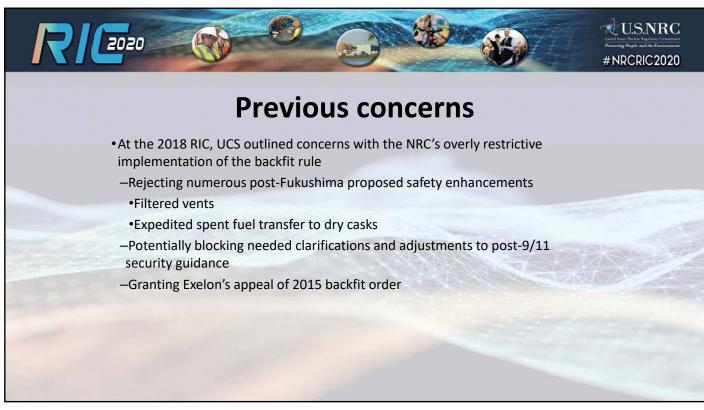




UCS position on backfitting

- Backfits play an essential role in protecting public health, safety, and security
- Necessary for timely and effective updating of safety and security requirements to address new information, improved analyses, and changing circumstances
- —"Regulatory stability" does not require regulatory paralysis
- A too-restrictive interpretation of the backfit rule could prevent critical safety enhancements
- Over-reliance on quantitative analysis without due consideration of uncertainties and credit for qualitative factors (defense-in-depth)
- UCS bears some responsibility for the inadequacies of the current rule (UCS vs. USNRC, 1987)
- -"Adequate protection" is highly subjective
- -Backfit test is highly prescriptive





Flaws in analyses

- Problems with regulatory analysis guidelines:
- -Rely too heavily on PRAs without sufficient consideration of uncertainties
- -Don't consider terrorist attacks
- -Don't give appropriate weight to defense-in-depth
- Rely on Safety Goals as the benchmark for "substantial" safety enhancements
 (based only on individual risk and not societal risk)
- Use generic analyses that don't account for site-specific geographic and demographic factors
- Cost-benefit analyses based on MACCS calculations that
- -Limit radiological consequences to 50 miles
- —Use an outdated value of a statistical life (\$2000/person-rem)
- -Assume effective decontamination within 1 year (unrealistic)



Recent developments of concern

- Baking in legacy safety and security deficiencies resulting from problems with the initial licensing basis (e.g. "low safety significance issues")
- -Final mitigation of beyond design-basis external events rule: Is a requirement to address updated external event parameters based on new information or improved analysis REALLY a backfit?
- Revision of Regulatory Guide 5.69 (three outstanding items determined to be "potential backfits"): Same question regarding updated threat information
- -Oconee security license amendment
- Revision of Management Directive 8.4
- —"forward-fitting" now effectively treated as a type of backfit even though it does not impose new requirements on licensees
- —"imminent threat" determination: could allow lengthy delays in imposing compliance backfits and ensuring adequate protection

