

D900912

The Honorable Kenneth M. Carr  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Chairman Carr:

SUBJECT: REEVALUATION OF THE SALP PROGRAM

During the 365th meeting of the Advisory Committee on Reactor Safeguards, September 6-7, 1990, we continued our deliberations on the SALP program. We were previously briefed during our 363rd meeting, July 12-13, 1990, by representatives of the staff concerning its reevaluation of the SALP program as described in SECY-90-189 dated May 25, 1990. We have also reviewed the staff requirements memorandum (SRM) dated August 10, 1990, related to SECY-90-189. In addition, we have reviewed the staff's Draft NUREG-1395, Industry Perceptions of the Impact of the U.S. Nuclear Regulatory Commission on Nuclear Plant Activities, dated March 1990, and the Survey of Staff Insights on Regulatory Impact (SECY-90-250) dated July 16, 1990. Finally, we discussed a letter dated September 4, 1990, that the Committee received from NUMARC on the subject of SALP and regulatory impact (copy attached).

In our letter to you dated December 21, 1989, which was based on a briefing from the NRC staff on the SALP program during our December 1989 meeting, we commented that this increasingly important element of the regulatory process was "out of control." We asked you to consider "... suspension of the program and issuance of no new SALP ratings until enough reform measures are instituted to lend credibility to the process." We recommended that you "... make a clear statement of the purpose of SALP ratings, insist that your staff implement that purpose and no other, insist that the staff not use the [SALP] ratings as weapons to enforce obedience to idiosyncratic policies that are not yours, greatly dilute the Regional autarchy in the process, and institute a workable set of checks and balances." (This latter point was further expanded in our letter of February 15, 1990, to you on the subject of Coherence in the Regulatory Process.) In your letter of February 2, 1990, you advised us that you planned no immediate action, as recommended by us, on the SALP program until the staff had completed its reevaluation.

On the basis of our review of the staff's reevaluation of the SALP program, as described in SECY-90-189 and as modified by the August 10, 1990 SRM, we have concluded that the recommended programmatic changes are appropriate and generally consistent with the objectives that have been defined for the program. However, we do not believe that these changes go far enough. We had expected that SECY-90-189 would address the issues raised in our letter of December 21, 1989, and this is clearly not the case.

The staff is planning to issue a paper in September on those changes in the regulatory program that it believes are suggested by the recent regulatory impact surveys. That would provide an excellent vehicle for the incorporation of changes designed to respond to the recommendations on the SALP program that we made in our letter to you. We urge you to make sure they do so.

We plan to meet with the staff in order to evaluate its proposed regulatory reforms including reforms to the SALP program that may go beyond SECY-90-189. We believe that such changes are needed in the interest of improving the overall coherence of the agency's regulatory process. This view appears to be strongly supported by the regulatory impact surveys of both licensees and staff members.

Additional comments by ACRS member Carlyle Michelson are presented below.

Sincerely,

Carlyle Michelson  
Chairman

Attachment:

Letter dated September 4, 1990 from Joe F. Colvin,  
NUMARC, to Harold W. Lewis, ACRS, w/attachments

Additional Remarks by ACRS Member Carlyle Michelson

It is my view that the staff's reevaluation of the SALP program, as described in SECY-90-189 and as modified by the Commission SRM, adequately addresses the SALP program issue. Thus far, it is not clear that any other changes in the program are needed. I agree that the staff should be instructed to respond to our recommendations on the SALP program in its planned September 1990 SECY paper.