



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, DC 20555 - 0001

R-2251

May 16, 2007

The Honorable Dale E. Klein
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: DRAFT COMMISSION PAPER ON STAFF PLAN REGARDING A RISK-
INFORMED AND PERFORMANCE-BASED REVISION TO 10 CFR PART 50

During the 542nd meeting of the Advisory Committee on Reactor Safeguards (ACRS), May 5-7, 2007, we met with representatives of the NRC staff to discuss the draft Commission Paper on the staff's plan regarding a risk-informed and performance-based revision to 10 CFR Part 50 (i.e., a new 10 CFR Part 53). We had the benefit of the documents referenced.

RECOMMENDATIONS

1. We concur with the staff's recommendation that the Commission defer development of a new 10 CFR Part 53 until the licensing strategy for the Next Generation Nuclear Plant (NGNP) is completed.
2. Work on the technology-neutral regulatory framework should continue so the framework can help guide the development of the licensing strategy for the NGNP.
3. There are important issues, critical to the development of the framework, that are still being debated within the ACRS. While we strongly support the continued development of the framework, NUREG-1860 should not be finalized until we reach a position on these issues and discuss our positions with the staff.

DISCUSSION

The staff notes that "all near-term combined license applications will be limited to LWRs, which can be licensed using the existing regulations" The Committee concurs that there is no compelling reason to proceed with development of a new 10 CFR Part 53 at this time.

The technology-neutral regulatory framework is in an advanced state of development, but it is still incomplete and needs modification. This effort should be continued so the framework can help guide the development of the licensing strategy for the NGNP. In our letter dated April 20, 2007, we recommended that the completed framework be tested on the pebble bed modular reactor design since it differs significantly from a light-water reactor.

There are important issues, critical to the development of the framework, that are still being debated within the ACRS. The Committee needs to develop a position on these issues before it can make recommendations to the staff on the framework, as presented in NUREG-1860.

While we strongly support the continued development of the framework, NUREG-1860 should not be finalized until we reach a position on these issues and discuss our positions with the staff.

We look forward to further interaction with the staff on the technology-neutral regulatory framework and anticipate issuing another letter that will document our specific recommendations.

Sincerely,

/RA/

William J. Shack
Chairman

Reference:

1. Memorandum dated April 17, 2007, from Michael J. Case, Director, Division of Policy and Rulemaking, NRR to Frank P. Gillespie, Executive Director, ACRS, Subject: Transmittal of Draft Commission Paper on Staff Plan Regarding a Risk-Informed and Performance-Based Revision to 10 CFR Part 50.
2. Report dated April 20, 2007, from William J. Shack, Chairman, ACRS to Dale E. Klein, Chairman, NRC, Subject: Technology-Neutral Framework for Future Plant Licensing.

While we strongly support the continued development of the framework, NUREG-1860 should not be finalized until we reach a position on these issues and discuss our positions with the staff.

We look forward to further interaction with the staff on the technology-neutral regulatory framework and anticipate issuing another letter that will document our specific recommendations.

Sincerely,

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2. Report dated April 20, 2007, from William J. Shack, Chairman, ACRS to Dale E. Klein, Chairman, NRC, Subject: Technology-Neutral Framework for Future Plant Licensing.

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DATE	5/ 15 /07	5/15 /07	5/16 /07	5/16 /07

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