UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

OFFICE OF THE
SECRETARY

December 31, 2001

COMMISSION VOTING RECORD

DECISION ITEM: SECY-01-0162

TITLE: STAFF PLANS FOR PROCEEDING WITH THE RISK-INFORMED ALTERNATIVE TO THE STANDARDS FOR COMBUSTIBLE GAS CONTROL SYSTEMS IN LIGHT-WATER-COOLED POWER REACTORS IN 10 CFR 50.44

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of December 31, 2001.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:
1. Voting Summary
2. Commissioner Vote Sheets

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

VOTING SUMMARY - SECY-01-0162

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. MESERVE	X				X	12/18/01
COMR. DICUS	X				X	09/24/01
COMR. DIAZ	X				X	11/28/01
COMR. McGAFFIGAN	X				X	12/10/01
COMR. MERRIFIELD	X				X	12/10/01

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on December 31, 2001.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: CHAIRMAN MESERVE

SUBJECT: **SECY-01-0162 - STAFF PLANS FOR PROCEEDING WITH THE RISK-INFORMED ALTERNATIVE TO THE STANDARDS FOR COMBUSTIBLE GAS CONTROL SYSTEMS IN LIGHT-WATER-COOLED POWER REACTORS IN 10 CFR 50.44 (WITS 20010003)**

Approved _x_____ Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:

See attachment.

SIGNATURE

December 18, 2001

DATE

Entered on "STARS" Yes _X_ No _____

CHAIRMAN MESERVE'S COMMENTS ON SECY-01-0162

The staff has presented a convincing technical case that the regulations concerning hydrogen recombiners in 10 CFR 50.44 result in requirements that are not justified on the basis of safety- or risk-significance. Accordingly, I approve the staff's recommendation of "Option 1," which would eliminate these requirements for all containment types. I note that additional changes to the regulations may be needed to address hydrogen monitoring requirements for accident assessment purposes, and that additional requirements for hydrogen control for PWR ice condenser and BWR Mark III containments may be necessary as a result of the resolution of Generic Safety Issue 189.

I also approve the staff's recommendations to:

- proceed with rulemaking without preparation of a rulemaking plan; and
- address the Commission's direction regarding the process for evaluating the value-impact of new voluntary requirements.

I commend the staff for its efforts to risk-inform the technical requirements of a regulation and for its approach to maintaining safety while reducing unnecessary regulatory burden.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER DICUS

SUBJECT: **SECY-01-0162 - STAFF PLANS FOR PROCEEDING WITH THE RISK-INFORMED ALTERNATIVE TO THE STANDARDS FOR COMBUSTIBLE GAS CONTROL SYSTEMS IN LIGHT-WATER-COOLED POWER REACTORS IN 10 CFR 50.44 (WITS 20010003)**

Approved _x_ Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:

See attached comments.

Greta Joy Dicus
SIGNATURE

September 24, 2001
DATE

Entered on "STARS" Yes _x_ No ____

Commissioner Dicus's Comments on SECY-01-0162

The staff should proceed with the development of the rulemaking as proposed in Option 1.

Recombiners handle relatively small amounts of hydrogen generated from metal-water reaction. They do not perform a risk-significant function. Therefore, as I stated in my comments on SECY-0198, I agree that it is justifiable to remove requirements on them.

Since the requirements that would be deleted will not apply to systems or practices which prevent detonations involving large amounts of hydrogen generated after severe accidents (igniters, or requirements to inert Mark I and Mark II containments), I agree that potentially risk significant functions would not be affected.

I also note that the staff has used risk-informing of 10CFR 50.44 to not only reduce burden for licensees, but also to recognize an opportunity to reduce risk from plants with Mark III and ice-condenser containments due to station blackout events (creation of GSI-189). I commend the staff on that action and recommend expeditious resolution of GSI-189.

gjd

9-24-01

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER DIAZ

SUBJECT: **SECY-01-0162 - STAFF PLANS FOR PROCEEDING WITH THE RISK-INFORMED ALTERNATIVE TO THE STANDARDS FOR COMBUSTIBLE GAS CONTROL SYSTEMS IN LIGHT-WATER-COOLED POWER REACTORS IN 10 CFR 50.44 (WITS 20010003)**

Approved xx Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:

See attached comments.

SIGNATURE

Nov. 28, 01

DATE

Entered on "STARS" Yes ✓ No _____

Commissioner Diaz' Comments on SECY-01-0162

I approve the staff's recommendation to proceed with Option 1 and remove the requirements for hydrogen recombiners without the preparation of a rulemaking plan. I agree with the staff's statement that this option provides a more efficient regulatory approach and a better opportunity for a more efficient and simplified regulatory structure than that proposed in SECY-00-0198.

I am looking forward to receiving the staff's recommendations for the application of backfit analysis to "voluntary" rules and implementing a disciplined, meaningful, and scrutable methodology for assessing any new requirements that could be added by voluntary rules. As I stated in my vote on SECY-00-0198, "I do not advocate throwing the backfitting (section 50.109) book indiscriminately at risk-informed regulation, but neither can I support throwing the book away."

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER MCGAFFIGAN

SUBJECT: **SECY-01-0162 - STAFF PLANS FOR PROCEEDING WITH THE RISK-INFORMED ALTERNATIVE TO THE STANDARDS FOR COMBUSTIBLE GAS CONTROL SYSTEMS IN LIGHT-WATER-COOLED POWER REACTORS IN 10 CFR 50.44 (WITS 20010003)**

Approved w/comments X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:

See attached comments.

Edward McGaffigan Jr.
SIGNATURE

December 10, 2001
DATE

Entered on "STARS" Yes X No ____

Commissioner McGaffigan's Comments on SECY-01-0162

I approve option 1. This appears a sound approach and will provide for the most expeditious rulemaking. I note that the Commission has previously approved sharing draft rule language with stakeholders, and that the staff has done so. My hope is that this rulemaking can be completed by next September.

I also look forward to prompt resolution of generic issue 189 and any staff recommendations for BWR Mark III and PWR ice condenser facilities that may come out of that process.

The staff notes that DSIN has directed EDF to install passive autocatalytic recombiners for hydrogen control in all PWR reactors by the end of 2007. The staff in the proposed rule package should explain to the public in more detail why such an action would not pass a cost/benefit test in the United States.

I approve the approach the staff proposes to take to develop a process for evaluating new requirements that are added to future risk-informed alternative versions of regulations.

I support the continued granting of exemption requests for hydrogen control systems during the next year of rulemaking. While I agree that rulemaking is the most efficient use of our resources, licensees who put together a well-reasoned exemption request should have their licensing actions handled promptly.

EMcG

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER MERRIFIELD

SUBJECT: **SECY-01-0162 - STAFF PLANS FOR PROCEEDING WITH THE RISK-INFORMED ALTERNATIVE TO THE STANDARDS FOR COMBUSTIBLE GAS CONTROL SYSTEMS IN LIGHT-WATER-COOLED POWER REACTORS IN 10 CFR 50.44 (WITS 20010003)**

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:
See attached comments.

SIGNATURE

12/10/01
DATE

Entered on "STARS" Yes ✓ No ____

Commissioner Merrifield's Comments on SECY-01-0162

I approve the staff's recommendations presented in SECY-01-0162. I agree with the staff that Option 1 is consistent with the NRC's Principles of Good Regulation in that it provides for clear and efficient regulation and a simplified regulatory structure. I also agree with the staff that preparing a separate rulemaking plan would not provide any significant value to this rulemaking. Finally, I look forward to the staff's recommendations associated with putting into place disciplined, meaningful, and scrutable guidelines for assessing any new requirements that could be added by a risk-informed alternative rule.

The staff should keep the Commission appropriately informed as progress is made on Generic Issue 189 (GI-189). Also, the staff should continue to emphasize clear communication with the public and other stakeholders as we proceed with risk-informed initiatives.

12/10/01