

January 18, 2005

MEMORANDUM TO: Luis A. Reyes  
Executive Director for Operations

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

SUBJECT: STAFF REQUIREMENTS - SECY-04-0182 - STATUS OF  
RISK-INFORMED REGULATION IN THE OFFICE OF NUCLEAR  
MATERIAL SAFETY AND SAFEGUARDS

The Commission has approved the staff's plan to continue applying risk-informed methods on materials and waste repository activities and request to discontinue the periodic report on risk-informed regulation for the materials and waste arenas. The staff should consider applying the risk-informed decision making guidance to planned and emergent regulatory activities as described in the paper and guidance document, and identifying appropriate management controls to track the progress of these efforts (e.g., Operating Plans). The staff should keep the Commission informed on significant activities and results and should provide an overview of this topic as part of the annual Commission briefings on the Materials and Waste programs.

The staff should implement management controls to ensure that negligible values used as screening levels do not become default ALARA levels or used in any way as regulatory limits. The staff should ensure that valuable resources are never applied to lower a risk that is already considered to be negligible.

In addition, the staff should remove Appendix F “Risk-Informing the NMSS Inspection Process” from the guidance document. Although the staff should consider ways to apply a risk-informed approach to the front end of the inspections program (i.e., focusing inspections on the areas of highest risk), the guidance currently contained in the Appendix is not sufficiently developed for even trial use at this time. There is no objection to staff developing a revised variation of Appendix F as a stand alone document to generate discussions on how to develop a risk informed inspection approach in the materials area. But there should be no indication that this document should be for trial use. Before initiating such discussions, the revised Appendix F should be submitted to the Commission for information. The appendix as written is too closely related to equivalent guidance for the commercial reactor program and would not be applicable for many materials licensees. Also, unless presented with strong evidence suggesting otherwise, the Commission does not intend to extend the requirement to conduct Integrated Safety Assessments to additional materials facilities.

(EDO)

(SECY Suspense:

TBD)

The staff should exercise extreme caution in any attempt to risk-inform security-related matters. The security arena is distinctly different from the safety arena.

cc: Chairman Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
DOC  
OGC  
CFO  
OCA  
OPA