

REGULATORY ANALYSIS

Draft Regulatory Guide (DG) -3037,
“Guidance for Fuel Cycle Facility Change Processes.”
(Proposed New Regulatory Guide)

1. Statement of the Problem

As specified in 10 CFR 70.72(c), licensees are allowed to make changes to their facilities and safety programs without prior NRC approval. Because licensees use a wide variety of fuel cycle facility processes and methodologies for their ISAs, application of the requirements of 10 CFR 70.72 has been inconsistent. Although the regulation defines broad categories of changes that require prior NRC approval, there is still significant room for licensee interpretation. Consequently, the NRC has noted inconsistencies among licensees in the types of changes for which prior approval is sought. Further, the documentation submitted annually to the NRC, and documentation maintained at the facility site, has not always been sufficient for the staff to independently determine whether licensees’ changes were appropriate without prior NRC approval.

2. Objective

This guidance attempts to balance the need for consistent application of the regulatory requirements of 10 CFR 70.72 with the fact that fuel cycle facilities conduct a wide range of operations and thus have different purposes, designs, and safety programs. The objective of this regulatory action is to ensure that licensees clearly understand the following:

- the types of facility changes that require prior approval from the NRC,
- the considerations for an adequate change evaluation,
- the types of change documentation that licensees must maintain on site for inspection, and the types of documentation that must annually be submitted to the NRC.

3. Alternative Approaches

The NRC staff considered the following alternative approaches:

- Do not issue a new regulatory guide.
- Issue a new regulatory guide.

Alternative 1: Do Not Issue a New Regulatory Guide

Under this alternative, the NRC would not issue any guidance. If NRC does not take action, there would not be any changes in costs or benefit to the public, licensees, or NRC. However, the “no-action” alternative would not address the identified concerns with the absence of NRC guidance, leaving the possibility for inefficiency and confusion among NRC staff and licensees. The NRC would continue to address issues with fuel cycle facility changes on a case-by-case basis. This alternative provides a baseline condition from which any other alternatives will be assessed.

Alternative 2: Issue a New Regulatory Guide

Under this alternative, the NRC would issue a new regulatory guide. This option would lessen confusion among licensees regarding the implementation of 10 CFR 70.72, improve the quality of their facility change evaluations and documentation, and facilitate the efficient NRC review and inspection of facility changes.

The impact to the NRC would be the costs associated with preparing and issuing the regulatory guide. The impact to the public would be the voluntary costs associated with reviewing and providing comments to NRC during the public comment period. The value to NRC staff and its licensees would be the benefits associated with enhanced efficiency and effectiveness in using a common guidance document.

Conclusion

Based on this regulatory analysis, the NRC staff recommends the issuance of a new regulatory guide. The staff concludes that the proposed action will enhance fuel cycle facility safety by providing clear guidance to evaluate and document facility changes. It could also lead to cost savings for both NRC and industry by reducing the need to request and provide additional information regarding facility changes.