

B. John Garrick, Chairman
Advisory Committee on Nuclear Waste
U.S. Nuclear Regulatory Committee
Washington, DC 20555-001

June 22, 2001

SUBJECT: ADVISORY COMMITTEE ON NUCLEAR WASTE COMMENTS ON
ENTOMBMENT

Dear Chairman Garrick:

I am responding to your comments on entombment, discussed in your letter to Chairman Meserve, dated May 24, 2001.

In your letter, you state that the issues associated with reactor decommissioning and license termination provide excellent examples of how risk-informed, performance-based regulations may be used to ensure public safety.

You recommend that entombment should not be the subject of a separate regulation but should be included in the larger context of other reactor decommissioning and license termination issues. You also stated that reactor license termination regulation in 10 CFR 50.82 should be expanded to deal with entombment and with other reactor site decommissioning and license termination issues such as the 60-year decommissioning time limit.

In SECY-01-0099, dated June 1, 2001, the staff included a Rulemaking Plan and Advance Notice of Proposed Rulemaking (ANPR) that proposes three rulemaking options for entombment. Option 1 is to continue with the current approach and handle entombment requests on a case-by-case basis. Option 2 is to conduct rulemaking to add flexibility to 10 CFR 50.82 to amend the 60-year time frame for completion of decommissioning, and to clarify the use of engineered barriers for reactor entombments. Option 3 is to conduct rulemaking to establish performance objectives and licensing requirements for a reactor entombment. Option 3 would consider entombment as a disposal option rather than a decommissioning option where the license could be terminated. Furthermore, Option 3 could apply to other than reactor facilities. The ANPR will solicit comments and recommendations on entombment from all interested persons, including recommendations on the feasibility of proceeding with the options of this rulemaking.

We expect that the ANPR will allow the U. S. Nuclear Regulatory Commission (NRC) to gain further insight in what to do next about this issue and to further develop its information base.

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Based on input from various stakeholders, and from the ACNW, the NRC staff will then provide a recommendation to the Commission on how to proceed. The staff plans to continue to keep the Advisory Committee on Nuclear Waste informed of developments regarding this issue.

If you have any questions, please contact Stephanie Bush-Goddard at (301) 415-6257.

Sincerely,

/RA/

William Travers
Executive Director
for Operations

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
SECY

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