

June 28, 1999

MEMORANDUM TO: William D. Travers
Executive Director for Operations

John T. Larkins
Executive Director, ACRS/ACNW

FROM: Annette Vietti-Cook, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - SECY-99-100 - FRAMEWORK FOR
RISK-INFORMED REGULATION IN THE OFFICE OF NUCLEAR
MATERIAL SAFETY AND SAFEGUARDS

The Commission has approved the staff's proposal, subject to the comments provided below, to implement a framework for using risk assessment in regulating nuclear material uses and disposal. The Commission also approved the staff's proposal for addressing risk management issues in those areas including the development of risk metrics and goals. In addition, the Commission has approved the formation of a joint ACRS/ACNW subcommittee to provide technical peer review of the staff's efforts in this area. The Commission has been making efforts to ensure its actions are cost effective and timely. We have confidence that the Committees will act in a consistent manner.

The Commission notes that reprogramming 6 FTE is needed to proceed with this effort. While the normal Program, Budgeting, and Performance Management (PBPM) process should be used to address the reprogramming, the staff should keep the Commission informed, as early as possible, of potential delays in or adverse effects to other products.

As staff proceeds with this effort, the staff should develop appropriate material safety goals, analogous to the NRC reactor safety goal, to guide the NRC and to define what "safety" means for the materials program. The staff should develop these goals through an enhanced participatory process including broad stakeholder participation. The NMSS framework should include as a goal the avoidance of property damage and the staff should develop appropriate metrics for it. The staff also should consider whether critical groups can be defined for classes of material use, consistent with recent Commission decisions in the License Termination Rule (Part 20) and the proposed rule on high-level waste disposal at Yucca Mountain (Part 63).

As the staff develops a standard or standards for risk informed regulation in NMSS, due consideration should be given to existing radiation protection standards in Part 20 including the 100 millirem/year all-pathways public dose limit and the tiered approach provided in the License Termination Rule. The standard(s) should allow for equivalent levels of reasonable assurance of adequate protection across the spectrum of regulated materials activities, and should be consistent with risk-informed practices being applied to nuclear power plant regulation.

Unlike the power reactor program, the national materials program includes an Agreement State component that must be factored into the decision making process to avoid duplication, gaps, or conflicts in the national program.

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CIO
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR
DCS