

August 2, 2000

Dr. William D. Travers
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Dr. Travers:

SUBJECT: ADVISORY COMMITTEE ON NUCLEAR WASTE 2000 ACTION PLAN

This memorandum responds to the questions and suggestions in your response to the ACNW 2000 Action Plan (see references). Thank you for your response and attention to the Committee's annual planning document. We are pleased to hear that our priorities are consistent with those of the staff. This result can be attributed to effective communications between the Committee, its staff, and the NRC staff. We address each comment in the same order as your response.

Under First-Tier Priority Issue 2, "Risk-Informed, Performance-Based Regulatory Framework," the staff suggests a number of areas in which ACNW review will be beneficial. These topics are being addressed by the Joint ACRS/ACNW Subcommittee. The ACNW had the lead in providing advice to the Commission following the subcommittee meeting on May 4, 2000. Specific topics addressed by the Subcommittee included risk-informed fuel cycle programs, integrated safety assessments, byproduct risk analysis, dry cask storage probabilistic risk analysis, and the results of a public workshop on the use of risk information in regulating the use of nuclear materials. The Committee heard an introduction to the staff's plans on training initiatives and will comment on the development of safety goals and guiding principles. Comments based on the Joint Subcommittee review are contained in an ACNW letter, "Development of Risk-Informed Regulation in the Office of Nuclear Material Safety and Safeguards," dated July 27, 2000.

Under First-Tier Priority Issue 3, "Decommissioning," the ACNW is currently planning to hold a working group meeting next year. Those issues suggested in your comment letter – institutional control, partial site releases, and restricted release for material and reactor licensees – will be candidates for Committee review, subject to resource availability. We are aware of the relevant staff activities associated with these issues. In mentioning residual contamination issues, the Committee had in mind restricted site release criteria. The Committee will continue to focus its reviews to ensure that an appropriate risk-informed and performance-based philosophy is being implemented. The Committee will bring a risk informed

and performance based perspective to its review of future revisions of the Decommissioning Standard Review Plan. We understand the term “clearance” has been replaced by the “control of solid materials.”

Under First-Tier Priority Issue 5, “Transportation,” the ACNW again expects to focus its attention through a working group meeting in the future. To the extent time and resources allow, the Committee will monitor public interactions on the Package Performance Study (PPS) and Part 71 compatibility rulemaking. We look forward to receiving the PPS Issues and Resolution Options Report, which will focus public interactions on spent fuel transportation risks, and the Part 71 Issues Paper. These topics will become candidates for discussion during that future working group session.

Regarding Second-Tier Priority Issue 2, “Low-level Radioactive Waste and Agreement States Program,” the Committee has reviewed the staff’s performance assessment NUREG-1573 for low-level waste (LLW) sites and provided comments in our report of August 2, 2000, “Branch Technical Position on a Performance Assessment Methodology for Low-Level Radioactive Waste Disposal Facilities.” The ACNW will consider reviewing the results of the two NRC/Environmental Protection Agency mixed-waste rulemakings. Specifically, ACNW will examine the NRC rule that results from this effort and decide whether to review it in detail. During its 119th meeting on June 13-15, 2000, the Committee heard a presentation by the staff on the status of the NRC’s LLW program, including a discussion of options for disposal under 10 CFR Part 61. The Committee will review such LLW disposal related issues as time, resources, and future developments warrant, consistent with public health and safety considerations.

The ACNW will continue to interact with industry groups when they can make a contribution to the Committee’s deliberations. As in the past, the Committee will remain a forum for stakeholder participation.

We noted your observations on our goals and objectives and will consider these suggestions in the next revision of our Action Plan.

Finally, the ACNW performs a self-assessment to measure the impact of its advice. The Committee looks for evidence that its advice has had a positive effect on how the NRC regulates. As part of this self-assessment, the Committee’s staff has conducted surveys to ascertain how stakeholders perceive the value of ACNW advice. Stakeholders are defined in the broadest sense and include both internal and external parties.

Even though the Committee’s advice is sought in many areas, the ACNW must be judicious in deciding which review topics to consider. Those areas outlined in the Action Plan, as modified by Commission requests, properly represent the Committee’s best judgment of the reviews for the next year to year and a half.

Again, thank you for your comments on the ACNW's 2000 Action Plan.

Sincerely,

/RA/

B. John Garrick
Chairman

References:

1. Letter dated June 1, 2000, from William D. Travers, Executive Director for Operations, NRC, to B. John Garrick, Chairman, ACNW, Subject: Advisory Committee on Nuclear Waste 2000 Action Plan.
2. Letter dated April 18, 2000, from B. John Garrick, ACNW, to Richard A. Meserve, Chairman, NRC, Subject: Advisory Committee on Nuclear Waste 2000 Action Plan and Priority Issues.