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April 22, 2013

Mr. John D. Kinneman  
Director, Fuel Cycle Safety and Safeguards  
Office of Nuclear Materials Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Subject:** Industry Comments on DRAFT NUREG-2154, "Acceptability of Corrective Action Programs at Fuel Cycle Facilities" (78 FR 11903; Docket: NRC-2013-0033)

**Project Number: 689**

Dear Mr. Kinneman:

On behalf of the fuel cycle industry, the Nuclear Energy Institute (NEI)<sup>1</sup> appreciates the opportunity to provide industry comments on DRAFT NUREG-2154 relevant to Corrective Action Programs (CAP) at Fuel Cycle Facilities. I trust you will find these comments consistent with those expressed by industry during the April 11, 2013, public meeting and useful as the U.S. Nuclear Regulatory Commission (NRC) staff proceeds to finalize the guidance. Generally, we are supportive of its overall content and scope, and we offer general comments below and specific comments and edits to the draft guidance in the attachment to this letter for your consideration.

First, we appreciate the steps NRC has taken to allow for the disposition of relatively low risk inspection findings to an NRC-approved CAP, in lieu of issuing Severity Level IV violations. Specifically, we endorse efforts to modify the NRC enforcement policy to allow reliance on the CAP and issue the DRAFT NUREG-2154 for comment. To that end, as was noted by NRC during the April public meeting, some fuel facilities have a CAP in place today that meets NRC's expectations as described in the draft guidance, while others are deciding whether to seek NRC approval of their CAP for these purposes. In that regard, the current DRAFT NUREG is a good first step.

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<sup>1</sup> The Nuclear Energy Institute (NEI) is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

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Second, both industry and NRC have acknowledged and emphasized the importance of a comprehensive, effective CAP that yields predictable and reliable results on which to base corrective actions to prevent recurrence of events, incidents and problems. As such, the CAP is a key element of a fuel facility's operational management and oversight program. While industry recognizes that NRC considers an NRC-approved CAP to be a fundamental and necessary cornerstone of any enhanced oversight process for fuel facilities, industry continues to believe that both NRC's and industry's finite resources could be used more effectively and efficiently by making risk-informed enhancements to the current oversight process with or without an NRC-approved CAP. Specifically, as we have stated previously, industry is willing to work with NRC to identify how the readily-available risk information contained in the facility-specific Integrated Safety Analyses, which are maintained and periodically updated, could yield risk insights that would inform the current inspection program.

Third, the potential benefits of having an NRC-approved CAP might be outweighed for some facilities by several factors. For example: 1) the CAPs in place today meet the needs of the fuel facilities and their customers; 2) there is a lack of certainty with regard to the magnitude of program changes needed to meet NRC's expectations; and 3) there are short- and long-term resource impacts associated with NRC review of a facility's CAP, possible NRC Requests for Additional Information, and the initial and ongoing NRC inspections and associated resource impacts.

Fourth, and equally important, all fuel facilities fully support the use of an effective CAP which meets their needs and those of their customers, e.g., commercial nuclear power plants. This fact combined with the reality that very few Severity Level IV violations--which could be dispositioned to the CAP--are issued to any one facility or across the operating fleet in any one calendar year continues to raise the fundamental question of whether to proceed with this initiative. Specifically, from our perspective, the incentives for industry to expend resources (to modify an existing, effective CAP to meet new NRC expectations) and for NRC to expend resources (on related licensing and inspection matters), is currently lacking for some facilities and warrants further scrutiny. As you know, this industry message on cumulative impacts is not new, it is important and we continue to support it. Further, during the meeting, industry offered an alternative to the license amendment process described in the Draft NUREG which is detailed further in the attachment to this letter.

Finally, industry suggests that NRC consider converting the Draft NUREG to a Regulatory Guide (RG) since a regulatory guide is typically the primary source of information for licensees and applicants filing for a license or requesting a licensing action. A RG provides clear and comprehensive guidance on information required in the submittals for NRC review and approval. In contrast, we understand that NUREGs are typically used to provide general information about NRC, its programs, fact sheets, technical reports etc. Therefore, the scope and content of this draft guide, as well as its broad applicability and use by fuel facilities appears more appropriate for a RG.

Thank you again for the opportunity to discuss DRAFT NUREG-2154 on April 11 and provide comments via this letter. We look forward to further discussions on this topic and review of the final guidance. If you have any questions, please feel free to contact me or Andrew Mauer at 202-739-8018; anm@nei.org.

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Sincerely,

A handwritten signature in cursive script, appearing to read "Janet R. Schlueter".

Janet R. Schlueter

Attachment

c: Ms. Catherine Haney, NMSS, NRC  
Mr. Anthony T. Gody, Jr., R-II/DFFI, NRC  
Mr. Michael X. Franovich, NMSS/FCSS/PORSB, NRC  
Ms. Sabrina D. Atack, NMSS/FCSS/PORSB, NRC