

April 20, 2010

Dr. Said Abdel-Khalik, Chairman
Advisory Committee on Reactor Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

SUBJECT: RESPONSE TO THE ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
LETTER OF MARCH 18, 2010, ON THE STATUS OF STAFF RULEMAKING
EFFORTS FOR DEPLETED URANIUM AND OTHER UNIQUE WASTE
STREAMS

Dear Dr. Abdel-Khalik:

I am responding to your letter dated March 18, 2010, concerning the staff's efforts to explicitly introduce a performance assessment requirement to the Commission's regulations at 10 CFR, Part 61 that pertain to the disposal of commercial low-level radioactive wastes. Based on staff briefings to both the subcommittee and the full committee, the Advisory Committee on Reactor Safeguards (ACRS) is aware that the staff is in the formative stages of developing some preliminary guidance on how to address this need in advance of undertaking a limited rulemaking amendment over the next two years. The Committee's thoughtful recommendation is timely and helpful to the staff in formulating a detailed technical basis preceding the development of the limited rulemaking. Consistent with the Committee's recommendation, the staff will continue to risk-inform the regulations for disposal of depleted uranium and other unique waste streams.

The Committee's recommendation as well as some earlier preliminary stakeholder views are valuable to the development of this rule. The staff is committed to giving careful consideration to the comments it has received as it proceeds with the rulemaking and the interim guidance. The Statement of Considerations of the proposed rule will include discussion of how early comments were considered, including those of the ACRS.

Sincerely,

/RA for by Martin Virgilio/

R. W. Borchardt
Executive Director
for Operations

cc: Chairman Jaczko
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
SECY

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