

CT-2086

PDR 3/25/94

cc: Dean Houston

7/7/93

To: Hal Lewis, Chairman RP&P subcommittee
From: Dave Ward, ACRS consultant

Dave Ward
Comments on subcommittee meeting of July 7:
Frank Gillespie's team has done an excellent job in proposing new administrative avenues and flexibility to permit [and maybe even encourage] licensees and the Staff to eliminate unnecessary regulatory burden on licensees. As I understand the purpose, it is to help NRC do its job more effectively. That job is to a) adequately protect the health and safety of the public from the hazards of nuclear power while, b) permitting the benefits of nuclear power to flow, with reasonable efficiency, to that same public. Too often NRC staff thinks its job is only part a).

I have a few comments on what the staff proposes:

- A major change in perspective is going to be required of the NRC working staff. This is going to take training [as Bob Seale suggested], institutional change [will there be a new division in NRR?] and a big attitudinal change [a cultural change, as NRC has called it when driving licensees to better performance through change in perspective]. This latter will require training and education as Bob Seale suggested, but also ongoing leadership from the Commission and NRC management [and perhaps even from ACRS!].
- The issue of whether the standard for assessing acceptability of change should be "status quo" or "safety goal" is important. For one reason because it is because it is an important part of the attitudinal or cultural change I mentioned above.

Gillespie proposes permitting, and provides mechanisms for, a licensee to swap "safety capital" from one system to another or from one set of practices to another to save on its O&M costs, so long as there is no net loss of safety performance at the plant. And he even gives voice to an expectation that there might be [and perhaps, the sweetener that the NRC will be especially agreeable if there is] some net safety gain resulting from the swap.

I think there is no reason to insist that the absolute status quo be maintained. The Commission has set its safety goal as a standard, precisely for this sort of thing. OK, so its hard to do. So will it be

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difficult to ensure the status quo is maintained. I guess I am getting tired of hearing the staff whine about how hard it is to implement the safety goal policy. Get some new people or give the job to a national lab or a contractor if the staff is too hidebound to get on with it.

- There seems to be a great deal of muddled use of the terms *performance-based* regulation and *risk-based* regulation. The staff should define what it means by these terms; it will get harder and harder to do this if they delay. Witness past failures to make definitions: safety grade, important-to-safety, core melt, core-on-the-floor, outlier, etc.

To me, it seems clear that the philosophy of regulation has always been risk-based, that is -- intended to control risk. In 1953 the risk was not well articulated and the risk basis was highly implicit. As we've learned more, we've gotten a better understanding of risk and we have tried to be more explicit. In 1953 the implementing surrogates for the risk philosophy were largely deterministic, although design-basis accidents were used and I'm not sure they can really be called deterministic. Maybe so. As we learned more we have gradually become more explicit about the use of "performance" surrogates for controlling the risks we are concerned about. These performance measures are, and must be, in terms of both reliability and capacity. However, I must say that the experience with defining a practical reliability surrogate for very high reliability systems has not been good.