

66 FR 22134
5/3/01 (10)

STATE OF ILLINOIS
DEPARTMENT OF NUCLEAR SAFETY
1035 OUTER PARK DRIVE • SPRINGFIELD ILLINOIS 62704
217-785-9900 • 217-782-6433 (TDD)

George H. Ryan
Governor

Thomas W. Ortziger
Director

July 2, 2001

Chief, Rules and Directives Branch
U.S. Nuclear Regulatory Commission
Mail Stop T-06 D59
Washington, D.C. 20555-0001

RECEIVED
2001 JUL -9 AM 9:12
Rules and Directives
Branch
USNRC

To Whom it May Concern:

The Illinois Department of Nuclear Safety (IDNS) appreciates the opportunity to comment in response to the effort to reduce unnecessary regulatory burden. IDNS commends this effort to obtain input from interested stakeholders, and supports the concept of reducing regulatory burden. We recognize, however, that to be recognized as a strong regulator, the Nuclear Regulatory Commission (NRC) must maintain regulations and oversight programs that assure licensees will operate their facilities safely. These regulations and programs necessitate some level of regulatory burden.

In previous comments, IDNS recommended that the original safety rationale of any regulation or requirement targeted for elimination or revision be examined and understood to see if the rationale still applied. In proposing changes, NRC should articulate why a rationale is not still relevant. We believe this comment is still valid.

IDNS also believes that it is vital that agencies tasked with protecting public radiological health and safety be visibly competent and efficient. In reference to the four NRC strategic goals, the goal of increasing public confidence probably is the one most difficult to measure in relation to the other three. Public confidence manifests itself as trust in the NRC to regulate an industry still seen by many as dangerous or risky. Increasing public trust is necessary, especially in light of the new national energy policy that openly promotes the use of nuclear technology. We have several observations about the connection between the goals of reducing unnecessary burden and increasing public confidence.

Template = ADM-013
ADM
F-RIDS = 03
adm = M. Karabelnikoff (MMK)



IDNS has long been supportive of the NRC's efforts to use risk-informed and performance-based principles in regulating licensees. We were pleased when the NRC articulated the value of probabilistic risk assessments (PRA) as a tool in managing risk, in the PRA policy statement in 1995. IDNS has long encouraged that rigorous state-of-the-art PRAs be required of every licensee, largely for the following reason: almost every effort to increase the efficiency and realism of NRC processes; to reduce unnecessary burden while maintaining safety; to revise the licensee oversight program; to risk-inform the technical specifications; and a multitude of additional efforts, are premised on *using risk analyses to make safety judgements*. Again we favor this approach. However, here are our observations.

One observation is that the risk-informing efforts in progress are voluntary on the part of licensees. Another observation is that maintaining PRAs are also voluntary, even though all licensees have one of some quality or another. The difficulty the ASME is having promulgating a standard defining what a state-of-the-art PRA should contain illustrates that the technology is improving at a rapid pace, and the useful applications of a PRA vary widely.

An NRC goal is to maintain safety. This implies that when regulatory burden is reduced, the potential exists that some existing safety margin could be eliminated. It is critical that all licensees commit to risk-informed regulations as they are revised. It is also critical that all licensees have a risk analysis capable of evaluating and measuring the impact of safety reductions, so that expected levels of safety will be maintained. In addition, the NRC is making risk decisions with models that are more elementary than many licensee models.

Stepping back, it appears the NRC is implementing a largely industry-driven risk-informing effort without a firm industry commitment to state-of-the-art PRAs, without state-of-the-art PRAs of your own, and without a firm commitment by the industry to fully participate in the risk-informing effort. Case-by-case basis risk evaluations are not the most efficient or consistent way to do regulatory business. The process makes the NRC staff the de facto PRA standard-setting body. If Part 52 and Part 70 can require state-of-the-art risk-analyses, so should Part 50. That is what the PRA policy statement calls for. Requiring state-of-the-art PRAs would ease the effort to risk-inform Part 50, revise the reactor oversight program, and do away with the possibility of having both deterministic and risk-informed regulations to accomplish similar purposes. It would be consistent with the fundamental accountability of the Commission, and more effectively allow the NRC to focus on maintaining safety.

July 2, 2001

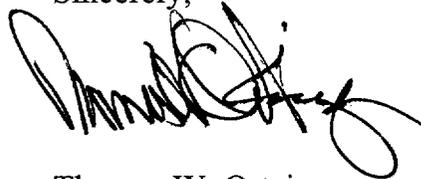
As evidenced by attendance at the public meetings introducing the revised reactor and fuel cycle facility oversight processes, the average public does not understand, or wish to understand, risk-informed regulatory reforms. They trust the regulators (public confidence) to manage health and safety concerns for them. If an event occurred at a reactor facility, IDNS would find it difficult to defend a risk-informed and performance-based regulatory process that did not require rigorous risk analyses, with an industry that was not formally committed to it.

IDNS also thinks that reducing unnecessary regulatory burden is a two-way street. Attempts to relieve regulatory burden from licensees have significantly increased the burden on the regulator. While we applaud the open regulatory process, the NRC is expending considerable resources in accommodating industry initiatives in numerous areas. Some of these initiatives may not result in the cost benefits originally anticipated. We caution that staff resources not be diverted from more risk significant matters, while decisions of what burden is really unnecessary are being made.

Finally, when considering lists of regulations or reporting requirement items for elimination, states should be notified as soon as possible in the process for each item. Various functions of state governments rely on information from some of these requirements. For example, IDNS uses licensee environmental reports as a crosscheck to state-installed environmental monitoring equipment. One list proposes to reduce the emergency planning zone from ten to five miles. Our analyses show that protective action guidelines can be exceeded beyond five miles under some accident scenarios, even considering the revised source term. So there are possible implications to states, and they need adequate time and information in order to consider alternatives.

Thank you for the opportunity to comment. If you have any questions, please contact Gary Wright at (217) 785-9851.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas W. Ortciger', written in a cursive style.

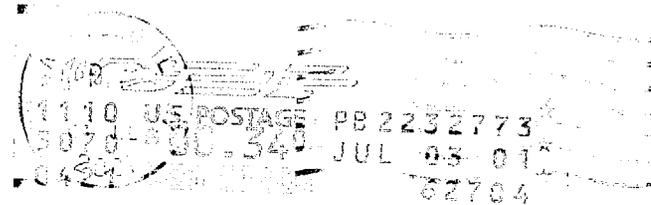
Thomas W. Ortciger
Director

TWO:sld



ILLINOIS
DEPARTMENT
OF NUCLEAR
SAFETY

1035 OUTER PARK DRIVE
SPRINGFIELD, ILLINOIS 62704-4462



Chief, Rules and Directives Branch
U.S. Nuclear Regulatory Commission
Mail Stop T-06 D59
Washington, D.C. 20555-0001

20555-0001

