

REGULATORY ANALYSIS

DRAFT REGULATORY GUIDE DG-3044 CORRECTIVE ACTION PROGRAMS FOR FUEL CYCLE FACILITIES (Proposed New Regulatory Guidance)

1. Statement of the Problem

This regulatory guide describes methods and procedures that the staff of the U.S. Nuclear Regulatory Commission (NRC) considers acceptable when developing corrective action programs (CAPs) for fuel cycle facilities that are licensed under Title 10 of the Code of Federal Regulations (10 CFR) Part 40, “Domestic Licensing of Source Material” or Title 10 CFR Part 70, “Domestic Licensing of Special Nuclear Material”; or holders of certificates of compliance or approvals of a compliance plan for gaseous diffusion plants under 10CFR Part 76, “Certification of Gaseous Diffusion Plants.”

The U.S. Nuclear Regulatory Commission (NRC) is issuing a new guide in conjunction with the withdrawal of Draft NUREG-2154, “Acceptability of Corrective Action Programs for Fuel Cycle Facilities.” This guide describes methods and procedures that the staff of the U.S. Nuclear Regulatory Commission (NRC) considers acceptable when developing corrective action programs (CAPs) for fuel cycle facilities.

2. Objective

The objective of this regulatory action is to describe methods and procedures that the staff of the U.S. Nuclear Regulatory Commission (NRC) considers acceptable when developing corrective action programs (CAPs) for fuel cycle facilities.

3. Alternative Approaches

The NRC staff considered the following alternative approaches:

Alternative 1: Issue New Regulatory Guidance

Under this alternative, the NRC would issue guidance to describe the basic elements and commitments that are necessary for the NRC to determine that a fuel cycle facility licensed or certified in accordance with 10 CFR Part 40, 70, or 76 has an acceptable CAP.

Alternative 2: Issue No Regulatory Guidance

Under this alternative, the NRC would not issue new 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 changes made in the current revision of the NRC Enforcement Policy which allows Severity Level IV (SL IV) violations for fuel cycle facilities to be dispositioned as non-cited violations (NCVs) if the NRC determines that the applicant or licensee (licensees) has an adequate corrective action program.

Conclusion

Based on this regulatory analysis, the NRC staff concludes that the issuance of a new regulatory guide is warranted. The action will enhance enforcement activities because it describes corrective action elements necessary to establish a CAP that is adequate to identify and correct conditions adverse to safety and security, in a manner consistent with the provisions in the NRC Enforcement Policy, and to support the safe operation of the facility.

It could also lead to cost savings for the industry and NRC, especially with regard to enforcement actions because the development of a corrective action program that supports enforcement goals allows both the NRC and stakeholders to disposition certain violations as non-cited.