

Dr. George Hornberger, Chairman
Advisory Committee of Nuclear Waste
U.S. Nuclear Regulatory Commission
Washington, DC 20555

August 6, 2001

SUBJECT: RISK-INFORMED, PERFORMANCE-BASED REGULATION OF WASTE
MANAGEMENT AND DECOMMISSIONING

Dear Dr. Hornberger:

I am writing in response to Dr. Garrick's letter to U.S. Nuclear Regulatory Commission (NRC) Chairman Meserve, dated June 29, 2001, providing the Advisory Committee on Nuclear Waste's (ACNW's) recommendation that decommissioning and waste management regulations that are not based on radiation dose be reviewed and a phased approach be taken to remove impediments to the implementation of risk-informed and performance-based (RIPB) regulations. You also cite the advantage of a regulatory model such as the proposed Yucca Mountain standard which uses a single radiation standard as the primary basis for assuring public safety. You note that the broader implications of this model carries the promise of eliminating conflicts among multiple regulations. We agree with the transition of NRC regulations to a risk-informed and performance based approach and have implemented dose-based requirements (e.g., 10 CFR 20, Subpart E) in several aspects of our waste management and decommissioning regulations. Since all waste management regulations are not risk-informed and performance-based at this time, we think that it is an appropriate goal for the staff, in a phased approach, to seek opportunities to remove impediments to this approach whenever possible. To accomplish this, staff is using case studies and applying screening criteria to identify applications where risk-informed, performance-based approaches would add value and help staff meet agency goals. We will continue to consult with the ACNW on this process.

In your letter you cite the ongoing staff efforts to develop a rulemaking to address the entombment option for the decommissioning of nuclear power reactors as an opportunity to implement an RIPB approach. We agree that this initiative represents a challenge and the staff has provided a rulemaking plan, with options, to the Commission. We also discussed the rulemaking plan with the ACNW several times in late 2000 and early 2001. As discussed in my June 22, 2001 letter, we will keep you informed of developments regarding this issue.

Sincerely,

/RA/

William D. Travers
Executive Director
for Operations

cc: Chairman Meserve
Commissioner Dicus
Commissioner McGaffigan
Commissioner Merrifield
SECY

Dr. George Hornberger, Chairman
Advisory Committee of Nuclear Waste

August 6, 2001

U.S. Nuclear Regulatory Commission
 Washington, DC 20555

SUBJECT: RISK-INFORMED, PERFORMANCE-BASED REGULATION OF WASTE
 MANAGEMENT AND DECOMMISSIONING

Dear Dr. Hornberger:

I am writing in response to Dr. Garrick's letter to U.S. Nuclear Regulatory Commission (NRC) Chairman Meserve, dated June 29, 2001, providing the Advisory Committee on Nuclear Waste's (ACNW's) recommendation that decommissioning and waste management regulations that are not based on radiation dose be reviewed and a phased approach be taken to remove impediments to the implementation of risk-informed and performance-based (RIPB) regulations. You also cite the advantage of a regulatory model such as the proposed Yucca Mountain standard which uses a single radiation standard as the primary basis for assuring public safety. You note that the broader implications of this model carries the promise of eliminating conflicts among multiple regulations. We agree with the transition of NRC regulations to a risk-informed and performance based approach and have implemented dose-based requirements (e.g., 10 CFR 20, Subpart E) in several aspects of our waste management and decommissioning regulations. Since all waste management regulations are not risk-informed and performance-based at this time, we think that it is an appropriate goal for the staff, in a phased approach, to seek opportunities to remove impediments to this approach whenever possible. To accomplish this, staff is using case studies and applying screening criteria to identify applications where risk-informed, performance-based approaches would add value and help staff meet agency goals. We will continue to consult with the ACNW on this process.

In your letter you cite the ongoing staff efforts to develop a rulemaking to address the entombment option for the decommissioning of nuclear power reactors as an opportunity to implement an RIPB approach. We agree that this initiative represents a challenge and the staff has provided a rulemaking plan, with options, to the Commission. We also discussed the rulemaking plan with the ACNW several times in late 2000 and early 2001. As discussed in my June 22, 2001 letter, we will keep you informed of developments regarding this issue.

Sincerely,
 /RA/
 William D. Travers
 Executive Director
 for Operations

cc: Chairman Meserve
 Commissioner Dicus
 Commissioner McGaffigan
 Commissioner Merrifield
 SECY

DISTRIBUTION: File Center NMSS r/f EPABr/f DCB r/f ACNWP
 NMSS Div Dir r/f T McCartin J Piccone J Kennedy C Poland T.Holahan
 S Collins F Miraglia D Cool S. Bush-Goddard

DOCUMENT NAME:

Ticket No.:G20010289

ADAMS Accession No. ML012060516

S:\DWM\DCB\TA\EDO2892.wpd

* See previous concurrence

Response coordinated w/T.Holahan,IMNS/RGB 7/25/01

OFC	DCB*	TECH .*	DCB*	.DWM*
NAME	D Orlando	E Kraus	L Camper	J Greeves
DATE7	7/23 /01	7/23 /01	7/23 /01	7/ 25/01
IMNS	NMSS	.DEDMRS	EDO	.
D Cool	M Virgilio	C Paperiello	W Travers	
/ /01	7/ 30/01	8/06/01	8/06/01	/ /01

OFFICIAL RECORD COPY