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The Honorable Ivan Selin  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Chairman Selin:

SUBJECT: SECY-91-270, "INTERIM GUIDANCE ON STAFF IMPLEMENTATION OF  
THE COMMISSION'S SAFETY GOAL POLICY"

During the 380th meeting of the Advisory Committee on Reactor Safeguards, December 12-14, 1991, we considered SECY-91-270, "Interim Guidance on Staff Implementation of the Commission's Safety Goal Policy," dated August 27, 1991. Our Subcommittee on Safety Philosophy, Technology, and Criteria discussed this matter on December 5, 1991. During these meetings, we had the benefit of presentations by members of the NRC staff and of the documents referenced.

SECY-91-270 was prepared by the staff in response to a Staff Requirements Memorandum (SRM) of June 15, 1990 that directed the staff to establish a formal mechanism for ensuring that future regulatory initiatives are evaluated for conformity with the Commission's safety goals.

The ACRS has, in the past, provided extensive comments on implementation of the Safety Goal Policy (Reference 5). Many of the Committee's proposals have been endorsed by the Commission and were available to the staff in developing the procedure proposed in SECY-91-270.

The proposed procedure does not fulfill the Commission's wish for a mechanism to ensure that proposed regulatory initiatives will be tested against the safety goal. It does not incorporate the concept of thresholds defining "how safe is safe enough" which is the heart of the policy. The proposed procedure instead uses only some elements of the safety goal in a screening process to provide guidance in a determination of whether a proposal would provide "substantial additional protection" in the context of the Backfit Rule, 10 CFR 50.109. It then uses a cost-benefit analysis to decide whether implementation of a proposal is warranted. A cost-benefit test thus becomes, in effect, the safety goal. We believe that is not the intent of the Safety Goal Policy.

Although we believe regulations should be subject to cost-benefit considerations, we regard the safety goal as essentially doing that. Cost and benefit considerations were a part in the original determination of safety goal guidelines, e.g., the 0.1 percent health effect values. We might find an argument for lower-level application of cost-benefit analysis, as proposed in SECY-91-270, more persuasive if, in fact, real costs and real benefits were being evaluated. However, benefits quantified in the analysis tend to be dominated by a value ascribed to averted health effects,

typically \$1000 per person-rem. This value is every bit as arbitrary as the 0.1 percent health effect guidelines. In both instances, the values are intended to be broad surrogates for a number of deleterious offsite effects that could result from accidental releases of radioactive material. However, it is better to leave the cost-benefit considerations at the upper level of the safety goal hierarchy, in effect, to enter the swamp of cost-benefit analysis only once rather than time after time with each regulatory action.

As we have said many times before, we believe the Commission has shown outstanding leadership and vision in adopting the Safety Goal Policy. Practical means for implementing the Policy are needed. Delays have already been too long. We regret that our disagreement with the approach proposed by the staff may cause further delay. We are giving consideration to developing an alternative implementation plan within the next few months that will be agreeable to all.

We note that the proposed procedure is only looking forward; it is intended for application to new regulatory initiatives. In an earlier report, we recommended that a plan be developed for review of the existing body of regulations and regulatory activities against the Safety Goal Policy. We recognize this will be a difficult undertaking. A means to focus resources will be most critical. We understand such an effort is under way within the staff, and we look forward to an opportunity to review any proposal when that is appropriate.

Sincerely,

David A. Ward  
Chairman

References:

1. SECY-91-270 dated August 27, 1991, for the Commissioners from James M. Taylor, NRC Executive Director for Operations, Subject: Interim Guidance on Staff Implementation of the Commission's Safety Goal Policy
2. Staff Requirements Memorandum dated June 15, 1990, for James M. Taylor, Executive Director for Operations, from Samuel J. Chilk, Secretary, Subject: SECY-89-102 - Implementation of the Safety Goals
3. SECY-89-102 dated March 30, 1989, for the Commissioners from Victor Stello, NRC, Executive Director for Operations, Subject: Implementation of Safety Goal Policy
4. Memorandum dated November 16, 1990 for Carlyle Michelson, Chairman, ACRS, from James M. Taylor, NRC, Executive Director for Operations, Subject: Update on Staff Activities for Safety Goal Implementation
5. Reports by the Advisory Committee on Reactor Safeguards on Implementation of the Safety Goal Policy:
  - (a) Implementation of the Safety Goal Policy dated 9/11/90
  - (b) The Relationship of the Quantitative Safety Goal to the

- Concept of Adequate Protection dated 11/20/89
- (c) Comments on the Safety Goal Policy and Its Relationship to the Concept of Adequate Protection dated 10/11/89
- (d) Further Comments on Implementation of the Safety Goal Policy dated 2/16/89
- (e) Program to Implement the Safety Goal Policy - ACRS Comments dated 4/12/88
- (f) ACRS Comments on an Implementation Plan for the Safety Goal Policy dated 5/13/87
- (g) Application of NRC Safety Goals in Licensing Issues dated 11/10/86