July 25, 2014

Dr. John W. Stetkar, Chairman
Advisory Committee on Reactor Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: RESPONSE TO THE ADVISORY COMMITTEE ON REACTOR SAFEGUARDS REPORT ON THE FUEL CYCLE OVERSIGHT PROCESS

Dear Dr. Stetkar:

During the 615th meeting of the Advisory Committee on Reactor Safeguards (ACRS) (Committee), June 11-13, 2014, the Committee reviewed the staff's proposed approach to enhance the U.S. Nuclear Regulatory Commission's (NRC's) Revised Fuel Cycle Oversight Process (RFCOP) and the related guidance for fuel cycle facility corrective action program (CAP) development, Regulatory Guide (RG) 3.75 (DG-3044), "Corrective Action Programs for Fuel Cycle Facilities." The Radiation Protection and Nuclear Materials Subcommittee had also reviewed this matter during a meeting on May 7, 2014. On June 19, 2014, the Committee provided a letter with a discussion and four conclusions/recommendations related to the RFCOP and RG 3.75. The NRC staff appreciates the Committee's thorough review and feedback related to the efforts to revise the fuel cycle oversight process and to develop guidance for fuel cycle facility CAPs.

The Committee's letter included the following conclusions and recommendations:

1. The revised FCOP framework is a substantial improvement over the traditional process, and it should be implemented (Conclusion and Recommendation 1).

2. The staff's proposed structure for the oversight process provides incentives for effective corrective action programs (CAPs). RG 3.75 provides adequate guidance for the programmatic elements of a CAP. It should be issued as final (Conclusion and Recommendation 2).

3. Further public outreach regarding the FCOP should be encouraged and supported. This outreach should include Agreement State staff and licensees—including medical, educational, industrial, and other facilities—and should initially be designed to help licensees determine if FCOP program elements would be of benefit to their facilities (Recommendation 3).

4. NRC staff should meet formally with FCOP users to explain elements of RG 3.75 and the associated inspection procedure (IP). Pertinent examples should be provided for clarification (Recommendation 4).

The NRC staff appreciates the Committee's conclusions and recommendations related to the RFCOP framework and RG 3.75. On the first two recommendations, the staff continues to make progress on the RFCOP and will complete Phase I in September 2014 with the issuance of RG 3.75 and the associated IP 88161, "Corrective Action Program Implementation at Fuel Cycle Facilities." The staff has begun work on Phase II of the RFCOP and looks forward to future interactions with ACRS as we develop cornerstones, establish the significance determination process, and pilot the project.

In its third recommendation, the Committee identified that further public outreach regarding the RFCOP should be encouraged and supported in order to help licensees determine whether RFCOP program elements would be of benefit to their facilities. The NRC staff acknowledges that certain elements of the RFCOP, especially the development and implementation of robust CAPs, could be of use to a wide range of facilities and activities. Therefore, the NRC staff will explore options for sharing the structure and benefits of the RFCOP through outreach efforts, including Agreement State staff and licensees, such as medical, educational, industrial, and other facilities.

In its fourth recommendation, the Committee identified that the NRC staff should meet formally with FCOP users to explain elements of RG 3.75 and IP 88161. The NRC staff has engaged industry frequently throughout the development of CAP guidance and has found the interactions to be productive in arriving at a final product that is clear and readily implemented. The staff will continue these efforts as we proceed with issuance and implementation of the RG and IP.

The NRC staff recognizes the Committee's commitment to safety and appreciates the Committee's interest and engagement in this subject. Additionally, the NRC staff looks forward to future discussions with the Committee as the staff proceeds with efforts to develop and implement the RFCOP.

Sincerely,

/RA/

Mark A. Satorius
Executive Director
for Operations

cc: Chairman Macfarlane
Commissioner Svinicki
Commissioner Magwood
Commissioner Ostendorff
SECY

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Mark A. Satorius
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Commissioner Svinicki
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