

NOTATION VOTE:

1/15/92

date

initials

RESPONSE SHEET

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER CURTISS

SUBJECT: SECY-91-172 - REGULATORY IMPACT SURVEY
REPORT - FINAL

APPROVED ^x w/comments DISAPPROVED _____ ABSTAIN _____

NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

See attached comments.

James R. Utin
SIGNATURE

November 29, 1991

DATE

RELEASE VOTE

WITHHOLD VOTE

ENTERED ON "AS" YES No _____

Commissioner Curtiss' comments on SECY-91-172:

I agree with the course of action outlined by the staff in SECY-91-172, subject to the following additional comments:

- 1) I concur with the ACRS' general observation on the need for feedback to the Commission concerning the implementation and effectiveness of these initiatives. Accordingly, I would propose that we direct the staff to update the Commission annually on the status of implementation of each of the initiatives described in Enclosures 1 through 5 of the subject SECY paper.
- 2) In view of recent commentary on the issue of averted on-site costs (see EPRI/NSAC Report NSAC-143, transmitted to the Commission on March 27, 1991), I believe that the Commission should revisit this issue and, after a thorough assessment of the arguments for how averted on-site costs should be treated in backfit analyses and the Regulatory Analysis Guidelines, determine whether the Commission's earlier action in this regard resolved this issue in an appropriate manner.¹ Accordingly, I would propose that we direct the staff, in the context of their ongoing effort to modify the Regulatory Analysis Guidelines, to evaluate the various arguments for how averted on-site costs should be treated in cost-benefit analyses, including the arguments set forth in EPRI/NSAC Report NSAC-143. The proposed revisions to the Regulatory Analysis Guidelines, including a thorough discussion of the issue of averted on-site costs, should then be submitted to the Commission for review and approval.
- 3) I believe that further attention on the issue of generic communications is in order. Specifically, I believe two steps are warranted:
 - (i) When the staff issues a generic communication in which a new applicable regulatory staff position is articulated (as opposed to simply disseminating knowledge gained from operational experience), the Commission should be apprised of such generic communications prior to their issuance (e.g. via an information paper), unless the issue is of such urgency that the generic communication must be issued immediately. In advising the Commission of

¹ In a Staff Requirements Memorandum dated June 15, 1990, the Commission addressed the issue of averted on-site costs in the context of addressing the safety goal implementation plan, but because the issue of averted on-site costs was not central to the issues addressed in SECY-89-102, I do not believe that the matter received the careful attention that it deserved.

the action to be taken, staff should summarize the safety issue to be addressed, the basis for the new applicable regulatory staff position, and the rationale for addressing the issue via a generic letter rather than through a rulemaking or individual orders.

- (ii) In view of the fact that generic communications, unlike notice and comment rulemaking, do not normally provide a formal opportunity for public comment, I believe that greater efforts should be undertaken to solicit the views of interested members of the public during the development of those generic communications that articulate a new applicable regulatory staff position. Where this has been done in the past, the result has been an improved final product (e.g., the generic letter on Individual Plant Evaluations). Accordingly, I would propose that the staff be directed to submit to the Commission a paper outlining the steps that could be taken to enhance the degree of public input in the preparation of generic communications that articulate new applicable regulatory positions.
- 4) I believe that further evaluation of the issue of region-to-region variation in the SALP process is warranted. This matter was highlighted in SECY-90-080, "Draft Regulatory Impact Survey Report", as a prevailing licensee concern, but was not addressed in either that paper or the subject SECY paper. Accordingly, I would propose that the staff be directed to undertake an assessment of the SALP process from region to region, focusing on the consistency of the standards employed for assigning grades in each of the functional areas, as well as on the grades themselves, and report back to the Commission on -- (i) the extent of variability in SALP grades from region to region; and (ii) whether any such variability is due to a lack of uniformity among the Regions in implementing the SALP process, or simply the result of differences in the levels of performance from plant to plant and region to region.

Finally, I would like to review the Policy Statement on Integrated Schedules, before it is published in final form.