

②

**From:** Thomas Scarbrough, *NRR*  
**To:** Christopher P. Jackson; Jacob Zimmerman; James Beall  
**Date:** Fri, Jul 9, 2004 2:42 PM  
**Subject:** 50.69 DPV Status

During a recent informal conversation, Commissioner McGaffigan suggested that, following completion of 10 CFR 50.69 on Risk-Informed Categorization and Treatment of Nuclear Power Plant Structures, Systems, and Components, David Fischer, John Fair, and I send a note to the Commission's Technical Assistants indicating the status of the safety concerns raised in our Differing Professional Views on the proposed rule. On June 30, the EDO signed SECY-04-0109, which forwards the Final 50.69 Rule to the Commission for approval. The following is a summary of our views on the Final 50.69 Rule:

As indicated in the e-mail from Richard Barrett, DE Director, on May 12, 2004, the Final 50.69 Rule, as modified in response to public comments, reflects a significant improvement over previous versions in a number of ways. We agree with the comments provided with DE's concurrence.

In response to public comments on provisions in the proposed rule for safety-related SSCs categorized as having low individual risk significance (RISC-3), the Final 50.69 Rule strengthens the provisions for documentation, feedback, and corrective actions; clarifies the provisions for design control; and explicitly requires consistency between categorization and treatment for RISC-3 SSCs. In addition, the Final 50.69 Rule and its Statement of Considerations recognize the importance of preventing common-cause failure of RISC-3 SSCs. Although the final rule language did not include all of our recommendations, we believe that the enhancements in the Final 50.69 Rule are sufficient to resolve the safety concerns raised in our Differing Professional Views.

With the elimination of special treatment requirements for SSCs categorized as having low individual risk significance under 10 CFR 50.69, licensees will have considerable flexibility in providing reasonable confidence that RISC-3 SSCs remain capable of performing their safety functions. As a result, effective implementation of the 50.69 rule will be essential in maintaining the health and safety of the public for those plants applying the rule. The staff implementation plan, as stated in the SECY paper, for sample inspections of the categorization and treatment processes at plants applying the rule to verify its effective implementation is particularly important in light of the decision to not prepare regulatory guidance for the treatment of plant SSCs under 10 CFR 50.69.

Thank you for the opportunity to provide an update of our views on 10 CFR 50.69.  
Tom Scarbrough  
John Fair  
David Fischer

**CC:** Brian Sheron; Christopher Grimes; David Fischer; David Terao; Donald Harrison; Gene Imbro; Isabelle Schoenfeld; Jim Dyer; John Fair; Richard Barrett; Thomas Bergman; Timothy Reed

F/114