

IN RESPONSE, PLEASE
REFER TO: M910628

June 28, 1991

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

FROM: Samuel J. Chilk, Secretary /S/

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION
AND VOTE, 8:15 A.M., FRIDAY, JUNE 28, 1991,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE
FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO
PUBLIC ATTENDANCE)

I. SECY-91-150 - Proposed Amendments to 10 CFR Part 21,
"Reporting of Defects and Noncompliance" and 10 CFR 50.55(e),
"Conditions of Construction Permits"

The Commission, by a 3-0 vote, approved final amendments to 10 CFR Parts 21 and 50.55(e) that clarify the criteria and procedures for the reporting of safety defects by licensees and non-licensees and reduces duplicate reporting, subject to modifying the rule to require a consistent period of 60 days for both reporting defects or reporting that the analysis of a potential defect is underway. The attached edits (Enclosure 1) should also be incorporated.

Chairman Carr did not participate in this matter.

Commissioner Remick noted on page 11 of the SECY paper, that the staff is evaluating possible modifications to Sections 50.72 and 50.73. He would like an update of the staff's progress and schedule for this evaluation.

(EDO) (SECY Suspense: 8/16/91)

The Federal Register Notice should be revised as noted, reviewed by the Regulatory Publications Branch, ADM, and forwarded for signature and publication.

(EDO) (SECY Suspense: 7/29/91)

II. SECY-91-165 - Emergency Response Data System

The Commission, by a 3-1 vote, approved a final rule to require licensees of all operating nuclear power facilities, except Big Rock Point, to participate in the Emergency Response Data System program. Commissioner Remick disapproved the rule; he does not believe that the cost to implement the ERDS is justified when balanced against the potential increase in the overall protection of the public health and safety, and would prefer to gain additional experience with ERDS through voluntary participation.

The attached (Enclosure 2) editorial comments should be incorporated into the Federal Register Notice, and the Notice should be reviewed by the Regulatory Publications Branch, ADM, and forwarded for signature and publication.

(EDO)

(SECY Suspense: 7/29/91)

III. SECY-91-110 - Staff Evaluation and Recommendation on Maintenance Rulemaking

The Commission, with all Commissioners agreeing, approved the staff's proposed revision to the enforcement policy to delete the maintenance escalation factor in the enforcement policy and to provide a specific maintenance-related example in 10 CFR Part 2, Appendix C.

The Commission (with Chairman Carr and Commissioners Rogers and Curtiss agreeing) disapproved the staff's recommendation to issue a final policy statement. Instead, the Commission agreed to direct the staff to proceed with issuance of the attached final rule, "Monitoring the effectiveness of maintenance at nuclear power plants" (Enclosure 3). The basis for the Commission's decision on this matter is set forth in the Statement of Considerations accompanying the rule. Commissioner Remick disagrees with this decision, he would have issued a policy statement. His dissenting views are attached to be published with the rule.

Commissioner Curtiss' additional comments (attached) also will be published with the Federal Register Notice.

The staff should proceed to develop regulatory guidance for implementing the provisions of the rule, including the issuance of draft guidance for public comment, with an objective of issuing final guidance within two years of publication of the rule in the Federal Register. The Commission desires to be closely involved in the development of the regulatory guidance and, as such, the staff is directed to keep the Commission informed as development of the guidance progresses and to promptly identify to the Commission any policy issues which may arise in the course of developing the guidance.

In parallel with the development of regulatory guidance, the staff should develop inspection guidance which adopts the results-oriented focus of the rule and which can be used to inspect the maintenance area after the effective date of the rule. In the interim, the staff should not incorporate the programmatic inspection guidance used for the conduct of the Maintenance Team Inspections into the routine inspection program, as proposed in SECY-91-110.

Instead, the staff should reserve the use of this type of inspection guidance for conducting special diagnostic-type inspections of licensee maintenance programs where the staff perceives wide-spread deficiencies in a licensee's maintenance program. The Commission should be apprised of any instance where the staff intends to use the Maintenance Team Inspection guidance to perform this type of inspection.

The Federal Register Notice should be reviewed by the Regulatory Publications Branch, ADM, and returned for signature and publication.

(EDO)

(SECY Suspense: 7/29/91)

IV. SECY-91-138 - Final Rule on Nuclear Power License Renewal

The Commission, by a 4-0 vote, approved a delegation of authority under the Reorganization Plan No. 1 of 1980 and 10 CFR Section 1.31(c) which authorizes the EDO to prepare and issue a final license renewal rule (see attached delegation dated 6/28/91). Commissioner Remick approved the rule but would not have broadened the definition of structures, systems and components important to license renewal to include all SSCs subject to operability requirements contained in the facility technical specifications limiting conditions for operation.

The modification to 10 CFR 54.3(ii) is solely intended to make clear in the language of the rule that it is not intended that licensees do a full scope systems interaction analysis.

Commissioner Rogers noted that the SSCs defined in the license renewal rule "differ somewhat from those in the maintenance rule. While there are differences in focus between the License Renewal Rule and the Maintenance Rule, I believe that the SSCs involved should be as consistently defined as possible. Therefore, I request the staff in revising the License Renewal Rule strive for maximum compatibility between the License Renewal Rule and the Maintenance Rule in defining scope and in avoiding requirements for new analyses and justifications wherever existing maintenance programs clearly assure continuing capability of the equipment."

Attachments:
As stated

cc: Chairman Carr
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
OGC
GPA
ACRS
PDR - Advance
DCS - P1-24

June 28, 1991

MEMORANDUM FOR: James M. Taylor, Executive Director
for Operations

FROM: Samuel J. Chilk, Secretary \s\

SUBJECT: DELEGATION OF AUTHORITY: FINAL RULE ON
LICENSE RENEWAL (SECY-91-138)

1. Pursuant to Reorganization Plan No. 1 of 1980 and 10 CFR 1.31 (c), the Commission hereby delegates to you the authority to issue a final rule on license renewal (10 CFR Part 54) as specified below.
 - a. The rule should contain the staff's proposed alternative 1 (as described in SECY-91-138) to compiling the documents that establish the current licensing basis.
 - b. The definition of structures, systems, and components (SSCs) important to license renewal contained in 10 CFR Section 54.3 should be as follows:
 - "(i) Safety-related SSCs, which are those relied upon to remain functional during and following design basis events (A) to ensure the integrity of the reactor coolant pressure boundary, (B) to ensure the capability to shut down the reactor and maintain it in a safe shutdown condition, or (C) to ensure the capability to prevent or mitigate the consequences of accidents that could result in potential offsite exposure comparable to the 10 CFR Part 100 guidelines. Design basis events are defined as in 10 CFR 50.49 (b)(1).
 - "(ii) All non-safety related SSCs whose failure could directly prevent satisfactory accomplishment of any of the required functions identified in (i) A, B, and C.
 - "(iii) All SSCs relied on in safety analyses or plant evaluations to demonstrate compliance with the

Commission's regulations for fire protection (10 CFR 50.48), environmental qualification (10 CFR 50.49), pressurized thermal shock (10 CFR 50.61), anticipated transients without scram (10 CFR 50.62), and station blackout (10 CFR 50.63).

- "(iv) All SSCs subject to operability requirements contained in the facility technical specification Limiting Conditions for Operation."
 - c. In modifying subparagraph 54.3(a)(ii) to specify nonsafety related SSCs whose failure could directly prevent satisfactory accomplishment of any of the required safety functions identified in subparagraph 54.3(a)(i) A, B, and C, the Commission intends that the term "directly" be interpreted consistent with the discussion contained in the statement of considerations in response to the comment that subparagraph 54.3(a)(ii) would require a systems interaction review (i.e. subparagraph 54.3(ii) is intended to cover those SSCs with a reasonably direct bearing on the functioning of safety related SSCs). Also, as discussed in the Statements of Consideration, where a licensee has conducted a partial systems interaction study and made certain commitments included in the CLB, these commitments should be considered in determining SSCs important to license renewal. The intent of the current discussion in the Statements of Consideration concerning this matter should be preserved; however, if deemed necessary by the staff, the wording of the Statement of Considerations should be revised to acknowledge the revised wording of 54.3(a)(ii).
 - d. The attached comments should be incorporated.
2. The entire renewal rule package should be carefully reviewed by the staff and revisions made, as appropriate, to ensure consistency of the entire rule package.
 3. Following completion of the review and appropriate revisions, and at least three days prior to issuance of the rule the Commission should be provided a copy of the rule for information.
 4. It is understood that by this delegation you are authorized, but not required, to make the requisite findings for a rule as described above. If for any reason you believe that the appropriate findings cannot be made, you should request further guidance from the Commission before proceeding. This

delegation may be revised by the Commission at any time and may not be redelegated.

5. This is not a final order within the meaning of 42 U.S.C. Section 2239(b).

Attachment:
As Stated

cc: Chairman Carr
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
OGC
GPA

IF INTERESTED IN ATTACHMENTS, PLEASE REFER TO THE SRM

