

**Specific Industry Comments on DRAFT NUREG-2154,
"Acceptability of Corrective Action Programs at Fuel Cycle Facilities"**

Industry carefully reviewed the DRAFT guide and offers the following comments for the staff's consideration as it proceeds to finalize the document. We trust you will find these comments useful and generally consistent with those discussed during the April 11, 2013 public meeting.

1. License Amendment

- a. **Question:** Most importantly, NRC-regulated fuel facilities currently have a license commitment for a Corrective Action Program (CAP). If a licensee's CAP is currently described and contained in the existing licensing basis, is it necessary for the fuel facility to submit a license amendment to request that NRC review the CAP for acceptability to disposition Severity Level IV violations as now allowed by the modified NRC enforcement policy? The introduction section of the document suggests that a license amendment must be submitted. This approach does not seem efficient for either industry or NRC in cases where NRC currently has in its possession all available licensee information. We offer the following alternative approach which was discussed during the April 11th meeting.
- b. **Alternative Approach:** Industry proposes an alternative approach to the license amendment process described in the Draft NUREG* for NRC's consideration. Specifically, in lieu of an amendment request, licensees should be allowed to request in writing that NRC conduct a review and/or inspection of a facility's CAP against the final NUREG-2154. NRC would then conduct an inspection and determine the adequacy or acceptability of an existing CAP for the purpose of dispositioning Severity Level IV findings. The licensee would then, based on the NRC findings or recommendations, make an informed decision as to whether or how to modify the existing CAP to gain NRC approval.

*As stated in the cover letter, industry suggests that NRC consider converting the Draft NUREG to a Regulatory Guide based on its purpose, scope, applicability and use.

- c. **Level of Detail:** The Draft NUREG language in Section 3, "Areas of Review" of the license amendment and the slides used during the April 11th meeting imply a level of detail that is not consistent with a typical license amendment request or a performance-based approach to regulation. Specifically, licensees or applicants should be allowed to commit to the principles of and reference an NRC-endorsed guidance document or procedure, rather than providing prescriptive detailed information that when modified, even in the most benign manner, would necessitate a license amendment and expenditure of industry and NRC resources. Also, as is the case today, the facility's policies, procedures and relevant information would be available on site for NRC review at any time.

2. Clarifications Needed and Comments

- a. In several locations, the Draft NUREG uses the term "causal analysis." While it is not defined, nor does it need to be, it should be recognized that the type of causal analysis technique employed will vary based on such factors as the severity or significance of the incident.

- b. In several locations, the DRAFT NUREG uses the term “independence” or “independent.” Please clarify this term. Industry suggests that a performance-based approach be taken when defining this term. Specifically, regardless of what group, person, organization, or consultant etc., performs the necessary independent review of the CAP, the key to its success is ensuring that the person(s) has the experience and expertise to conduct such comprehensive reviews and, in some cases, make technical judgments on the information at hand and the adequacy of the CAP processes used.
- c. Section 3, “Areas of Review”
 - i. bullets (2) and (3) – It should be recognized that facility procedures often times prohibit documenting certain security-related events in the CAP database. Rather, the CAP might simply contain a reference to the event and where information on it is stored and available for review.
 - ii. bullet (4) – should be edited to read: “...implementation of corrective and preventative actions as appropriate.”
- d. Section 4, “Acceptance Criteria”
 - i. Item (1), paragraph 3 – The words “in writing” should be deleted to allow for the use of other modes, e.g., digital records.
 - ii. Items (2) and (4) – Clarify the terms “prompt” or “promptly” since they are often a source of debate.
 - iii. Item (3) – Clarify the term “nonconformance.” Nonconformance with what? The term should be scoped to that which has a detrimental impact to safety or security. Also, the vague phrase “out of control process” should be deleted and not further clarified.
- e. Section 5.2, “Identification, Reporting, and Documentation of Safety and Security Issues”
 - i. Paragraphs 1 and 2 – As stated previously, the level of detail described for the licensee submittal is too prescriptive and not performance-based. Rather, such detail would be included in the policies, procedures, and other relevant information available on site and committed to in the license amendment.
- f. Section 5.3, “Significance Assessment and Causal Evaluation of Safety and Security Issues”
 - i. Same “level of detail” comment as just described applies to this section as well.
 - ii. Bullet 2 under the examples – Consider moving it to the last bullet as the other criteria represent a greater value to safety and security than does this compliance matter.
 - iii. Bullet 4 under significant conditions – It should be recognized that a “non-conservative error” may not in and of itself represent a “significant” condition without more qualification.
- g. Section 5.4 – Same “level of detail” comment as described above applies to this section as well.
- h. Section 7, “References” – Suggest deleting all references to 10 CFR Part 50 and related guidance references since they do not support the licensing basis for fuel facilities regulated under Parts 40, 70 and 76.