

August 30, 2012

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary */RA/*

SUBJECT: STAFF REQUIREMENTS – SECY-11-0163 – REPROCESSING
RULEMAKING: DRAFT REGULATORY BASIS AND PATH
FORWARD

The Commission has approved in part and disapproved in part the staff's proposed path forward outlined in SECY-11-0163.

The staff should provide the Commission with a notation vote paper that provides staff's assessment of the current state of activity and U.S. Department of Energy and industry plans regarding reprocessing, its recommendations regarding the need for continued effort to develop a rule, the anticipated schedule and resources required to complete the rule, as well as an appropriate range of options. This voting paper should also provide the Commission with the staff's estimate of the resources and time that would be needed to complete a reprocessing license application review using the current framework in 10 CFR Part 50 and the pros and cons of such an approach.

As the staff considers the potential development of a reprocessing regulatory framework and rulemaking, the proposed paper should address the following:

- Staff's assessment and recommendation regarding whether a PRA-based or qualitative risk assessment methodology should be applied;
- For the identified gaps and other issues identified by the staff as Commission policy decisions (such as the definition of Waste Incidental to Reprocessing), provide the pros and cons of various approaches along with the staff's recommendation;
- Provide the rationale for any recommendations that differ from previous Commission policy or agency precedent;
- Include how the staff's activities are being integrated with other federal government activities related to reprocessing;
- Prioritize those gaps that are not ripe for Commission decision and provide staff's plan including resources and timeframes to seek Commission direction for each gap when appropriate;

- Identify which gaps would be evaluated in FY 13/14 and identify the resources needed to complete the analysis as well as the development of a proposed rule if the Commission approved proceeding to rulemaking; and
- If direction is received from Congress that reflects a national policy that should be considered in the staff's evaluation, the Commission should be notified of any impacts to the preparation of the vote paper.

This paper should be provided to the Commission within one year of the issuance of this SRM and before action is completed on the regulatory basis so that the Commission will have the opportunity to provide direction and to avoid the use of NRC's limited resources on approaches the Commission may not support.

cc: Chairman Macfarlane
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
OGC
CFO
OCA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR