



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 22, 2017

MEMORANDUM TO: Victor M. McCree
Executive Director for Operations

FROM: K. Steven West, Chairman */RA/*
Committee to Review Generic Requirements

SUBJECT: SUMMARY OF FEBRUARY 28, 2017, COMMITTEE TO REVIEW
GENERIC REQUIREMENTS PUBLIC MEETING REGARDING
BACKFITTING AND THE BACKFITTING PROCESS

On February 28, 2017, the Committee to Review Generic Requirements (CRGR) held its second and final public meeting associated with your June 9, 2016, and December 15, 2016, tasking memoranda to the CRGR regarding the agency backfitting process (Agencywide Documents Access and Management System [ADAMS] Accession Nos. ML16133A575 and ML16344A004, respectively). In sum, the tasking memoranda directed the CRGR to review NRC guidance, training, and knowledge management for backfitting issues and the role of the CRGR in the backfitting process, to identify areas where updates or changes may be necessary. For purposes of this meeting summary, references to backfitting also include issue finality.

The overall purpose of this meeting was for the CRGR to summarize the preliminary results of its assessment, the results of the Byron/Braidwood backfit appeal (ADAMS Accession No. ML16246A247), and the Commission direction in SRM-COMSECY-16-0020, "Revision of Guidance Concerning Consideration of Cost and Applicability of Compliance Exception to Backfit Rule," November 29, 2016, (ADAMS Accession No. ML16334A462). Following its presentation, the CRGR invited stakeholder questions and feedback.

The meeting was attended by 34 participants, including the CRGR members and NRC staff (Enclosure 1, ADAMS Accession No. ML17067A506). An individual, who was unable to participate in the meeting, provided comments via two e-mails and one attachment (Enclosure 2, ADAMS Accession No. ML17073A181, Enclosure 3, Accession No. ML17079A327). Enclosure 4 is the attachment to the e-mail. This document includes an article by, Mr. Samuel Miranda, titled, "*Strategies to Prevent Benign Transients From Becoming Serious Accidents*", American Society of Mechanical Engineers (ASME), Volume 2, June 26, 2016, presented at the International Conference on Nuclear Engineering (ICONE24-60472). This article is copyrighted by ASME and is therefore not entered into ADAMS. This article can be obtained from the ASME web site via the following link: <http://proceedings.asmedigitalcollection.asme.org/data/conferences/asmep/90057/v002t08a004-icone24-60472.pdf>. The meeting agenda is provided in Enclosure 5 (ADAMS Accession No. ML17067A510). The meeting transcript is provided in Enclosure 6 (ADAMS Accession No. ML17066A461).

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Enclosure 7 is the CRGR presentation (ADAMS Accession No. ML17067A505). Overall, the CRGR presentation appeared to be well received. Industry representatives from Tennessee Valley Authority, First Energy, and the Nuclear Energy Institute discussed with the CRGR various points of the CRGR presentation and offered comments for the CRGR's consideration. A Union of Concerned Scientists (UCS) representative provided one comment for the CRGR's consideration.

The stakeholder comments and feedback provided at the meeting included the following:

Industry

- The staff should provide more openness and transparency in the review and consideration of backfitting issues, especially related to facility-specific backfitting and backfitting concerns raised during the NRC inspection and enforcement processes. In addition, the staff should consider the resource burden before pursuing inspection findings that are of low safety significance.
- The industry supported the use of program office and region staff experts in the backfitting process to address backfitting issues or concerns.
- The staff should consider revisiting recent and pending staff decisions associated with backfitting in light of the outcome of the Byron/Braidwood backfitting appeal and SRM-COMSECY-16-0020. Tornado missile protection and service life were discussed as examples.
- The CRGR should encourage more use of the provision in the current CRGR Charter (March 2011, ADAMS Accession No. ML110620618) that allows external stakeholders to request CRGR review of certain unresolved backfitting issues. Specifically, the Charter states:

“This review process is initiated by the external stakeholders through a letter to the CRGR Chairman. This letter will contain the issue(s) and will reference the communications between the sponsoring staff and the external stakeholders. The documentation should indicate that an unresolved backfit concern still exists after meaningful attempts to adequately resolve them with the sponsoring staff.”

- Any backfitting lessons learned should be institutionalized in NRC backfitting guidance documents such as NUREG-1409, “Backfitting Guidelines,” (ADAMS Accession No. ML032230247) and in the cost benefit guidance in NUREG/BR-0058, “Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission” (ADAMS Accession No. ML15161A224). In addition, these documents should remain as separate documents as opposed to being joined into one document.

Union of Concerned Scientists

- Consider developing backfitting guidance similar to NUREG-1022, “Event Report Guidelines, 10 CFR 50.72 and 50.73,” (ADAMS Accession No. ML13032A220) with

backfitting examples, to help staff determine whether or not specific issues should be entered into the backfitting process.

Member of the Public

- A member of the public requested via e-mail that a 10 CFR 2.206 enforcement petition, “Enforcement Petition (10 CFR §2.206) Regarding Exelon's Byron and Braidwood Stations” (ML17010A051) be treated as a public comment. (Following the meeting, the individual's request was provided to CRGR.)
- The same member of the public requested via another e-mail (Accession No. ML17079A327) that the Annex (pages 13-14) of the paper titled, “Strategies to Prevent Benign Transients from Becoming Serious Accidents” from the International Conference on Nuclear Engineering (ICONE24-60472) be treated as a public comment (ASME copyrighted material). (This request was provided to the CRGR.)

The CRGR will consider all feedback and comments provided during the meeting as part of its overall assessment of backfitting issues as described in the aforementioned EDO tasking memoranda.

Enclosures:

1. List of attendees
2. Comments submitted by a member of the public
3. Additional comments submitted by a member of the public
4. International Conference on Nuclear Engineering (ICONE24-60472) paper (attachment to Enclosure 3, ASME copyrighted material)
5. Meeting agenda
6. Meeting transcript
7. CRGR presentation

SUBJECT: SUMMARY OF FEBRUARY 28, 2017, COMMITTEE TO REVIEW GENERIC REQUIREMENTS (CRGR) PUBLIC MEETING TO DISCUSS BACKFITTING AND THE BACKFITTING PROCESS

cc w/Enclosures: (via e-mail)

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**ADAMS Accession No.: Pkg ML17061A252, Memo: ML17062A511, Enclosure 1: ML17067A506, Enclosure 2: ML17073A181
 Enclosure 3: ML17079A327, Enclosure 4: Not in ADAMS, copyrighted material, Enclosure 5: ML17067A510, Enclosure 6:
 ML17066A461, Enclosure 7: ML17067A505**

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DATE	03/21/17	03/13/17	03/21/17	03/21/17	03/22/17

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