

July 21, 2017

Mr. Joseph E. Pollock
Nuclear Energy Institute
1201 F Street, NW, Suite 1100
Washington, DC 20004

SUBJECT: RESPONSE TO NUCLEAR ENERGY INSTITUTE LETTER ENTITLED
“CLARIFICATION OF ISSUES RELATED TO COMPLIANCE WITH GENERAL
DESIGN CRITERIA AND CONFORMANCE TO LICENSING BASIS
DOCUMENTS”

Dear Mr. Pollock:

In your June 6, 2017, letter (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17160A184), you emphasized the importance of applying the guidance provided by the Office of the General Counsel (OGC) in COMSECY-16-0020. A summary of this guidance is provided in a memorandum dated December 20, 2016, “Summary of COMSECY-16-0020 Recommendation on Revision of Guidance Concerning Consideration of Cost and Applicability of Compliance Exception to Backfit Rule” (ADAMS Accession No. ML16355A258).

In a staff requirements memorandum (SRM) dated November 29, 2016, “Staff Requirements – COMSECY-16-0020 – Revision of Guidance Concerning Considerations of Cost and Applicability of Compliance Exception to Backfit Rule” (ADAMS Accession No. ML16334A462), the Commission directed the NRC staff to revise the agency backfit guidance to reflect the General Counsel’s recommendations concerning the application of the compliance exception of the backfit rule. While these updates have not yet been completed, the NRC staff is already applying the guidance from the OGC memorandum in its activities, consistent with the Commission’s direction.

Furthermore, in response to COMSECY-16-0020, the Commission directed that the staff should ensure the activities taken by the Committee to Review Generic Requirements (CRGR) to address my 2016 taskings on backfitting are consistent with the General Counsel’s interpretation related to the backfit rule. On June 27, 2017, the CRGR delivered its report to me (ADAMS Accession No. ML17174B161). The CRGR considered public feedback and conducted an independent assessment, including review of COMSECY-16-0020 and the associated SRM. The CRGR concluded that opportunities exist to improve backfitting practices. The CRGR recommended actions that will improve oversight by NRC senior managers and first-line-supervisors; enhance engagement and oversight by CRGR; improve staff knowledge, skills, and abilities associated with backfitting and generic requirements; and result in more consistent identification and treatment of potential backfitting issues. The CRGR concluded that broad communication of the Commission direction in SRM-COMSECY-16-0020, increased management involvement, and improved training and developmental activities will yield the greatest improvements in performance and consistency. On July 19, 2017, I responded to the

CRGR, as well as to other affected offices, in support of the CRGR's recommendations and directing subsequent action (ADAMS Accession No. ML17198C141). These actions fall within four broad topics: (1) requirements, guidance, and criteria; (2) training; (3) knowledge management; and (4) revisions to the CRGR charter. The tasking also includes direction to conduct an effectiveness review of the actions taken, to report on the availability of key docketed information and the resources needed to make information more readily retrievable, and to report on the resources needed to complete the directed actions.

I appreciate the Nuclear Energy Institute's continued engagement on the subject of backfitting and issue finality. I encourage you to provide feedback on the results of the activities being undertaken in response to the guidance you cite in your letter, as well as to the CRGR's assessment.

Sincerely,

/RA/

Victor M. McCree
Executive Director
For Operations

SUBJECT: RESPONSE TO NUCLEAR ENERGY INSTITUTE LETTER ENTITLED
 "CLARIFICATION OF ISSUES RELATED TO COMPLIANCE WITH GENERAL
 DESIGN CRITERIA AND CONFORMANCE TO LICENSING BASIS
 DOCUMENTS" DATED: JULY 21, 2017.

DISTRIBUTION: OEDO-17-00383

PUBLIC
 JHMB R/F
 RidsNrrOd
 RidsNrrDpr Resource
 RidsOgcMailCenter
 TReed, NRR

AGarmoe, NRR
 RidsNrrJLD Resource
 RidsNrrLASLent Resource
 EHackett, RES
 KWest, NSIR
 ABoland, NRR

ADAMS Accession No.: ML17165A453

| | | | |
|---------------|-----------------|-----------------|-----------|
| OFFICE | NRR/JLD/JHMB/PM | NRR/DPR/PGCB/BC | NRR/DPR/D |
| NAME | TReed | AGarmoe | LLund |
| DATE | 6/15/2017 | 6/15/2017 | 6/27/2017 |
| OFFICE | NRR/D | EDO | |
| NAME | WDean | VMcCree | |
| DATE | 6/28/2017 | 07/21/2017 | |

OFFICIAL RECORD COPY