

August 19, 2013

Ms. Janet R. Schlueter, Director  
Fuel and Material Safety  
Nuclear Generation Division  
Nuclear Energy Institute  
1201 F Street, NW, Suite 1100  
Washington, DC 20004

SUBJECT: ACKNOWLEDGEMENT LETTER TO CONFIRM RECEIPT OF  
APRIL 22, 2013, NUCLEAR ENERGY INSTITUTE COMMENT LETTER ON  
DRAFT NUREG-2154, "ACCEPTABILITY OF CORRECTIVE ACTION  
PROGRAMS FOR FUEL CYCLE FACILITIES"

Dear Ms. Schlueter:

This letter is in response to your letter, dated April 22, 2013, providing comments on draft NUREG-2154, "Acceptability of Corrective Action Programs for Fuel Cycle Facilities" (Agencywide Documents Access and Management System [ADAMS] Accession Number ML13133A219). The U.S. Nuclear Regulatory Commission (NRC) appreciates the Nuclear Energy Institute's (NEI) interest in the development of corrective action programs (CAPs) at fuel cycle facilities and has carefully reviewed the letter and its enclosure.

In the letter and its attachment, NEI suggested that the NRC consider converting the draft NUREG to a regulatory guide (RG) because an RG is typically the primary source of information for licensees and applicants filing for a license or requesting a licensing action (Recommendation 1). Further, during an April 11, 2013, public meeting held in Atlanta, GA (ADAMS Accession No. ML13113A251), members of industry identified that the burden of enhancing their existing CAP could be eased if applicants and licensees were able to commit to a set of CAP requirements rather than undertake the process of submitting a written CAP for NRC review and approval.

The NRC staff has reviewed Recommendation 1 and has decided to move forward with the development of a regulatory guide for fuel cycle facility CAPs. Regulatory guides provide guidance to licensees and applicants on implementing specific parts of the NRC's regulations. The NRC staff has determined that an RG can effectively describe measures for establishing a CAP that satisfies the provisions of Section 2.3.2 of the NRC Enforcement Policy (ADAMS Accession No. ML12340A295). On July 30, 2013, the NRC staff withdrew draft NUREG-2154 and is taking steps to issue a draft RG to describe methods and procedures that the staff considers acceptable when developing CAPs for fuel cycle facilities. The draft RG, DG-3044, "Corrective Action Programs for Fuel Cycle Facilities," will be issued for public comment.

In the letter and its attachment, NEI also proposed an alternative approach to the license amendment process described in draft NUREG-2154 (Recommendation 2).

The alternative approach recommended that, in lieu of an amendment request, licensees would be allowed to request in writing that NRC conduct a review and/or inspection of a facility's CAP against the final NUREG-2154. The licensee would then, based on the findings or recommendations identified during the NRC inspection of its CAP, make an informed decision as to whether or how to modify the existing CAP to gain NRC approval.

The NRC staff has reviewed Recommendation 2 and has determined that the NRC will only inspect CAP adequacy after (1) the licensee has a CAP commitment in its license (i.e., a commitment to the RG issued in accordance with Recommendation 1 above), and (2) the licensee has requested NRC inspection of its CAP implementation after having evaluated the adequacy of its CAP and determining that it meets the RG. This approach will ensure the most effective use of both licensee and NRC resources.

The NRC staff will issue a publicly available comment resolution table that describes the staff's resolution of these and other comments and recommendations related to draft NUREG-2154. Further, we look forward to continued discussions related to CAPs for fuel cycle facilities as we develop Draft Guide 3044 and other guidance related to CAP adequacy.

In accordance with Title 10 of the *Code of Federal Regulations* 2.390(d) of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records System component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

If you have any questions, please contact Sabrina Atack of my staff at (301) 287-9075, or via e-mail at [Sabrina.Ataack@nrc.gov](mailto:Sabrina.Ataack@nrc.gov).

Sincerely,

**/RA/**

Marissa G. Bailey, Director  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

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Sincerely,

**/RA/**

Marissa G. Bailey, Director  
 Division of Fuel Cycle Safety  
 and Safeguards  
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