

August 26, 1992

MEMORANDUM FOR: James M. Taylor  
Executive Director for Operations

FROM: Samuel J. Chilk, Secretary

SUBJECT: SECY-92-263 - STAFF PLANS FOR ELIMINATION OF  
REQUIREMENTS MARGINAL TO SAFETY

The Commission (with all Commissioners agreeing) has approved the staff proposal to initiate an ongoing program, including specific actions identified in the subject paper for the first 3-year period, to review and eliminate requirements that are marginal to safety and yet impose a regulatory burden. These actions should be included in the report requested by the President in his memorandum of April 29, 1992 on this subject.

The staff should incorporate the comments provided below when initiating the program.

1. The SECY paper uses different terminology in addressing requirements which are marginal to safety, which is interpreted to mean a requirement that could affect safety in either a positive or negative way, but in either case the effect would not be significant (i.e., marginal). The terms without adverse impact on safety, without reducing safety, marginally effective, and without safety impact have different meanings than marginal to safety. The staff should ensure that the marginal to safety criterion is used and consistently applied in implementing this program.
2. The continuing efforts described on page 5 of the SECY paper makes reference to public interaction. These items should be broadened to include industry input. In item I, staff should eliminate the need for public endorsement. These changes are shown in the attachment.
3. The staff should consider some methodology which would preclude the need to defer all 16 items listed on pages 12 and 13 of the SECY paper until 1995. In particular, the

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SECY NOTE: THIS SRM, SECY-92-263, AND THE VOTE SHEETS OF ALL  
COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 10

WORKING DAYS FROM THE DATE OF THIS SRM

Commission believes that item 5, "Requests for Information Under 10 CFR 50.54(f)" should be promptly addressed. The staff may consider using the technical review branches to prepare rulemaking packages for some of these items.

4. The staff should be sure to address the full range of licensees in this effort. Further, the staff should consider how to address the issues raised during the Regulatory Review (SECY-92-141) as well as those that might arise from other sources, including the planned regulatory impact survey for materials licensees.

(EDO) (SECY Suspense: 11/19/92)

The Commission should be kept informed on the formulation of the framework for developing performance-based regulations and on staff's plans to apply proposed procedures (PRA technology, safety goals) more comprehensively to the body of regulations.

(EDO) (SECY Suspense: 11/19/92)

Attachment:  
As stated

cc: The Chairman  
Commissioner Rogers  
Commissioner Curtiss  
Commissioner Remick  
Commissioner de Planque  
OGC  
OCAA  
OIG