



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 26, 1999

Mr. Joseph F. Colvin
President and Chief Executive Officer
Nuclear Energy Institute
1776 I Street, NW
Suite 400
Washington, DC 20006-3708

Dear Mr. Colvin:

I am responding to your letter of August 24, 1999, addressed to Chairman Dicus regarding the NRC draft study on the risk of spent fuel pool accidents at decommissioning nuclear power plants. My reading of your letter suggests that you may not have had the opportunity to appreciate the current status of the NRC's review, previous stakeholder involvement, and our intention for use of the study.

As noted in my phone call to you on October 8, 1999, we have discussed with the industry on several occasions, that the staff's risk assessment was intended as a scoping evaluation to help identify potential risk challenges needing further review by NRC and the industry. At a June 7, 1999, public meeting, the staff acknowledged that many areas contained in the draft report were difficult to analyze using probabilistic risk analysis methods, and therefore proposed to submit the report to external peer review before using it in the regulatory arena. At the meeting, NEI representatives requested that the staff make the draft report public in order to facilitate progress on resolving the regulatory issues involved in decommissioning. Responding to the stakeholder request, the staff used the document as the basis for a very productive public meeting held on July 15 and 16, 1999. Several follow-up telephone discussions were conducted and another public meeting was held on September 21, 1999.

One of the key goals of our agreement related to the early release of the draft report was that the industry and other stakeholders would review it, and where the industry believed that data would support different and perhaps less conservative analyses or conclusions, this information as well as other comments would be provided to the staff for its review and consideration. In contrast to your letter, I believe this mutually agreed upon process has merit and is working effectively to raise issues for consideration and resolution.

At this time, it is premature to judge the content of the study outcome. Clearly, it is our approach and intent that staff conclusions about near-term requests for exemptions from the regulations and longer term actions on rulemaking will be based on the best available probabilistic and deterministic analyses, tempered by good judgment.

NRC FILE CENTER COPY 9/21/99

DFOB

In the future, the NRC staff intends to continue its policy of releasing preliminary technical information for public comment and for the benefit of involving stakeholders in NRC initiatives. We believe this policy leads to more productive public interaction and a more flexible approach to regulatory decision making. As I am sure you would agree, in order for this policy to be successful, it is necessary that the industry and other stakeholders acknowledge the preliminary nature of such information, engage in constructive involvement, and recognize that the NRC will not take regulatory action until it has considered all technical viewpoints. Without this understanding, the benefits of early interaction will be significantly diminished.

Sincerely,

for ORIG. SIGNED BY ROY P. ZIMMERMAN
 Samuel J. Collins, Director
 Office of Nuclear Reactor Regulation

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In the future, the NRC staff intends to continue its policy of releasing preliminary technical information for public comment and for the benefit of involving stakeholders in NRC initiatives. We believe this policy leads to more productive public interaction and a more flexible approach to regulatory decision making. As I am sure you would agree, in order for this policy to be successful, it is necessary that the industry and other stakeholders acknowledge the preliminary nature of such information, engage in constructive involvement, and recognize that the NRC will not take regulatory action until it has considered all technical viewpoints. Without this understanding, the benefits of early interaction will be significantly diminished.

Sincerely,


for  Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

CONTROL NUMBER: G19990438

SUBJECT: Probabilistic Risk Analysis (PRA)
of Decommissioning Facilities

NRR RECEIVED: September 1, 1999

ACTION: DLPM:Zwolinski

Please note that the attached green ticket is for APPROPRIATE ACTION. Please review this item and determine whether or not your division will take action. If action IS going to be taken, what is an appropriate due date?

Return ONLY this completed cover sheet to the NRR mailroom, O-5-E-7 by September 7, 1999.

_____ No Action Necessary Per _____

_____ Yes, Action Due Date: _____

NRR ROUTING: Collins/Zimmerman
Kane
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NRR Mailroom

ACTION

EDO Principal Correspondence Control

FROM: DUE: / /

EDO CONTROL: G19990438
DOC DT: 08/24/99
FINAL REPLY:

Joe F. Colvin
Nuclear Energy Institute (NEI)

TO:

Chairman Dicus

FOR SIGNATURE OF :

** GRN **

CRC NO: 99-0746

DESC:

PROBABILISTIC RISK ANALYSIS (PRA) OF
DECOMMISSIONING FACILITIES

ROUTING:

Travers
Knapp
Miraglia
Norry
Blaha
Burns
Thadani, RES
Paperiello, NMSS

DATE: 08/27/99

ASSIGNED TO:

CONTACT:

NRR

Collins

SPECIAL INSTRUCTIONS OR REMARKS:

For Appropriate Action.

Due 9/17/99 to NRR

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-99-0746 LOGGING DATE: Aug 27 99
ACTION OFFICE: EDO
AUTHOR: JOE COLVIN
AFFILIATION: DISTRICT OF COLUMBIA
ADDRESSEE: CHAIRMAN DICUS
LETTER DATE: Aug 24 99 FILE CODE:
SUBJECT: DECOMMISSIONING REGULATIONS....
ACTION: Appropriate
DISTRIBUTION: RF, SECY/BILL HIL
SPECIAL HANDLING: NONE
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