



## **POLICY ISSUE** **(Information)**

August 31, 2021

SECY-21-0078

FOR: The Commissioners

FROM: Margaret M. Doane  
Executive Director for Operations

SUBJECT: ANNUAL REPORT OF THE COMMITTEE TO REVIEW GENERIC  
REQUIREMENTS REVIEW ACTIVITIES

PURPOSE:

This paper provides the Commission with the annual report of the activities of the Committee to Review Generic Requirements (CRGR or the Committee). The report covers the period from June 1, 2020, through May 31, 2021. For purposes of this report, the terms “backfit” and “backfitting” include the terms “forward fitting” and “issue finality.” This paper does not contain any new commitments or resource implications.

BACKGROUND:

Since 1997, the Committee has annually evaluated and reported its activities to the Commission. This report summarizes the backfit reviews performed by the Committee during the reporting period and provides the results of the Committee’s annual self-assessment. This report also summarizes the status of actions in response to the Executive Director for Operations (EDO) tasking related to the agency’s implementation of backfitting requirements.

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DISCUSSION:*CRGR Backfit Reviews*

The CRGR Charter describes three categories of Committee reviews:

1. Routine Review (Category 1): A review where the matter does not appear to contain backfitting issues and can be handled via e-mail discussions.
2. Complex Review (Category 2): A review where it is evident that the matter has significant technical and process complexity, backfitting, or potential backfitting and is handled in a formal setting where the sponsoring staff provides a presentation to the CRGR.
3. Complex Review with External Involvement (Category 3): This review has all the elements of a Category 2 review in addition to a public meeting as a result of a request from external parties to meet separately with the CRGR to provide context for its deliberation.

The “Committee to Review Generic Requirements Procedures and Internal Administrative Process” (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17355A533) provide additional detail on these review categories.

During this review period, the CRGR performed one review (see Enclosure 1). This was the second routine review conducted on NUREG-1409, “Backfitting Guidelines, Revision 1.” The CRGR conducted its first routine review of the draft NUREG on December 18, 2019, prior to the public-comment phase. This final version responded to public comments and is now before the Commission for review and approval. The CRGR endorsed the final NUREG-1409 on January 26, 2021.

In assessing the CRGR’s contributions to the development of NUREG-1409, the staff indicated that the Committee provided valuable feedback on the development of the NUREG and interpretation of Management Directive 8.4, “Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests” (e.g., forward-fitting applicability and backfitting appeals related to inspections).

The staff indicated that it spent approximately 40-60 hours preparing for CRGR briefings, delivering the briefings, and addressing CRGR comments throughout the development of the revised NUREG. The staff did not indicate any adverse impacts on the staff’s schedule or on its allocated resources for NUREG-1409, Revision 1 as a result of its interactions with the CRGR.

In general, the staff indicated that the CRGR’s feedback improved the overall quality of NUREG-1409, Revision 1.

The Committee’s self-assessment this reporting period is limited to this one regulatory item. To assist the CRGR’s self-assessment, specifically, that it “ensure[s] that the staff guidance on backfitting is clear and comprehensive”, the Committee solicited feedback from the office of Nuclear Reactor Regulation in a June 30, 2021 memorandum (ADAMS Accession No. ML21168A285). Specific to the CRGR’s routine review of NUREG-1409, Revision 1, the Committee concluded that the staff had followed all the requirements and guidance specified in the CRGR Charter including supplying all documentation needed to support the CRGR’s review.

Based on its assessment of this review, the Committee concluded that it had effectively fulfilled this key Charter responsibility of providing the staff with clear and comprehensive backfitting guidance.

### *EDO Tasking Memorandum*

On June 27, 2017, the CRGR submitted its CRGR Review Report (ADAMS Accession No. ML17174B161) to the EDO containing 10 key findings in response to 2 EDO memoranda that directed the CRGR to review the agency's backfitting program (ADAMS Accession Nos. ML16133A575 and ML16344A004). On July 19, 2017, the EDO issued a response to the CRGR that supported the CRGR's recommendations and provided subsequent direction to the CRGR and several U.S. Nuclear Regulatory Commission (NRC) offices (ADAMS Accession No. ML17198C141). The EDO tasking memorandum provided 20 separate tasking items. For tracking purposes, and because of the similarities between the tasking items, some of the items were grouped together resulting in 15 tasking items grouped into 4 broad categories: (1) requirements, guidance, and criteria; (2) training; (3) knowledge management; and (4) revisions to the CRGR Charter (see footnote 1 in Enclosure 2).

Enclosure 2 provides a complete status of the actions identified in the EDO tasking memorandum. The accomplishments completed this reporting period include:

- Update agency-level guidance on backfitting and issue finality to reflect Commission direction on the use of the compliance exception to the backfit rule and submit for Commission approval;
- Prepare a NUREG/Knowledge Management report on the history and activities of the Committee to Review Generic Requirements.

### CONCLUSION:

The CRGR contributes to staff and industry awareness of applicable NRC regulations and Commission policy on backfitting. Although limited to one item this year, the Committee's self-assessment indicates that the CRGR performed its review in an efficient and effective manner. The CRGR continues to work with the program and support offices to implement the EDO tasking memorandum.

### COORDINATION:

The Office of the General Counsel has reviewed this package and has no legal objection.

**Margaret M.  
Doane**  
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Executive Director  
for Operations

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### Enclosures:

1. Action on Staff Proposals by the CRGR June 1, 2020 – May 31, 2021
2. Status of Tasking Items

SUBJECT: ANNUAL REPORT OF COMMITTEE TO REVIEW GENERIC REQUIREMENTS  
REVIEW ACTIVITIES DATED: August 31, 2021

**ADAMS Accession No.: Pkg. ML21210A432 Memo: ML21210A434 WITS: 199700390**

OFFICE	CRGR	SUNSI Review	Tech Editor	OGC	CRGR	EDO
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