

**Division of Fuel Cycle Safety and Safeguards  
Interim Staff Guidance - 06**

**Correcting Performance Deficiencies and Implementing Corrective Measures**

**Issue:**

Timing for existing licensees to submit and obtain NRC approval of alternative schedules for correcting unacceptable performance deficiencies identified during the conduct of an Integrated Safety Analysis (ISA).

**Introduction:**

The purpose of this Interim Staff Guidance (ISG) is to clarify the requirements associated with the correction of unacceptable performance deficiencies identified during the conduct of the ISA, and to ensure that existing licensees who identify unacceptable performance deficiencies that cannot be corrected by October 18, 2004, have a process for requesting additional time with which to effect corrective actions.

**Discussion:**

10 CFR 70.62(c)(3)(ii) requires existing licensees to complete an ISA, correct all unacceptable performance deficiencies identified during the conduct of the ISA, and submit for NRC approval, an ISA summary no later than October 18, 2004. 10 CFR 70.62(c)(3)(iii) requires the licensee to implement appropriate compensatory measures to ensure adequate protection while the unacceptable performance deficiencies are being corrected.

70.62(c)(3)(ii) offers existing licensees a process for requesting additional time with which to effect corrective actions for the performance deficiencies identified during the conduct of the ISA. 70.62(c)(3)(ii) states that an alternative schedule may be approved if the alternative is warranted by the following considerations: (a) adequate compensatory measures have been established; (b) technical feasibility of completing the corrective actions by October 18, 2004; and (c) other site-specific factors considered on a case-by-case basis that are beyond the control of the licensee.

**Regulatory Basis:**

10 CFR 70.62(c)(3)(ii) and (iii)

**Technical Review Guidance:**

10 CFR 70.62(c)(3)(ii) does not state that a request for an alternative schedule must be submitted and approved prior to the required October 18, 2004, deadline for submitting an ISA summary. However, as a practical matter, in order for an existing licensee to meet the October 18, 2004, date to correct all unacceptable performance deficiencies (which is an explicit regulatory requirement), it would be reasonable for a licensee seeking an alternative schedule to submit this request so as to allow sufficient time for the staff to review and, if appropriate, approve the request prior to October 18, 2004.

NRC approval of the alternative schedule will consider whether the identified compensatory measures result in the deficient accident sequence meeting the performance requirements, the complexity and feasibility of implementing the intended items relied on for safety (IROFS), site-specific factors, factors beyond the control of the licensee, and the adequacy of the compensatory measures. In determining compensatory measures, licensees may need to deviate from their ISA methodology. Doing so would be a reason that NRC review of the alternate schedule and compensatory measures is required.

If the licensee can demonstrate that performance requirements continue to be met through the use of compensatory measures, NRC approval would normally be given. If the licensee cannot demonstrate meeting the performance requirements, the staff will consider the acceptability of the compensatory measures on a case-by-case basis. If the schedule for correcting the unacceptable performance requirements or the licensee's proposed actions are not acceptable, the staff must make a determination as to whether there is adequate assurance of safety for continuing the process in question.

**Recommendations:**

This guidance should be used in conjunction with Chapter 3.0 of NUREG-1520, "Standard Review Plan for the Review of a License Application for a Fuel Cycle Facility," in the review of an existing licensee's ISA summary to ensure that an alternative schedule has been approved by NRC and that acceptable compensatory measures have been identified for deficiencies discovered by the existing licensee during the conduct of its ISA.

**References:**

*U.S. Code of Federal Regulations*, Title 10, Part 70, "Domestic Licensing of Special Nuclear Material," U.S. Government Printing Office, Washington, D.C.

*U.S. Nuclear Regulatory Commission*, NUREG-1520, "Standard Review Plan for the Review of a License Application for a Fuel Cycle Facility," 2002.

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Director, NMSS/FCSS