

April 25, 1997

MEMORANDUM TO: L. Joseph Callan  
Executive Director for Operations

FROM: John C. Hoyle, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - SECY-97-035 - PROPOSED  
REGULATORY GUIDANCE RELATED TO IMPLEMENTATION  
OF 10 CFR 50.59 (CHANGES, TESTS AND  
EXPERIMENTS)

The Commission has approved issuance of the proposed regulatory guidance related to implementation of 10 CFR 50.59, including discussion of possible policy issues and options, for a 60-day comment period.

(EDO)

(SECY Suspense: 5/9/97)

Following conclusion of the comment period, the staff should prepare a paper for the Commission considering the public comments and Millstone Lessons Learned along with guidance provided on SECY-97-036, and provide recommendations for further improvements to the regulatory process. As part of this paper, the staff should prepare a rulemaking plan for 10 CFR 50.59 that would consider both the recommendations discussed above and a risk-informed approach (in accordance with the SRM on SECY-96-218) for both: 1) the threshold for, and/or review process of, an Unreviewed Safety Question, and 2) specifically, whether "small" or "negligible" increases in the probability or consequences of an accident or malfunction, as well as reductions in the margin of safety, can be allowed for certain systems without prior NRC review. While the risk-informed approach is not intended to expand the scope of accidents considered in the 50.59 process, the staff should explore risk-informed options and determine the corresponding legal implications for Commission consideration. This rulemaking plan should include an expedited schedule. Any proposed rulemaking efforts should include how the necessary resources will be budgeted.

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SECY NOTE: SECY-97-035 WAS RELEASED TO THE PUBLIC ON FEBRUARY 28, 1997. THIS SRM AND THE COMMISSION VOTING RECORD CONTAINING THE VOTE SHEETS OF ALL COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 5 WORKING DAYS FROM THE DATE OF THIS SRM.

(EDO)

(SECY Suspense: 9/8/97)

For the longer term, the staff should reevaluate the requirements set forth in 10 CFR 50.59, taking into consideration its ties to other regulatory requirements, such as Appendices A and B to 10 CFR Part 50, and develop an integrated approach that includes clear, consistent definitions and risk considerations. This longer term effort should not delay the rulemaking plan requested above.

(EDO)

(SECY Suspense: 4/24/98)

The following changes should be made on the first page of the Federal Register notice and similar changes incorporated to make it clear that the NRC is requesting comment on Section IV, "Policy Issues," of SECY-97-035.

1. In line 7, change the parenthetical to read '(including tests or experiments).'
2. In line 17, insert a new sentence between the sentences which reads 'The paper also briefly discusses some policy issues related to potential rulemaking for 10 CFR 50.59.'
3. In line 19, after the word 'guidance' insert 'or changes to the rule.'

cc: Chairman Jackson  
Commissioner Rogers  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
OGC  
CIO  
CFO  
OCA  
OIG  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR  
DCS