

January 14, 2003

Dr. George E. Apostolakis, Chairman
Advisory Committee on Reactor Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: RECOMMENDATIONS PROPOSED BY THE OFFICE OF NUCLEAR
REGULATORY RESEARCH FOR RESOLVING GENERIC SAFETY ISSUE-189,
"SUSCEPTIBILITY OF ICE CONDENSER AND MARK III CONTAINMENTS TO
EARLY FAILURE FROM HYDROGEN COMBUSTION DURING A SEVERE
ACCIDENT"

Dear Dr. Apostolakis:

I am writing in response to your letter of November 13, 2002, to Chairman Meserve on the above subject. In your letter, the Advisory Committee on Reactor Safeguards (ACRS) offered two recommendations regarding the means to resolve Generic Safety Issue 189 (GSI-189):

1. Features to resolve GSI-189 should be incorporated into affected plants through plant-specific severe accident management guidelines (SAMGs).
2. The NRC staff should develop guidance on how uncertainties are to be evaluated and considered in regulatory analysis decisions.

With regard to the first recommendation, the staff is proceeding in the resolution of GSI-189 following the process described in Management Directive 6.4, which will use the recently completed technical assessment and will evaluate the full range of alternatives from no action to the development of a proposed rule change. Further, we expect that review to address the most appropriate ways to engage the stakeholders in developing additional information related to implementing various alternatives. That effort would include discussions with different stakeholders on ways to implement changes which would include implementation in the severe accident management guidelines as an option. Ultimately, the staff recommendation will be presented to the ACRS for review and comment before NRR proposes any action to complete resolution of GSI-189 to the Commission.

Regarding the second recommendation, as you are aware, the NRC staff has long recognized the treatment of uncertainty as an important element in regulatory decisions and as such it has long been an integral consideration in NRC's policy and guidance documents overseeing regulatory analyses. There are two primary documents supporting this activity. The first is the "Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission" (NUREG/BR-0058, Rev. 3), which focuses on broad policy concepts and thus discussions of uncertainties tend to be general in nature. The second document, "Regulatory Analysis Technical Evaluation Handbook" (NUREG/BR-0184), complements the Guidelines and provides more detailed guidance on the development of regulatory analysis. Additionally, there are two activities that should help address the concern behind this recommendation:

1. Under the Treasury and General Appropriations Act for FY2001 (Public Law 106-514, Section 515(a)), each federal agency is responsible for developing information quality guidelines in order to ensure and maximize the quality, objectivity, utility and integrity of information disseminated to the public. As part of this legislation, the Office of Management and Budget (OMB) issued government-wide guidelines to provide policy and procedural guidance to the federal agencies. In response to this legislation, the NRC reviewed its current information quality practices, and in COMSECY-02-0037, "Proposed NRC Information Quality Guidelines," July 7, 2002, the staff identified a need to revise the "Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission" (Guidelines) with respect to its discussion on the treatment of uncertainty. On October 1, 2002, the staff issued a memorandum (ADAMS ML022740789) from Ashok C. Thadani, Director of Nuclear Regulatory Research to William D. Travers, Executive Director of Operations, "Revision to NRC's Regulatory Analysis Guidelines and RES Office Letter 1 to Conform to OMB's Information Quality Guidelines." These revisions to the Guidelines will be added when other changes to the Guidelines, currently before the Commission, are published for public comment and eventually issued in a new revision of the Guidelines.

2. In FY03 we plan to investigate possible improvements to decision-making processes to better reflect risk information, including consideration of uncertainties. As the staff develops its plans in this area, we will consult with the ACRS to solicit input and advice. In addition, the Rulemaking Coordination Committee comprised of the principal responsible managers in ADM, OGC, NMSS and NRR, is considering recommended improvements in the process from the Rulemaking Process Improvement Task Force. These efforts include broader enhancements to the regulatory analysis guidelines which will provide opportunities to clarify the treatment of uncertainties related to risk insights and performance measures in the regulatory analyses.

The staff will make appropriate arrangements to pursue these matters with the ACRS in the future.

Sincerely,

/RA/

William D. Travers
Executive Director
for Operations

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

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/RA/

William D. Travers
 Executive Director
 for Operations

cc: Chairman Meserve
 Commissioner Dicus
 Commissioner Diaz
 Commissioner McGaffigan
 Commissioner Merrifield
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Dr. George E. Apostolakis

Letter dated: 1/14/03

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