to which neither the backfit rule nor the issue finality provisions of 10 CFR Part 52 apply.
EA-12-049	NRC-2012-0068	Order Modifying Licenses With Regard to Requirements for Mitigation Strategies for Beyond-Design-Basis External Events	3/19/2012 <a href="#">77 FR 16091</a>	A backfit analysis was not prepared for this order because under the provisions of the backfit rule, 10 CFR 50.109(a)(4)(ii), the NRC concluded that these measures were necessary to ensure adequate protection of public health and safety.
EA-12-050	NRC-2012-0069	Order Modifying Licenses With Regard to Reliable Hardened Containment Vents	3/19/2012 <a href="#">77 FR 16098</a>	A backfit analysis was not prepared for this order because under the provisions of the backfit rule, 10 CFR 50.109(a)(4)(ii), the NRC concluded that these measures were necessary to ensure adequate protection of public health and safety.

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EA-12-051	NRC-2012-0067	Order Modifying Licenses With Regard to Reliable Spent Fuel Pool Instrumentation	3/19/2012 <a href="#">77 FR 16082</a>	A backfit analysis was not prepared for this order because the Commission adopted an administrative exemption from the Backfit Rule. The Commission adopted the exemption because the order was a “highly exceptional action limited to the insights associated with the extraordinary underlying circumstances of the Fukushima Daiichi accident and the NRC’s lessons learned.”
EA-13-109	NRC-2013-0128	Order Modifying Licenses With Regard to Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions	6/14/2013 <a href="#">78 FR 35990</a>	A backfit analysis was not prepared to support the requirement for hardened vents to prevent or limit core damage because the Commission reaffirmed its earlier determination (Order EA-12-050) that such capability is needed for adequate protection. However, a backfit analysis to support the requirement for hardened vents capable of remaining functional during severe accidents was prepared (see Table 2).