

U.S. NUCLEAR REGULATORY COMMISSION MANAGEMENT DIRECTIVE (MD)

<b>MD 8.4</b>	<b>MANAGEMENT OF BACKFITTING, <u>FORWARD FITTING</u>, ISSUE FINALITY, AND INFORMATION <u>COLLECTION REQUESTS</u></b>	<b>DT-XX-XX</b>
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<i>Volume 8:</i>	Licensee Oversight Programs
<i>Approved By:</i>	[Name and Title of Approving Official] _____
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<i>Issuing Office:</i>	Office of Nuclear Reactor Regulation Division of Inspection and Regional Support
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**EXECUTIVE SUMMARY**

Management Directive (MD) 8.4, “Management of Backfitting, Issue Finality, and Information Collection,” is retitled and revised to clarify ~~the agency’s~~ roles and responsibilities for management of backfitting, forward fitting, issue finality, ~~forward fitting~~, and information ~~collection requests generically and on a facility-specific basis~~. MD 8.4 describes the roles and responsibilities of various offices and provides the policy to direct the U.S. Nuclear Regulatory Commission implementation of the backfitting provisions of Title 10 of the *Code of Federal Regulations* (10 CFR) for nuclear power reactor ~~facilities licensees~~ and selected nuclear materials ~~facilities licensees~~; ~~and~~ the issue finality provisions of 10 CFR Part 52 ~~for nuclear power reactors licensees, design certification applicants, and holders of related NRC permits and approvals;~~ as well as ~~the~~ specific provisions of 10 CFR 50.54(f) and the corresponding requirements in 10 CFR Parts 52, 70, 72, and 76, ~~and 10 CFR 2.204~~.

Accordingly, MD 8.4 is retitled from “Management of Facility-Specific Backfitting and Information Collection” to “Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests Collection” to clarify the intent and the objectives of the program.

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## I. POLICY

It is the policy of the U.S. Nuclear Regulatory Commission to have an effective program that will ensure that backfitting<sup>1</sup> and forward fitting<sup>2</sup> of nuclear power reactor ~~facilities~~ licensees<sup>3</sup> and selected nuclear materials ~~licensees and certificate holders~~ facilities is appropriately

<sup>1</sup> In this MD, the NRC uses the terms "backfit" and "backfitting" to mean backfitting as defined in 10 CFR 50.109, 70.76, 72.62, and 76.76 and violations of issue finality under 10 CFR Part 52. 10 CFR Part 52, Parts 50, "Domestic Licensing of Production and Utilization Facilities," Part 52, Part 70, "Domestic Licensing of Special Nuclear Material," Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste," and Part 76, "Certification of Gaseous Diffusion Plants," are the only parts of the NRC's regulations that contain backfitting or issue finality provisions. Backfitting provisions implicitly apply, in part, to applicants for a power reactor renewed license due to the limitation in scope of the NRC's review under 10 CFR Part 54, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants." In 10 CFR 50.109, "Backfitting," backfitting for a nuclear power reactor 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's regulations or the imposition of a regulatory staff position interpreting the Commission's regulations that is either new or different from previously applicable staff position after certain dates. For select nuclear materials facilities, the backfitting definitions in 10 CFR 70.76, 72.62, and 76.76 are slightly different. The "issue finality" provisions in 10 CFR Part 52 are different from those in 10 CFR 50.109 and the wording and structure between the two groups of provisions differ significantly. The term "backfit" is not normally used in discussions relevant to new power reactors; the concept of "issue finality" is used rather than "backfit." In this MD, the NRC uses the terms "backfit" and "backfitting" to encompass backfits as defined in 10 CFR 50.109, 70.76, 72.62, and 76.76, and issue finality matters under 10 CFR Part 52.

<sup>2</sup> A forward fit is defined in Section 1.A of the attached handbook, as the imposition of a new or modified requirement or regulatory staff interpretation of a requirement that results in 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 as a condition of approval by the NRC of a licensee-initiated request for a licensing action when the underlying request did not propose to comply with the new or revised requirement or interpretation. Such licensing actions may include a license amendment or a license renewal, although the normal application of the process in 10 CFR Part 54, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants," does not generally constitute forward fitting. The NRC may condition its approval of such a licensing action on the use of a new or modified regulatory staff position only if 1) there is a direct nexus to the licensee's request and 2) the imposition of the new or modified requirement or regulatory staff position is essential to the NRC staff's determination of the acceptability of the licensee's request.

<sup>3</sup>—In this MD, the NRC uses the term "nuclear power reactor licensees" to refer to holders of 10 CFR Part 50 or Part 52 licenses, permits, or approvals, including: early site permits (ESPs), standard design approvals (SDAs), combined licenses (COLs), and MLs; design certification (DC) applicants whose designs are certified in final DC rules (DCR); applicants for COLs if the application references an ESP, DCR, or SDA; and applicants for MLs if the application references a DCR or SDA. Specific definitions and terminology are included in 10 CFR Parts 50, 70, 72, and 76.

documented and justified based on the backfitting provisions of applicable NRC regulations and the ~~Commission's agency's~~ backfitting and forward fitting policy and guidance. Additionally, the NRC must ensure justify information requests to ~~licensees~~ are appropriate as required by applicable NRC regulations. ~~under 10 CFR 50.54(f), "Conditions of licenses," and 2.204, "Demand for information."~~

The backfit and forward fit evaluation and analysis requirements ensure that the NRC demonstrates, before implementing the backfit or forward fit, that the backfitting action would meet certain standards that vary based on the type of facility. In accordance with the NRC Principles of Good Regulation and the Administrative Procedure Act, the backfitting rules and policies and the forward fitting policies provide the following:

- (a) Regulatory stability, by ensuring that the changes the NRC makes are necessary or provide a substantial safety enhancement;
- (b) Reasoned and informed NRC decisionmaking, by requiring the proposed action be properly justified; and
- (c) Transparency of NRC decisionmaking, by requiring that the NRC document and make publicly available its analyses and evaluations.

## II. OBJECTIVES

- Ensure NRC-licensed facilities provide adequate protection of public health and safety, promote the common defense and security, and allow for substantial improvements in both safety and security, beyond adequate protection, while ~~minimizing-avoiding~~ any unjustified burden on the NRC, the public, or licensees when implementing a backfitting action.
- ~~— Ensure that backfitting considerations are applied to the furtherance of substantive radiological public health and safety, or common defense and security objectives.~~
- Ensure that backfitting applied to a nuclear power reactor ~~licensee facility~~ or nuclear materials ~~licensee facility~~ is appropriately justified and documented.
- Ensure that forward fitting a nuclear power reactor facility or nuclear materials facility are appropriately justified and documented.
- Ensure that NRC-proposed changes to previously approved Early Site Permits (ESP), Design Certifications (DC), Standard Design Approvals (SDA), Combined Operating Licenses (COL), and Manufacturing Licenses (ML) (i.e., ~~violations of issue finality under 10 CFR Part 52~~) are appropriately justified and documented.

- ~~— Ensure that any documented evaluation for an adequate protection backfitting justifications includes an imminent threat analysis.~~
- Ensure that any documented evaluation for a compliance backfitting justifications includes some consideration of costs.
- Ensure that any documented evaluation, or backfit, or forward fit analysis is risk-informed.
- Ensure all information requests to licensees are justified as required by applicable NRC regulations.

### III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY

#### A. Executive Director for Operations (EDO)

1. Responsible for the NRC's backfitting process and ensuring proper implementation of the backfitting rules.
- ~~4-2.~~ Responsible for the NRC's forward fitting process and ensuring proper implementation of the forward fitting policy.
- ~~2-3.~~ Authorizes deviations from this MD when in the public interest and when the deviation otherwise complies with applicable agency guidelines and policies NRC regulations, public laws, and Executive Orders.
- ~~3-4.~~ Delegates responsibility for facility-specific backfitting ~~authority and~~ and forward fitting actions to the program ~~office~~ Office Directors (ODs) and Regional Administrators (RAs), as appropriate.
5. Delegates information request authority and actions to the program ODs and RAs.
- ~~4-6.~~ Reviews and modifies any proposed facility-specific backfitting or forward fitting action on his or her own initiative or at the appeal of the affected licensee or stakeholders.

**B. Director, Office of Nuclear Reactor Regulation (NRR); Director, Office of New Reactors (NRO); and Director, Office of Nuclear Material Safety and Safeguards (NMSS)**

1. Identify backfitting and forward fitting actions ~~applicable to within its their~~ programs.
2. ~~Conduct backfitting and forward fitting analyses while coordinating with OGC, other program offices, NSIR, OE, RES, and regional offices, as appropriate. Coordinate backfitting actions with OGC, other program offices, NSIR, OE, RES, and regional offices to ensure consistency and uniformity.~~
- 2-3. ~~Conduct an imminent threat analysis when the adequate protection exception is applied.~~
- 3-4. Provide the CRGR with an opportunity to review any required documented evaluation, or backfit, or forward fit analysis or any generic communication with backfitting or forward fitting concerns.
- 4-5. Request CRGR review of potential facility-specific backfit or forward fit, as ~~deemed~~ appropriate.
- 5-6. After approving supporting documentation, notify, or designate the relevant division director to notify, the affected entity or entities, e.g. the nuclear power reactor or nuclear materials licensee(s), of the backfitting or forward fitting action.
- 6-7. Ensure consistency among inspection procedures, regulations, office instructions, and current agency guidelines and policies NUREG-1409.
7. ~~Consult and coordinate with the regions, NSIR, RES, OE, and OGC, as appropriate, to resolve issues with backfitting actions for which the program office has oversight responsibility.~~
8. ~~Coordinate security-related backfitting with the Director, NSIR, and the affected regional office and approves the supporting documentation for security-related backfitting within the program office's areas of responsibility.~~
- 9-8. Decide first-level licensee appeals on the imposition of all backfitting and forward fitting actions within the program office's area of responsibility ~~and coordinates any appeals of security-related backfits with the Director, NSIR.~~
- 10-9. During the staff's evaluation and backfitting or forward fitting transmittal process, and any subsequent licensee appeal process, track each facility-specific backfitting or forward fitting action within the affected program office ~~or region~~.

**Commented [A2]:** Moved from below; other sections re-lettered as appropriate.

- 44.10. Ensure entry into ADAMS, as appropriate, of all documents and records related to backfitting and forward fitting originating in either the program office or the region (within the program office's area of responsibility), including communications, decisionmaking, and the outcome of ~~backfitting~~ appeals. ~~Makes~~ the backfitting and forward fitting decisions publicly available, consistent with applicable requirements and guidance.
- 42.11. Ensure appropriate training is available to the program office staff and ensure that the program office staff performance is in accordance with regulations, and current agency guidelines and policies NUREG-1400.
- 43.12. Designate an office-level POC to coordinate and resolve backfitting and forward fitting questions or concerns from the staff as they relate to the responsibilities of each respective program office.
- 44.13. Ensure information requests are appropriate as required by applicable NRC regulations 10 CFR 50.54(f) and 2.204 is appropriately justified.

**C. Regional Administrators (RAs)**

1. Identify backfitting and forward fitting actions applicable to within the regions.
2. Conduct backfitting and forward fitting analyses while coordinating with OGC, NSIR, OE, RES, and the office directors of NRR, NRO, and NMSS, as appropriate. Coordinate with OGC, ODe, NSIR and other RAs to ensure consistency in backfitting implementation among the regions and program offices.
- 2.3. Conduct an imminent threat analysis when the adequate protection exception is applied.
- 3.4. Provide the CRGR with an opportunity to review any required documented evaluation or backfit or forward fit analysis before final approval.
- 4.5. After approving supporting documentation, notify, or designate the relevant division director to notify, the affected entity or entities, (e.g., the nuclear power reactor or nuclear materials licensee(s)), of the backfitting or forward fitting action.
5. Coordinate with other regions and either the Division of Inspection and Regional Support, NRR, or the Division of Construction Inspection and Operational Programs, NRO, as applicable, to ensure consistency among inspection procedures and regulations, and NUREG-1400.

Commented [A3]: Moved from below; other sections re-lettered as appropriate.

- ~~6. Consult and coordinate with the Director, NSIR, OGC and/or regional counsel; and the appropriate program OD to resolve security-related, facility-specific backfitting actions.~~
  - ~~7. Coordinate with the appropriate program office and NSIR, as necessary, to obtain the supporting documentation for proposed backfits.~~
  - ~~8-7.~~ Support the appropriate program office in processing licensee backfitting and forward fitting appeals that are within the regional area of responsibility.
  - ~~9-8.~~ Ensure entry into ADAMS, as appropriate, of all documents and records related to backfitting and forward fitting and originating in the region, including communications, decisionmaking, and the outcome of backfitting appeals. Make ~~s~~ backfitting and forward fitting decisions publicly available, consistent with applicable requirements and guidance.
  - ~~10-9.~~ Ensure appropriate training is available to the regional staff and ensure ~~s~~ that the regional staff performance is in accordance with regulations and current agency guidelines and policies NUREG-1400.
  - ~~11-10.~~ Designate a regional POC who will be responsible for any specific backfitting and forward fitting activities (generic and facility-specific) as needed, including the coordination and resolution of any backfitting and forward fitting questions or concerns from the staff as they relate to the responsibilities of the respective region. ~~The regional POC also ensures that the associated regional staff is proficient in a training program relevant to backfitting activities and agency information collection processes.~~
- D. Office of the General Counsel (OGC)**
1. Identifies potential backfitting and forward fitting actions.
  2. Advises staff about whether staff's actions meet the applicable definitions of backfit.
  3. Advises staff about ~~how whether~~ staff's actions are congruent with issue finality provisions in 10 CFR Part 52.
  - ~~4.~~ Provides legal advice and assistance during backfitting identification, justification, imposition, and licensee appeal processes.
  - ~~4-5.~~ Provides legal advice and assistance during forward fitting identification, justification, imposition, and licensee appeal processes.



~~6.~~ Provides legal advice and assistance for developing ~~backfitting~~ training in accordance with regarding backfitting requirements and agency implementation.

~~7.~~ Provides legal advice and assistance for information collections.

~~5-8.~~ Maintains a backfitting/forward fitting Community of Practice with office POCs, including a backfitting/forward fitting site.

#### E. Committee To Review Generic Requirements (CRGR)

1. Monitors the overall effectiveness of the NRC's generic backfitting and forward fitting management process, including the effectiveness of administrative controls for facility-specific backfitting and forward fitting. Maintains a Charter that describes the roles, responsibilities, and procedures of the CRGR in accordance with applicable regulations.

2. Selects a sample of proposed backfitting and forward fitting actions for audit under 10 CFR Part 50, 10 CFR Part 52, 10 CFR Part 70, 10 CFR Part 72 and 10 CFR Part 76, consistent with its Charter and ensures the actions are justified in accordance with regulations, guidance, and agency policies.

3. Reviews potential facility-specific backfits and forward fits as requested by ~~program office directors~~ program ODs and RAs.

4. Uses its discretion in deciding whether any review should require a formal staff presentation to the CRGR.

~~5.~~ Periodically assesses the effectiveness of the NRC's backfitting process implementation as part of its regulatory effectiveness responsibility and provides a report to the EDO.

~~6-5.~~ Ensures consistency among the offices and regions in implementing the provisions of the NRC's backfitting rules and policies and forward fitting policies. The CRGR review focuses on the adequacy of backfitting and forward fitting implementation, interoffice coordination for processing backfitting and forward fitting actions, and staff training.

- ~~7-6.~~ Verifies that the responsible staff<sup>4</sup> promptly enters backfitting and forward fitting decisions into the Agencywide Documents Access and Management System (ADAMS), and makes them publicly available, consistent with applicable requirements and guidance.
- ~~8-7.~~ Periodically meets with stakeholders to gain stakeholder views and advise the EDO when modifications to the backfitting and forward fitting processes should be considered.
- ~~9-8.~~ Participates in Backfitting Review Panels at the request of the EDO.
- ~~10-9.~~ Coordinates with the Office of the Chief Human Capital Officer (OCHCO), OGC, RES, NSIR, OE, the regions, and program offices to ensure that Human Resources Training and Development (HRTD) provides appropriate training for the NRC staff and that individual office procedures and guidance appropriately reflect the requirements of this MD and other applicable guidance.

**F. Director, Office of Nuclear Regulatory Research (RES)**

- 1. Identifies potential backfitting and forward fitting actions.
- 2. Supports the offices and regions by implementing pertinent CRGR recommendations, EDO decisions, staff lessons ~~learned~~, and Commission directives for enhancing the NRC's backfitting program.
- ~~3.~~ Provides administrative support for routine CRGR activities.
- ~~3-4.~~ Ensures appropriate training is available to the RES staff.
- ~~4.~~ Maintains a backfitting Community of Practice with office POCs, including a backfitting SharePoint site.

**G. Director, Office of Enforcement (OE)**

- 1. Defines and implements appropriate administrative controls to support the office and regional staffs in processing compliance backfits that involve enforcement discretion.

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<sup>4</sup> The office or the region that initiated the backfitting action supports the program office (the Office of Nuclear Reactor Regulation (~~NRR~~), the Office of Nuclear Material Safety and Safeguards (~~NMSS~~), or the Office of New Reactors (~~NRO~~)) that has the obligation to impose the backfit. The program office is solely responsible for generic backfitting actions. Regions are responsible for facility-specific backfitting actions arising from inspection, and program offices are responsible for facility-specific backfitting actions arising from licensing or other headquarters actions.

2. If an Order, a notice of violation, or enforcement discretion is necessary in relation to a backfitting action, consults with OGC and the responsible office(s) and region(s), on the backfitting action and advises on its imposition, including supporting interactions with licensees to establish a schedule for implementing the compliance backfit, as applicable.

Ensures appropriate training is ~~provided~~available to the OE staff and ensures OE staff performance is in accordance ~~with NUREG-1409, "Backfitting Guidelines," with current agency policy and guidelines and policies.~~

3. Designates an office-level POC to coordinate and resolve backfitting questions or concerns from the staff as they relate to the responsibilities of OE.

#### H. Director, Office of Nuclear Security and Incident Response (NSIR)

1. Identifies any potential security-~~related~~ or emergency preparedness-~~related~~ backfitting or forward fitting actions.<sup>5</sup>

~~2. Coordinates all security-related backfitting with the program offices and the regional offices.~~

~~3.2.~~ Designates an NSIR manager (division director or higher) who coordinates with the program offices and OGC to request that the program office propose backfitting or forward fitting actions on nuclear power reactor and nuclear materials ~~licensees~~ facilities that pertain to the common defense and security or emergency preparedness.

~~4.3.~~ Ensures consistency of security and emergency preparedness inspection procedures with regulations and current agency guidelines and policies, ~~and NUREG-1409.~~

~~5.4.~~ Consults, coordinates with, and provides support to program ODs, as ~~appropriate~~necessary, to resolve issues with security-related backfitting and forward fitting actions. The Director, NSIR, ~~must~~supports the program ODs and RAs, as appropriate, in processing security-related backfits and forward fits, including the resolution of licensee ~~backfit~~ appeals.<sup>6</sup>

<sup>5</sup> Throughout this MD, security-~~related~~ and emergency preparedness-related backfitting may be referred to as security-~~or security-related~~ backfitting.

~~<sup>6</sup>—The program OD for the affected facilities imposes facility-specific backfitting actions and forwards licensee appeals on security-related backfitting to the NSIR OD. The NSIR OD will decide on the appeal and coordinate with the program OD. If a licensee refuses to implement an imposed backfitting action, the appropriate program office must issue an Order.~~

~~6-5.~~ Ensures appropriate training is available to the NSIR staff and ensures that the NSIR staff performance is in accordance with current agency guidelines and policies NUREG-1409.

~~7-6.~~ Designates an office-level POC to coordinate and resolve backfitting and forward fitting questions or concerns from staff as they relate to the responsibilities of NSIR.

~~8-7.~~ Makes backfitting decisions publicly available, consistent with applicable requirements and guidance.

#### I. Chief Human Capital Officer (CHCO)

1. Develops, maintains, and updates, in consultation with the CRGR and OGC and in coordination with other offices and regions, a backfitting training program for the NRC staff, including generic and facility-specific backfitting training modules and refresher courses.
2. Consults and coordinates with the appropriate contact in the Office of the Chief Information Officer to maintain backfitting training modules ~~online~~.

#### J. Chief Information Officer (CIO)

1. Maintains a repository for backfitting and forward fitting records in ADAMS.
2. Advises the offices and regions on implementing administrative controls to ensure backfitting and forward fitting information is maintained in accordance with Federal and agency recordkeeping requirements.
3. Consults on the agency review of information collections requests to ensure compliance with the Paperwork Reduction Act.

### IV. APPLICABILITY

The policy in this directive and handbook applies to all NRC employees.

### V. DIRECTIVE HANDBOOK

For effective regulation of NRC-licensed facilities, it is important crucial that the backfitting and forward fitting processes be well-defined, that staff members clearly understand their obligation for responsibly implementing all aspects of the backfitting program, and that managers ensure staff performance is in accordance with this MD. Handbook 8.4 explains the components of the NRC backfitting and forward fitting management programs. NUREG-1409 provides guidance to the staff implementing backfitting regulations.

## VI. REFERENCES

### *Code of Federal Regulations*

~~10 CFR 26.39, "Review Process for Fitness-For-Duty Policy Violations."~~

10 CFR Part 2, "Agency Rules of Practice and Procedure."

10 CFR 2.202, "Orders."

~~10 CFR 2.204, "Demand for Information."~~

10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities."

~~10 CFR 50.2, "Definitions."~~

10 CFR 50.12, "Specific Exemptions."

10 CFR 50.49, "Environmental Qualification of Electrical Equipment Important to Safety for Nuclear Power Plants."

10 CFR 50.54, "Conditions of Licenses."

~~10 CFR 50.55a, "Codes and Standards."~~

10 CFR 50.59, "Changes, Tests, and Experiments."

10 CFR 50.71, "Maintenance of Records; Making of Reports."

10 CFR 50.72, "Immediate Notification Requirements for Operating Nuclear Power Reactors."

~~10 CFR 50.73, "License Event Report System."~~

10 CFR 50.109, "Backfitting."

10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants."

10 CFR 52.7, "Specific Exemptions."

10 CFR 52.31, "Criteria for Renewal."

10 CFR 52.39, "Finality of Early Site Permit Determinations."

10 CFR 52.59, "Criteria for Renewal."

10 CFR 52.63, "Finality of Standard Design Certifications."

10 CFR 52.83, "Finality of Referenced NRC Approvals; Partial Initial Decision on Site Suitability."

10 CFR 52.98, "Finality of Combined Licenses; Information Requests."

- 10 CFR 52.145, "Finality of Standard Design Approvals; Information Requests."
- 10 CFR 52.171, "Finality of Manufacturing Licenses; Information Requests."
- 10 CFR 52.179, "Criteria for Renewal."
- 10 CFR Part 54, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants."
- 10 CFR 54.30, "Matters Not Subject to a Renewal Review."
- 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material."
- 10 CFR Part 70, Subpart B, "Exemptions."
- 10 CFR 70.22, "Contents of Applications."
- 10 CFR 70.76, "Backfitting."
- 10 CFR Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste."
- 10 CFR 72.7, "Specific Exemptions."
- 10 CFR 72.62, "Backfitting."
- 10 CFR Part 76, "Certification of Gaseous Diffusion Plants."
- 10 CFR 76.23, "Specific Exemptions."
- 10 CFR 76.76, "Backfitting."

***Nuclear Regulatory Commission Documents***

Charter of the Committee To Review Generic Requirements.

Letter to Ellen Ginsberg from Stephen Burns discussing applicability of the Backfit Rule to NRC interpretive guidance, July 14, 2010 (ADAMS Accession No. [ML101960180](#)).

Memorandum to Edwin Hackett from Andrew Averbach, "Summary of COMSECY-16-0020, Recommendation on Revision of Guidance Concerning Consideration of Cost and Applicability of Compliance Exception to Backfit Rule," December 20, 2016 (ADAMS Accession No. [ML16355A258](#)).

Memorandum to James M. Taylor and William C. Parler from Samuel J. Chilk, "SECY-93-086, Backfit Considerations," June 30, 1993 (ADAMS Accession No. [ML003760758](#)).

Memorandum from Luis A. Reyes, Executive Director for Operations, NRR to Those on the Attached List, "Implementation of an ADAMS-Based Record Access System for Facility-Specific Backfits," February 22, 2006 (ADAMS Accession No. [ML052720147](#)).

NUREG-0910, "NRC Comprehensive Records Disposition Schedule."

NUREG-1409, "Backfitting Guidelines."

NUREG/BR-0058, Revision 45, "Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission," and all Appendices.

"Revision of Backfitting Process for Power Reactors," 50 FR 38097 (September 20, 1985)  
([https://s3.amazonaws.com/archives.federalregister.gov/issue\\_slice/1985/0/20/38097-38114.pdf#page=1](https://s3.amazonaws.com/archives.federalregister.gov/issue_slice/1985/0/20/38097-38114.pdf#page=1)).

SECY-99-063, "The Use by Industry of Voluntary Initiatives in the Regulatory Process," dated March 2, 1999 (ADAMS Accession No. [ML992810068](#)).

Staff Requirements Memorandum, COMSECY-16-0020, "Staff Requirements – 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](#)).

Staff Requirements Memorandum, SECY-98-185, "Staff Requirements – SECY-98-185 -- Proposed Rulemaking, "Revised Requirements for the Domestic Licensing of Special Nuclear Material," December 1, 1998 (ADAMS Accession No. [ML991880012](#)).

Staff Requirements Memorandum, SECY-14-0087, "Staff Requirements— SECY - 14- 0087-Qualitative Consideration of Factors in the Development of Regulatory Analyses and Backfit Analyses," dated March 4, 2015 (ADAMS Accession No. [ML15063A568](#)).

"Use of Probabilistic Risk Assessment Methods in Nuclear Regulatory Activities; Final Policy Statement," 60 FR 42622, August 16, 1995.

**United States Code**

Administrative Procedure Act, Pub. L. 79-404(5 U.S.C. 551 et seq.)

Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).

Energy Reorganization Act of 1974, as amended (42 U.S.C. 5801 et seq.)

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

MD 8.4 MANAGEMENT OF BACKFITTING, FORWARD  
FITTING, ISSUE FINALITY, AND INFORMATION  
COLLECTION REQUESTS

Date Approved: XX/XX/XXXX

**United States Supreme Court Decision**

Michigan v. Environmental Protection Agency, 135 S. Ct. 2699 (2015).

DRAFT