



Committee to Review Generic Requirements (CRGR)

Public Meeting to Discuss Backfitting

September 13, 2016

NRC Headquarters

Rockville MD



Purpose of the Meeting

- Discuss backfitting and its application
- Discuss the roles and responsibilities of the CRGR
- Discuss the 2016 EDO Backfit Tasking to CRGR
- Provide a forum in which stakeholders may share their insights regarding backfitting and the role of the CRGR



What is Backfitting?

- 10 CFR 50.109, Backfitting (also 70.76, 72.62, and 76.76).
- (a)(1) Backfitting is defined as the modification of or addition to systems, structures, components, or design of a facility; or the design approval or manufacturing license for a facility; or the procedures or organization required to design, construct or operate a facility; any of which may result from a new or amended provision in the Commission rules or the imposition of a regulatory staff position interpreting the Commission rules that is either new or different from a previously applicable staff position...
- *The layperson's explanation – "Don't change the rules after the game has started."*



What is Issue Finality?

- Backfitting-like protection but for new nuclear power plants covered under 10 CFR Part 52



Why Does NRC Care About Backfitting and Issue Finality?

- Regulatory stability
- Clarity of NRC decision-making
- Openness and transparency of NRC decision-making



Backfit Rule Exceptions

10 CFR 50.109 (a)(4)

- Needed for adequate protection
- Defining or redefining adequate protection
- Needed for compliance with requirements in effect at the time of the regulatory approval



Role and Responsibility of the CRGR

- The CRGR's primary responsibilities are to recommend to the Nuclear Regulatory Commission's (NRC's) Executive Director for Operations (EDO) either approval or disapproval of the staff proposals and to provide guidance and assistance to the NRC program offices to help them implement the Commission's backfit policy.



Scope of the CRGR

- Except for the requirements which are determined to become immediately effective, the CRGR will review for power reactors:
 - new and revised regulatory requirements;
 - generic correspondence;
 - regulatory guidance;
 - selected NRC staff guidance related to:
 - Licensing;
 - Inspection;
 - and enforcement, which could impose a backfit.



Scope of the CRGR(cont.)

- NUREGS and Standard Review Plans if they involve new staff positions
- Review selected nuclear materials items at the request of the NMSS Office Director or the EDO
- The CRGR will ensure that the administrative controls related to the NRC generic backfit management practices and technical staff training are adequate.
- CRGR does not consider plant-specific regulatory actions



Scope of the CRGR - Criteria for Engaging CRGR Review of Proposed Rulemakings

- The Commission directed CRGR to provide criteria and implementing guidance to clarify when NRC staff is expected to request a CRGR review of proposed rulemakings (SRM-SECY-15-0129). CRGR response (SECY-16-0064):
 - In developing a proposed rule, the staff identifies possible backfit implications
 - The regulatory analysis identifies significant costs and qualitative factors were used to justify the rulemaking
 - There is substantial uncertainty in the quantitative determinations in the backfit analysis
 - Exercise of the compliance exception
 - As directed by the EDO or when substantive concerns are raised by stakeholders



OEDO Backfitting Tasking Memo

(June 9, 2016)

- Assess Backfit Requirements, Guidance and Criteria
- Assess Backfit Training
- Assess Knowledge Management
- Status – In progress, report due to OEDO by January 31, 2017



Feedback for CRGR?

- CRGR Operations
- Consistency
- Openness and Transparency
- Clarity
- Compliance Exception
- Criteria for engaging CRGR on Rulemaking