

DG-3044, “Corrective Action Programs for Fuel Cycle Facilities”

Presentation to the Committee to Review
Generic Requirements

CRGR's Review

- OGC review
 - DG-3044 does not constitute a backfit
 - Concerns
 - Recommendation
 - Seek CRGR confirmation that DG-3044 is not a backfit

Background

- SRM-SECY-10-0031, dated August 4, 2010
 - Commission directed the staff to consider how the Enforcement Policy could best reflect that most fuel cycle facilities had voluntarily developed CAPs
 - Commission directed that the approach should provide incentives for licensees to maintain [adequate] CAPs as an important facet of sustaining high safety and security performance
- SRM-SECY-09-0190, dated, August 27, 2010
 - Commission directed the staff to provide fuel cycle facilities with credit for having [adequate] CAPs

Background (continued)

- SRM-SECY-11-0140, dated January 5, 2012
 - Commission directed the staff to proceed with the development and implementation of the incentives for licensees to maintain an [adequate] CAP
- SRM-SECY-12-0047, dated November 28, 2012
 - Commission approved the revision to the Enforcement Policy that allowed SL IV violations to be dispositioned as NCVs, if the staff finds that the licensee has implemented an adequate CAP, and that the criteria in Section 2.3.2.a of the Enforcement Policy are met

CAP Guidance Development

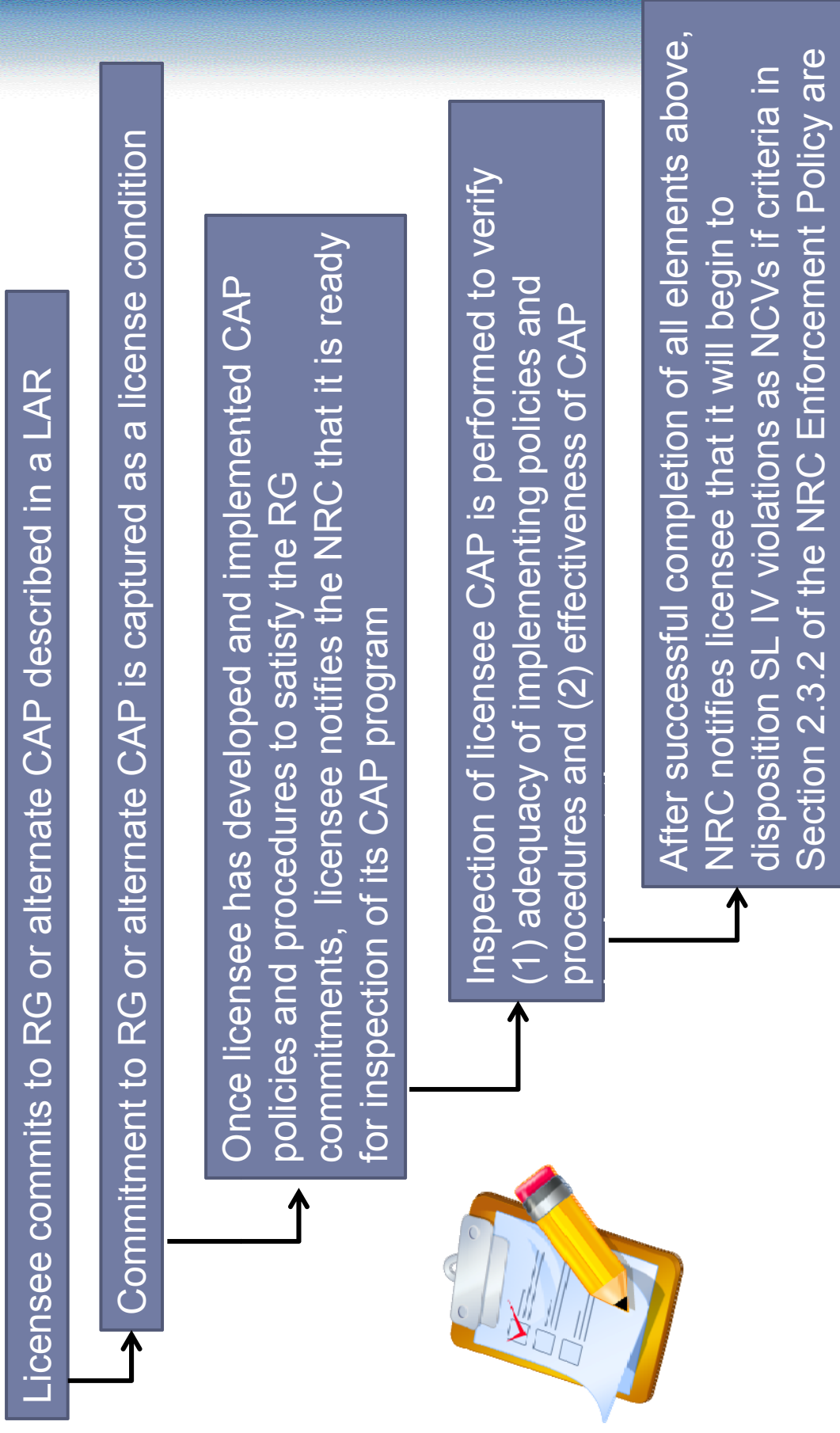
- Draft NUREG-2154 (developed with industry input)
- Industry comment: convert draft NUREG to RG to ease implementation
- Staff accepted the comment
 - Reduce implementation burden to licensee
 - DG-3044 was developed

CAP Guidance Development

(continued)

- DG-3044 elements
 - Licensee should
 - Develop a CAP organization
 - Develop, implement, and maintain written policies, programs, and procedures that describe the CAP
 - Identify, report, and document safety and security issues
 - Evaluate and classify the significance of safety and security issues and determine the cause of significant issues
 - Develop and implement corrective actions and preventive actions, as appropriate, for safety and security issues
 - Develop, implement, and maintain an assessment process to evaluate the CAP's effectiveness

Process to Use DG-3044



Public Comments

- DG-3044 was issued for public comment on February 12, 2014, in the *Federal Register*
 - Public meeting – March 5, 2014
 - Public comment period ended on March 14, 2014
 - NEI letter with comments, dated March 14, 2014
- No comments related to backfit
- “Should” and “Shall” statements
- Regulatory Analysis

Staff Position

- Approach is consistent with Commission direction and industry feedback
- Regulatory stability and clarity
- DG-3044 makes clear that its use is voluntary
- Licensees are not dependent on DG-3044 to be in compliance with the regulatory requirements

Examples

- Performance Indicator Program (ROP)
 - Submittal of PI data
 - NEI-99-02, “Regulatory Assessment [PI] Guidance”
 - RIS-2000-08, Rev. 1, “Voluntary Submission of [PI] Data”
- NFPA 805 – 10 CFR 50.48(c)
 - No backfit because it is a voluntary alternative

Conclusions

- NRC staff is following Commission direction
- DG-3044 does not constitute a backfit

Backup – Section 2.3.2.a of the NRC Enforcement Policy

- a. Licensees and Nonlicensees with a Corrective Action Program¹
 1. The licensee or nonlicensee must place the violation into a corrective action program to restore compliance and address recurrence.
 2. The licensee or nonlicensee must restore compliance (or demonstrate objective evidence of plans to restore compliance) within a reasonable period of time (i.e., in a timeframe commensurate with the significance of the violation after a violation is identified.
 3. The violation must either not be repetitive as a result of inadequate corrective action, or, if repetitive, the repetitive violation must not have been identified by the NRC. This criterion does not apply to violation associated with green ROP findings.
 4. The violation must not be willful.

¹ The NRC will credit a formal corrective action program that has been inspected and found to meet regulatory guidance, industry standards, or both.

Backup – Section 2.3.2.b of the NRC Enforcement Policy

- b. All other Licensees and Nonlicensees
 - 1. The licensee or nonlicensee identified the violation.
 - 2. The licensee or nonlicensee corrected or committed to correcting the violation within a reasonable period of time by specific corrective action committed to by the end of the inspection, including immediate corrective action and comprehensive action to prevent recurrence.
 - 3. The violation is not repetitive as a result of inadequate corrective action.
 - 4. The violation is not willful.