

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER DICUS  
SUBJECT: SECY-99-246 - PROPOSED GUIDELINES FOR APPLYING  
RISK-INFORMED DECISIONMAKING IN LICENSE  
AMENDMENT REVIEWS

Approved  <sup>w/comments</sup> \_\_\_\_\_ Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS:

See attached comments

*Aneta Joy Dicus*  
\_\_\_\_\_  
SIGNATURE

*November 8, 1999*  
\_\_\_\_\_  
DATE

Entered on "AS" Yes  No \_\_\_\_\_

**COMMISSIONER DICUS' COMMENTS ON SECY-99-246, "PROPOSED GUIDELINES FOR APPLYING RISK-INFORMED DECISIONMAKING IN LICENSE AMENDMENT PROCESS"**

I approve the staff request to use the concepts described in SECY-99-246 for identifying and evaluating license amendment requests to determine whether the request warrants further evaluation from a risk perspective since they could create "special circumstances" - circumstances under which compliance with existing regulations would not produce the intended or expected level of safety. The staff should propose modifications to relevant guidance documents ensuring stakeholders, both internal and external, are meaningfully engaged in the development of the guidance documents. The staff should provide the Commission with its schedule for completing development of the guidance documents.

I also approve the use of the interim approach, if needed, for considering risk in license application reviews. This is an important step in continuing to realize the benefits of using risk to enhance and improve safety decision-making. However, I recognize that this is a subjective process that carries with it caution and concern from stakeholders. Therefore, I believe that Commission should be informed when a license amendment request is determined to meet the requirements for a "special circumstance" and the basis for such a determination. Until guidance is finalized, the staff should also periodically provide the Commission with an assessment of whether the interim approach review process is causing unnecessary delays in the license amendment review process. Finally, since such "special circumstances" may involve new technologies or have generic applicability, the staff should consider whether all or some of the review fees associated with these type reviews should be waived.

While the focus of the paper is on "special circumstances" associated with non-risk-informed license submittals, it appears possible that some risk-informed submittals would involve "special circumstances". In other words, a "special circumstance" exists because of the nature of the request and its relationship to our current regulations and does not depend on whether the request is risk-informed. In assessing areas for regulatory improvement, it appears important that the staff and Commission be made aware of areas where a proposed change could be approved under existing regulations but involves circumstances under which compliance with existing regulations would not produce the intended or expected level of safety. Therefore the staff should inform the Commission when any license amendment request, whether initially risk-informed or not, requires the use of risk information to support staff approval because compliance with existing regulations could not assure the level of protection necessary to avoid undue risk to public health and safety.