

NRC Questions for NEI regarding CAP-002

Reference: RUG III Update Presentation, Delivering the Nuclear Promise Corrective Action Program, September 15, 2016

The following questions are prompted by- and refer to the above-referenced industry presentation which seeks NRC endorsement of the CAP-002 industry initiative and discussion of the potential for requesting changes to NRC inspection procedures.

1. Slide 3 Bullet:

“Minimize use of the CAP to address low-level conditions that are not adverse to quality”

In the above:

- a. Does the phrase **“Minimize use”** mean that licensees will maximize the substitution of non-quality-assured (non-CAP) methods to address low-level conditions that are not adverse to quality? If “no,” please clarify intended meaning.
- b. Does the phrase **“the CAP”** mean the licensee’s “quality-assured” corrective action program and associated “quality-assurance” processes discussed in Part 50 Appendix B? If “no,” please clarify intended meaning.
- c. Does the phrase **“low-level conditions”** mean severity level IV violations, green findings, and violations associated with green findings? If “no,” please clarify intended meaning.
- d. Does the phrase **“not adverse to quality”** mean all conditions not subject to Part 50 Appendix B? If “no,” please clarify intended meaning.
- e. Are the above meanings intended throughout all written communications associated with “Delivering the Nuclear Promise Corrective Action Program” and the “CAP-001 and -002” initiatives? If “no,” please clarify the exceptions.

2. Slide 3 Bullet:

“Reduce number investigations, complexity, people involved, length of reports”

In the above, what is the anticipated impact on licensee problem identification and resolution (PI&R) performance? Specifically:

- a. Measures established to assure that adverse conditions (i.e. severity level IV violations and green findings with or without violations – whether subject to Part 50 Appendix B or not), such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected?
- b. In the case of significant adverse conditions (i.e. severity level III, II, or I violations, greater-than-green findings with- or without violations, and PI’s – whether subject to Part 50 Appendix B or not), those measures to assure that the cause of the condition is determined,

corrective action is taken to preclude repetition, and to assure that identification of the significant condition, the cause of the condition, and the corrective action taken are documented in a quality-related process and reported to appropriate levels of management?

3. Slide 3 Bullet:

“Reduce the management oversight of CAP – reduce the number of products, length of reports, etc.”

Assuming “CAP” above refers to the licensee’s quality-assured “problem identification and resolution” process referred to in ROP basis and governance documents and the “formal corrective action program that has been inspected and found to meet regulatory guidance, industry standards, or both” in NRC Enforcement Policy, what is the anticipated impact on:

- a. Ability of licensees to comply with Part 50 Appendix B QA criteria beyond Criterion XVI?
- b. ROP oversight (i.e. IP 71152, IP 95001, -01, and -03)?
- c. Enforcement Policy disposition of severity level IV violations and those violations associated with green findings (i.e. Determination of NCV vs. NOV)?

4. Slide 4 Bullet:

“Seeking NRC Endorsement”

- a. What form of endorsement does NEI seek? The slide also contains the bullet: “Corrective Action Program Enhancements for Improving Safety and Efficiency.” While it seems probable that the NRC would endorse enhancements for improving safety and efficiency, it remains to be seen and understood how or whether the specific changes proposed will achieve this objective. Likewise, the full scope and significance of potential unintended consequences remains to be seen. For instance the slide contains the bullet: “Efficiencies can be gained by reducing the CAP footprint.” For instance, one discussed method of reducing the CAP footprint appears to be to move elements of the current CAP into other currently unregulated, uninspected (or under-inspected) corrective action methods. The NRC (and, for that matter, the licensees) may be unable to rely upon those diverse corrective action methods without the investment of additional resources and oversight, thus offsetting the intended efficiency gains. There have been instances in the past in which licensees attempted to “diversify” corrective action processes without success.

5. Slide 8 Bullets:

“Discuss potential for requesting changes to NRC inspection”
“Provide licensees with regulatory certainty”

- a. Please elaborate.