



POLICY ISSUE

(Information)

September 2, 2020

SECY-20-0078

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, 2019, through May 31, 2020. For purposes of this report, backfit or backfitting includes 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. The report summarizes the backfit reviews performed by the Committee during the reporting period and provides the results of the Committee's annual self-assessment. The 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 and issue finality requirements.

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DISCUSSION:*CRGR Backfit Reviews*

The CRGR Charter describes three categories of reviews the CRGR performs:

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 CRGR procedures, "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 CRGR review categories.

During this review period, the CRGR performed one review (see Enclosure 1). This was a routine review of draft NUREG-1409, "Backfitting Guidelines, Revision 1." The CRGR endorsed the draft NUREG.

The Committee's self-assessment this reporting period is limited given the modest engagement of the CRGR this reporting period. The Committee solicited feedback from the regulatory offices in a June 24, 2020, memorandum (ADAMS Accession No. ML20169A852). Specific to the CRGR's routine review of draft NUREG-1409, Revision 1, the Committee found that the staff had followed the requirements specified in the CRGR Charter and had supplied all documentation needed to support the CRGR's review. Based on its assessment of this review, the Committee concluded that it had effectively fulfilled a key Charter responsibility, to ensure that the staff guidance on backfitting is clear and comprehensive.

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 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 into 14 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 the following:

- Management Directive 8.4, “Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests,” (ADAMS Accession No. ML18093B087) was issued on September 20, 2019;
- SECY 20-0008, “Draft Final NUREG/BR-0058, Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission, Revision 5,” (ADAMS Accession No. ML19261A280) was issued to the Commission on January 28, 2020; and
- SECY 20-0021, “Draft NUREG-1409, Backfitting Guidelines, Revision 1,” was issued to the Commission on February 26, 2020 (ADAMS Accession No. ML18149A471), and subsequently issued for public comment on March 23, 2020 (85 FR 16278). The public comment period ended on July 21, 2020.

CONCLUSION:

The CRGR contributes to staff and industry awareness of applicable NRC regulations and Commission policy on backfitting. Although admittedly limited 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.

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Enclosures:

1. Action on Staff Proposals by the CRGR June 1, 2019 – May 31, 2020
2. Status of Tasking Items

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REVIEW ACTIVITIES DATED: September 2, 2020

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