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STARS-20001

July 22, 2020

Office of Administration
Mail Stop: TWFN-7-A60M
U.S. Nuclear Regulatory Commission
Washington DC 20555-0001
ATTN: Program Management, Announcements and Editing Staff

Subject: Comments on Draft NUREG-1409, "Backfitting Guidelines," Revision 1
(Docket ID NRC-2018-0142)

Dear Commissioners and Staff:

STARS Alliance LLC, on behalf of its member stations, submits this letter in response to the U.S. Nuclear Regulatory Commission's (NRC) request for comments concerning proposed draft NUREG-1409, "Backfitting Guidelines," Revision 1. We appreciate the opportunity to comment on this draft NUREG and the NRC's willingness to extend the comment period. This comment period was extremely important as it provides the first opportunity for the public to comment on this process and its related changes in COMSECY-160020 and Management Directive 8.4.

The STARS Alliance recognizes and appreciates the significant progress that the NRC has made in its backfitting program since 2016. We acknowledge the NRC staff's significant effort to revise NUREG-1409 in order to clarify the implementation guidance and to ensure that the Commission's backfitting requirements are realized.

The draft NUREG provides useful guidance on implementing the backfit rule. The STARS Alliance would like to emphasize its support of the comments submitted by the Nuclear Energy Institute (NEI) related to this revision of draft NUREG-1409. We support the goal of reducing ambiguities in the guidance, such as "previously applicable staff positions" and the relationship between "adequate protection and compliance exceptions" with respect to the backfit rule. We believe that focusing on the proper application of the definition of backfitting, as outlined in Management Directive 8.4, will aid in the simplification of the backfitting program, which would allow for practical and predictable implementation. We appreciate the NRC staff's clarification of the forward fit concept both within this draft NUREG and Management Directive 8.4. However, we would like to emphasize the NEI's suggestion to simplify the approach to forward fitting by aligning it with the backfit rule. As written in the draft NUREG, to file an appeal of a forward fit, it would require that NRC staff impose an applicable staff position on the licensee. We agree with NEI's recommendation to enable a streamlined process in which the licensee is not required to accept the staff position prior to issuing an appeal. We also support NEI's proposal to provide opportunities for licensees to address forward fitting or backfitting challenges, such as during an inspection, by using the NRC's existing process for addressing Very Low Safety Significant Issues.

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Thank you again for the opportunity to comment on this guidance document. Please contact me at (805)459-5966, or hossein.hamzehee@starsalliance.com if you have any questions .

Sincerely,

Hossein G. Hamzehee
Regulatory Affairs Functional Area Manager, STARS Alliance LLC

