

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MERRIFIELD
SUBJECT: SECY-99-264 - PROPOSED STAFF PLAN FOR RISK-
INFORMING TECHNICAL REQUIREMENTS IN 10 CFR PART
50

Approved Disapproved Abstain
Not Participating

COMMENTS: *See attached comments.*



SIGNATURE

12/21/99

DATE

Entered on "AS" Yes No

Commissioner Merrifield's Comments on SECY-99-264

I approve the staff's plan for performing the study phase of its work to risk-inform the technical requirements in 10 CFR Part 50.

As I stated in my vote on SECY-99-256, the staff's success in this effort could be determined, in large part, by its ability to effectively communicate with stakeholders. An initiative of this magnitude and importance warrants a high degree of participation by the public, the nuclear industry, and other external stakeholders. As was discussed at the stakeholder meeting on December 16, 1999, there is a great deal of uncertainty associated with this initiative. This uncertainty is clearly manifesting itself in cost/benefit concerns on the part of our licensees and safety concerns on the part of some of our other stakeholders. I believe this uncertainty is understandable given where we, as an agency, are in the process. However, as this initiative proceeds, the staff should develop a communication plan which facilitates greater stakeholder involvement in, and understanding of, the goals of the initiative, the options we are considering, the course (roadmap) we ultimately set, and the milestones we intend to meet. The staff should actively seek stakeholder participation in each step of the Phase 1 work, especially the identification and prioritization of candidate changes to requirements and design basis accidents. I strongly encourage the staff to consider the stakeholder feedback already received, especially the very important insight that there are greater problems with implementing documents than with the regulations.

Solicitation of input from our internal stakeholders (including OGC) on this matter is also essential. As the staff has indicated, the work to risk-inform the technical requirements of 10 CFR Part 50 is closely related to the work to make changes to the overall scope of SSCs covered by those sections of Part 50 requiring special treatment. Thus, there must be consistency between the work being carried out as part of Option 2 (SECY-99-256) and the work being carried out as part of Option 3 (SECY-99-264). This will require close coordination between RES and NRR as well as direct senior management oversight.

I was initially concerned about the staff's "disclaimer" that the completion of Task 3 may extend beyond December 2000. However, based on follow-up discussions with the staff and the comments made by stakeholders at the December 16th stakeholder meeting, I now have a better appreciation for the intent of this disclaimer. This is a very important initiative that warrants a deliberate and careful approach. It is better to do it right the first time than allow expediency to lead to misdirection or false starts. Such errors could undermine public confidence and industry interest in this initiative. Having said that, I believe stagnation would lead to similar results. Thus, the staff should proceed efficiently and effectively, and hold itself accountable for achieving prudent milestones.

I appreciate the staff's rationale for considering the impact on both current and future plants in its prioritization process. It is important that we pro-actively address the regulatory framework associated with future plants, and I commend the staff for doing that. However, I believe that initially the principal focus of this work should be on the current set of licensed reactors. The staff's plan to give potential regulatory changes that impact both current and future plants higher priority than those only affecting current reactors could result in less important matters of broader scope (current + future) being addressed ahead of more important matters of narrower scope (current only). Given our resource limitations and the near-term outlook for new plants in the U.S., I believe the potential regulatory changes that impact the current plants should receive the highest priority. Again, the staff is correct in pointing out that ultimately we must address potential regulatory changes that impact both current and future plants.

Consistent with my vote on SECY-99-256, given the magnitude of this initiative and the resources dedicated to it, the staff should periodically step back and assess the progress and direction of NRC efforts, the extent of licensee interest, the adequacy of communication with stakeholders, potential future obstacles to progress, the adequacy of inter-office coordination, and the accuracy of resource and schedule projections. The results of this assessment should be provided to the Commission every 6 months.

Finally, as has been said on many occasions, there should be no doubt in anyone's mind that risk-informing Part 50 is a double-edge sword in that it will likely involve relaxing requirements in some areas while increasing requirements in other areas.

A handwritten signature in black ink, appearing to read "J. M. W. Murphy". The signature is written in a cursive style with a large, sweeping flourish at the end.

12/21/99



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 3, 2000

SECRETARY

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Annette Vietti-Cook, Secretary *Annette Vietti-Cook*

SUBJECT: STAFF REQUIREMENTS - SECY-99-264 - PROPOSED STAFF
PLAN FOR RISK-INFORMING TECHNICAL
REQUIREMENTS IN 10 CFR PART 50

The Commission has approved the staff's plan for performing the study phase of its work to risk-inform the technical requirements in 10 CFR Part 50 subject to the comments provided below.

1. The staff should ensure that the criteria used to screen, prioritize, and determine the scope and feasibility of changes to technical requirements in 10 CFR Part 50, are consistent and compatible with other ongoing efforts related to risk-informed regulation, including:
 - a. Implementation of risk-informed processes as described in SECY-99-246 and SECY-99-256;
 - b. Implementation of the risk-informed plant oversight program; and
 - c. Possible modification of the Safety Goal Policy Statement.
2. Policy issues connected with the development of a risk-informed regulatory system should be highlighted for resolution by the Commission as early as possible during this process. These include, but are not limited to, issues related to the concept of defense-in-depth, as discussed in the ACRS's letter of October 12, 1999.
3. The staff should consider Commission guidance in SRM 991109A (Nuclear Materials and Waste Activities Stakeholders Meeting), regarding accommodation of stakeholders with little or no Internet access or awareness.
4. In the context of risk informing technical requirements, the staff should also review safety issues noted in Part 50 as being "under consideration" or "under development," e.g., the issues of postulated breaks in the reactor coolant pressure boundary and failures of passive components in fluid systems, as discussed in footnotes 1 and 2 to the Definitions and Explanations of Appendix A, and consider their resolution.
5. The staff should consider the value of risk-informing Appendices A and B to Part 50 and their relationship with defense-in-depth.
6. As this initiative proceeds, the staff should develop a communication plan which

facilitates greater stakeholder involvement; in and understanding of, the goals of the initiative, the options we are considering, the course (roadmap) we ultimately set, and the milestones we intend to meet. The staff should actively seek stakeholder participation in each step of the Phase 1 work, especially the identification and prioritization of candidate changes to requirements and design basis accidents.

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
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