

October 23, 2000

Dr. Dana A. Powers, Chairman
Advisory Committee on Reactor Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

SUBJECT: RESPONSE TO ACRS COMMENTS ON PROPOSED HIGH-LEVEL
GUIDELINES FOR PERFORMANCE-BASED ACTIVITIES

Dear Dr. Powers:

On behalf of the staff, I appreciate the supportive comments from the ACRS in your September 8, 2000, letter on "Proposed High-Level Guidelines for Performance-Based Activities." We acknowledge the merits of your recommendations and will incorporate them into the guidelines and other products of this effort, as implementation of the plan proposed to the Commission proceeds.

The guidelines and the process for applying them were meant to evolve and improve with experience. In the interest of efficiency, the incorporation of the ACRS recommendations into the guidelines may not all occur at the same time. The Performance-Based Regulation Working Group (PBRWG) will coordinate the efforts on the guidelines to effectively integrate the activities in each office. The application of the guidelines for a specific new regulation will be determined by the schedule established by each office for development of the technical basis for the rule.

The following addresses each of the ACRS' conclusions and recommendations:

1. Apply guidelines to an example regulation:

The final version of the subject Commission paper, SECY-00-191 dated September 1, 2000, states that the guidelines will be applied in ongoing or future rulemakings as appropriate, specifically identifying the ongoing regulatory efforts under Option 3 of SECY-98-300, "Options for Risk-Informed Revisions to 10 CFR Part 50."

2. The guidelines should explicitly state that the performance levels and reliability parameters should be set at the highest practical level

The staff is in full agreement with this recommendation and intends to incorporate this guidance in the Management Directive that will be developed. However, before we modify the high-level guidelines as suggested, we believe more experience is needed in applying the guidelines. Once this experience has been gained, the staff will incorporate the ACRS recommendation into the guidelines.

3. Multiple performance parameters to satisfy defense-in-depth philosophy

The staff intends to develop guidance to address multiple performance parameters to satisfy defense-in-depth philosophy and to incorporate the guidance in the Management Directive. Application of the defense-in-depth philosophy implies that performance parameters will address prevention and mitigation of accidents. The basis for identifying the performance parameters is likely to strongly depend on the regulatory issue and the degree of emphasis given to prevention and/or mitigation. Experience gained in each of the arenas of NRC activity will enable the staff to develop one or more guidelines which optimally addresses prevention and mitigation functions. Redundancy of information may be justified in some cases but may contribute to inefficiencies in other cases.

4. Expanded discussions responding to relevant *Federal Register* questions

The staff has made a commitment in SECY-00-191 to prepare a Management Directive to support implementation of the guidelines. The staff will include expanded discussions of the staff positions developed in response to the *Federal Register* questions for the benefit of users of the guidelines. The ACRS will receive an information copy of the Management Directive when it is completed.

The experience gained from various applications will be used in the development of the agency-wide Management Directive incorporating the guidelines. The ACRS recommendations, as well as the lessons learned from ongoing efforts, will be included in the procedures to be developed at the office level. The staff will make every effort to maintain consistency among the different office procedures while recognizing that flexibility must be available to each arena to emphasize different characteristics.

We look forward to further ACRS feedback as the applications of the guidelines for individual products are reviewed.

Sincerely,

/RA/

William D. Travers
Executive Director for Operations

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
SECY
ACNW
ACMUI

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Executive Director for Operations

- cc: Chairman Meserve
- Commissioner Dicus
- Commissioner Diaz
- Commissioner McGaffigan
- Commissioner Merrifield
- SECY
- ACNW
- ACMUI

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