

REQUEST REPLY BY 12/19/99



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

COMSECY-99-036

November 23, 1999

NOTE: Unless directed otherwise
staff plans to provide to Agreement
States on Tuesday, November 30, 1999

MEMORANDUM TO: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

Approve with comments.

FROM: Jesse L. Funches
Chief Financial Officer

Jesse L. Funches
Greta Joy Dicus
Greta Joy Dicus 12/20/99

SUBJECT: DRAFT NUCLEAR WASTE SAFETY CHAPTER OF THE STRATEGIC
PLAN

On October 21, 1999, I provided the Commission with our revised schedule for the development of the FY 2000-2005 Strategic Plan. Attachment 1 is the draft Nuclear Waste Safety chapter of the Strategic Plan. This chapter reflects the results of facilitated sessions, with senior executives responsible for the conduct of the Nuclear Waste Safety programs, to identify performance goals, strategies, measures and metrics. In developing this draft chapter, the staff also considered stakeholder comments on the draft Nuclear Reactor Safety chapter that were also appropriate to the Nuclear Waste Safety program. The group which developed the Nuclear Waste Safety chapter, led by Carl Paperiello, will be scheduling a briefing for commissioner assistants to provide an overview of the staff's efforts and answer questions.

The Executive Council has reviewed the draft Nuclear Waste Safety chapter and has approved its transmittal to the Commission. The Commission need not formally endorse the Nuclear Waste Safety chapter until it is provided as part of the formal update of the entire strategic plan (see schedule, Attachment 2). However, since the staff will continue to devote attention to improving the Nuclear Waste Safety chapter and harmonizing it with all of the mission chapters, we would appreciate early Commission feedback on significant issues of concern regarding performance goals, strategies, measures and metrics.

Since the Agreement States have regulatory responsibility for aspects of waste management, we plan to begin involving them in the development of this chapter. Unless directed otherwise, the Office of State Programs will provide Attachment 1 to the Agreement States on Tuesday, November 30, 1999, noting that it is undergoing Commission review. We will tell them that if they wish to comment, we must have their comments by December 31, 1999. We will also tell them that the NRC will publish a complete draft Strategic Plan for public comment in the spring, and that we intend to invite them to a meeting after that to discuss comments they may have on that document. We also plan to handle the draft Nuclear Materials Safety chapter in the same way.

RELEASED TO THE PDR
2/22/00 OKW
date initials

DF03

- The paragraph on the agency's mandate to protect the common defense and security (see page 5 of the Materials chapter) should be augmented with a discussion of the NRC's role in the export and import of materials. This function is the clearest statutory mandate we have in the international area, and adding such a discussion would provide a stronger linkage between the Materials chapter and the yet-to-come International chapter.

- On page 9 of the Materials chapter, the performance measure of "zero" accidental criticalities should be deleted. Criticality, even if unintended, is merely an occurrence that may or may not have public health and safety or environmental consequences. The agency's focus should instead be on the consequences of such events, and the draft plan already contains sufficient performance measures to address such consequences.

cc: Chairman Meserve
Commissioner Dicus
Commissioner McGaffigan
Commissioner Merrifield
EDO

COMMENTS OF COMMISSIONER DICUS REGARDING COMSECY 99-036

1. Attachment 1, page 1, first paragraph, last sentence. Add "fuel processing," after ".....results from reactor operations,".

2. Attachment 1, page 4, second paragraph, fourth from last sentence regarding **decommissioning**. Rewrite as follows:

"In contrast to the low-level waste program, our program for **decommissioning** nuclear reactors and fuel cycle facilities will receive more attention as the NRC considers options, including a potential rulemaking on the release of solids. In addition, decommissioning will be impacted as the NRC transitions to a more risk-informed and streamlined process through the preparation of implementing guidance for the recently finalized license termination rule."

3. Attachment 1, page 6, last paragraph, first sentence. Add "and the licensee has demonstrated that the licensed or authorized activity can be carried out in a safe manner." after ".....have been adequately addressed."

4. Attachment 1, page 6, last paragraph, last complete sentence. Add "and can be performed safely" after ".....comply with the regulations."

5. Attachment 1, page 7, first paragraph, first two sentences. Rewrite as follows:

"conducting integrated safety analyses, environmental reviews, and the necessary and sufficient facility safety and safeguards inspections. This evaluation and verification process will facilitate early identification of any existing or potential safety or safeguards significant material performance issues and allow for timely implementation of appropriate corrective actions. This process also assures that a comprehensive and independent regulatory approach has been taken."

6. Attachment 1, page 7, second paragraph, second sentence. Rewrite as follows:

"We will use the risk-informed regulatory framework to inspect licensees at varying frequencies and with varying techniques, depending on the particular operation and its relative risks."

7. Attachment 1, page 17, second paragraph, first sentence. Rewrite as follows:

"Together, these measures help NRC evaluate its progress in assuring that its regulatory process (i.e., rulemaking, licensing, inspections, and enforcement) is viewed as a positive regulatory model, its regulatory activities.....based on realistic information."