March 11, 2009

Mr. Thomas R. Hafera
11500 Smith Hollow Road
Brogue, PA 17309-8936

Dear Mr. Hafera:

On behalf of the Nuclear Regulatory Commission (NRC), I am writing to you regarding your letter of December 19, 2008, in which you shared your views on various areas where you believe the NRC could improve. As always, the NRC's priority continues to be ensuring the adequate protection of public health, safety, and the environment, while promoting the common defense and security. In achieving this mission, we strive to be a strong, independent, stable, and predictable regulator. This requires having effective and structured regulatory processes in place and ensuring that these processes are followed. While the NRC will never compromise safety and security for increased efficiency, the agency continues to work to improve the efficiency of its regulatory processes wherever possible. As such, we have reflected on the comments you identified in your letter. While we recognize that there is always room for improvement in the efficiency and effectiveness of our processes, we do not agree with a number of your stated views. We provide the following information on how we ensure specific NRC regulatory processes are being performed in an appropriate manner.

Cost Considerations

To ensure that backfits are appropriately justified based on the backfit provisions of applicable NRC regulations (e.g., 10 CFR 50.109, "Backfitting") and the Commission's backfit policy, the Commission formed the Committee to Review Generic Requirements (CRGR) in 1982 to review proposed generic backfits. The activities of this committee, in concert with the Commission's regulations and related guidance, ensure costs are considered, as appropriate, when new or amended provisions to the Commission's regulations are promulgated or when new or different staff positions that interpret the Commission's regulations are imposed.

ACRS Role

The Advisory Committee on Reactor Safeguards (ACRS), which is statutorily mandated by the Atomic Energy Act of 1954, as amended, and governed by the provisions of the Federal Advisory Committee Act (FACA), provides independent advice directly to the Commission on the safety aspects of proposed and existing nuclear facilities and the adequacy of proposed reactor safety guidance. The membership of the ACRS currently includes expertise in nuclear engineering, risk assessment, chemistry, facility operations management, severe accident phenomena, materials science and metallurgy, digital instrumentation and control systems, thermal hydraulic and heat transfer, and mechanical, civil, and electrical engineering. This breadth of diverse expertise on the ACRS ensures a forum is created where different technical perspectives can be employed through a consensus process for developing advice directly to the Commission.

GSI-191 Testing

Based on observations of vendor head loss testing performed from 2005 to 2008 to address Generic Safety Issue 191 (GSI-191), "Assessment of Debris Accumulation on PWR [Pressurized Water Reactor] Sump Performance," the NRC staff developed head loss review guidance, which was issued on March 28, 2008. This review guidance outlines head loss testing practices acceptable to the NRC staff to ensure that vendor testing is prototypical or conservative.

High-Level Waste Review

In 2008, the U.S. Department of Energy (DOE) submitted an application for a high-level waste (HLW) geological repository at Yucca Mountain, Nevada. The regulations governing the licensing of this HLW geologic repository, in accordance with the Nuclear Waste Policy Act of 1982, as amended, and the Energy Policy Act of 1992, are contained in 10 CFR Part 63, "Disposal of High-Level Radioactive Wastes in a Proposed Geologic Repository at Yucca Mountain, Nevada." In preparation for receipt of an application, the NRC developed a review plan, NUREG-1804, "Yucca Mountain Review Plan." The purpose of the review plan is to assure the quality, uniformity, and consistency of the staff review of the license application and address compliance with the specific regulatory requirements of 10 CFR Part 63. The staff is performing this review.

New Reactor Reviews

To ensure that requests for additional information (RAIs) pertaining to an application for a new reactor design certification (DC) or combined operating license (COL) under 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," are appropriate, the Office of New Reactors (NRO) implemented an RAI screening process. For DC applications, the RAI screening process includes a review by the technical branch supervisor and project manager before RAIs are transmitted to applicants. For COL applications, the RAI screening process includes a review by the technical branch supervisor, project manager, and the Office of General Counsel (OGC). This screening process ensures that only those RAIs necessary and appropriate for making a regulatory decision regarding an application are pursued.

We appreciate your interest in, and concern for, the improvement of the NRC's performance. If you have any questions or want to discuss these topics in more detail, please feel free to contact Donnie Harrison of my staff at 301-415-2470

Sincerely,

/RA/

William H. Ruland, Director
Division of Safety Systems
Office of Nuclear Reactor Regulation

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