



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, D. C. 20555

April 14, 1999

The Honorable Shirley Ann Jackson
Chairman
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Chairman Jackson:

SUBJECT: PROPOSED FINAL REVISION TO 10 CFR 50.65, "REQUIREMENTS FOR MONITORING THE EFFECTIVENESS OF MAINTENANCE AT NUCLEAR POWER PLANTS"

During the 461st meeting of the Advisory Committee on Reactor Safeguards, April 7-10, 1999, we completed our review of the proposed final revision to 10 CFR 50.65 and proposed revision 3 to Regulatory Guide 1.160, "Monitoring the Effectiveness of Maintenance at Nuclear Power Plants." During our review, we had the benefit of discussions with representatives of the NRC staff and the Nuclear Energy Institute (NEI). We also had the benefit of the documents referenced.

Conclusions and Recommendations:

1. We recommend that the staff proceed with the proposed revision to 10 CFR 50.65.
2. We recommend that the staff hold one or more workshops, as needed, for the licensees and regional staff to ensure consistency in implementing the requirements of the revised rule.
3. We support the staff's plan to issue the revised Regulatory Guide 1.160 for industry use before implementing the revised rule.

Discussion:

Both the staff and the industry agree that 10 CFR 50.65 needs to be revised to ensure that the safety assessments described in the current paragraph (a)(3) are recognized as requirements, that is, at a minimum "should" needs to be changed to "shall." The language in the new paragraph (a)(4) clarifies the obvious intent of the original rule.

We support the staff's position that the safety assessment should consider all components that are taken out of service at the same time. NEI has suggested that the scope of the revised rule be limited to high safety significant structures, systems, and components (SSCs), which are ranked using the guidance specified in NUMARC 93-01, "Industry Guideline for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants." It is not apparent that components

ranked as having low safety significance will continue to be of low safety significance under all the configurations that can occur when multiple components are simultaneously taken out of service. In the proposed revision 3 to Regulatory Guide 1.160, the staff provides guidance for assessing the safety significance of plant configurations that arise in the course of doing maintenance. The proposed rule and revision 3 to Regulatory Guide 1.160 are sufficiently flexible that the assessments can be performed without imposing excessive burden on the licensees.

The language in the revised rule expands the scope of the rule from monitoring or preventive maintenance activities to a wider range of maintenance activities. We support this change because there is no reason to require safety assessments for monitoring or preventive maintenance activities and not require such assessments for other types of planned maintenance activities. Expanding the scope of the rule to include such assessments is consistent with the original purpose of the rule.

The other substantive change to the rule is the addition of the introductory sentence clarifying that the rule applies during all conditions of plant operation, including normal shutdown operations. As we have stated on several occasions, we believe shutdown operations of nuclear power plants deserve increased regulatory attention.

The industry has requested guidance for implementing the requirements of the revised rule. It is essential that this guidance be developed with public input in advance of adopting the revised rule. We support the staff's proposal to issue this guidance 120 days before implementing the revised rule and to hold one or more workshops, as needed, for the licensees and regional staff to ensure consistency in the implementation of the revised rule.

The increasing use of on-line maintenance, if properly managed, can provide both cost reductions and improvements in safety. A better definition of the term "safety related" has been identified as a critical step in the development of a risk-informed 10 CFR Part 50. The potential multiplicity of configurations that result from on-line maintenance is one of the elements that must be considered in the development and use of such a definition.

Sincerely,



Dana A. Powers
Chairman

References:

1. Memorandum dated March 9, 1999, from Bruce A. Boger, NRR, to Addressees, transmitting Final Revision to 10 CFR 50.65 to Require Licensees to Perform Pre-Maintenance Assessments.

2. U. S. Nuclear Regulatory Commission, Proposed Revision 3 to Regulatory Guide 1.160, "Monitoring the Effectiveness of Maintenance at Nuclear Power Plants," dated March 5, 1999.
3. Letter dated December 14, 1998, from Anthony R. Pietrangelo, Nuclear Energy Institute, to John C. Hoyle, Secretary of the Commission, Subject: Industry Comments on Proposed Rulemaking to 10 CFR 50.65, Requirements for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants.
4. SECY-98-165, Memorandum dated July 2, 1998, from L. Joseph Callan, Executive Director for Operations, NRC, for the Commissioners, Subject: Proposed Revision to 10 CFR 50.65(a)(3) to Require Licensees to Perform Safety Assessments.
5. Memorandum dated September 3, 1998, from John C. Hoyle, Secretary of the Commission, to L. Joseph Callan, Executive Director for Operations, NRC, Subject: Staff Requirements - SECY-98-165 - Proposed Revision to 10 CFR 50.65(a)(3) to Require Licensees to Perform Safety Assessments.
6. Memorandum dated December 17, 1997, from John C. Hoyle, Secretary of the Commission, to L. Joseph Callan, Executive Director for Operations, NRC, and Karen D. Cyr, General Counsel, NRC, Subject: Staff Requirements: SECY-97-173 - Potential Revision to 10 CFR 50.65(a)(3) of the Maintenance Rule to Require Licensees to Perform Safety Assessments.
7. Letter dated January 22, 1999, from Ralph E. Beedle, Nuclear Energy Institute, to Shirley Ann Jackson, Chairman, NRC, regarding proposed revision to the maintenance rule and 10 CFR 50.59.
8. Nuclear Energy Institute, NUMARC 93-01, Revision 2, "Industry Guideline for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants," April 1996.
9. Letter dated November 25, 1998, from Joe F. Colvin, Nuclear Energy Institute, to Shirley A. Jackson, Chairman, NRC, regarding Stakeholder meeting on November 13, 1998.
10. Letter dated March 23, 1999, from Winston & Strawn to U. S. NRC Commissioners, regarding Proposed Revision to Maintenance Rule.
11. Letter dated March 17, 1999, from R. E. Beedle, Nuclear Energy Institute, to Shirley Ann Jackson, Chairman, NRC, regarding concerns on proposed revision to 10 CFR 50.65, the maintenance rule.
12. Report dated April 18, 1997, from R. L. Seale, Chairman, ACRS, to Shirley Ann Jackson, Chairman, NRC, Subject: Establishing a Benchmark on Risk During Low-Power and Shutdown Operations."
13. Report dated April 23, 1996, from T. S. Kress, Chairman, ACRS, to Shirley Ann Jackson, Chairman, NRC, Subject: Probabilistic Risk Assessment Framework, Pilot Applications, and Next Steps to Expand the Use of PRA in the Regulatory Decision-Making Process.

