



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

OFFICE OF THE
COMMISSIONER

May 10, 1994

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

FROM: *Forrest J. Remick*
Forrest J. Remick

SUBJECT: SECY-94-084 - POLICY AND TECHNICAL ISSUES
ASSOCIATED WITH THE REGULATORY TREATMENT OF
NON-SAFETY SYSTEMS IN PASSIVE PLANT DESIGNS

I recently met with the staff to discuss their O-RAP recommendations. During that meeting, we focused our discussion on NRC regulatory authority over design and procurement activities of non-safety systems commensurate with their safety significance. The staff indicated that NUMARC (NEI) was considering changing its guidance for implementation of the maintenance rule to include design and procurement of non-safety systems, commensurate with their safety significance. The staff indicated that such modifications may resolve many of their concerns for the COL period following fuel load.

On page 20, the staff states: "The staff would verify implementation of the RAP plan with inspections and audits during detailed design, procurement, fabrication, construction, and testing prior to fuel load and would continue to inspect and audit implementation of the reliability assurance program for the duration of the license."

I agree that we need assurance that non-safety systems will be handled, commensurate with their safety significance. These systems will be identified in the D-RAP and in the staff's FDA. However, it is not clear to me what specifically is being proposed for Commission consideration in the O-RAP and what assurance is there that this would not duplicate existing regulatory required programs (e.g. 10 CFR 50, Appendix B, Maintenance, etc.).

For example, I would like the staff to advise as to whether the non-safety systems requiring regulatory treatment commensurate with their safety significance, as identified in the staff's FDA, will or could be covered by 10 CFR 50, Appendix B requirements during the COL period prior to fuel loading.

Further, given that the staff informed me that the SECY paper's discussion of the RAP program is no longer entirely current in light of proposed industry initiatives, I would appreciate clarification and an update of that section which specifically addresses what the staff is requesting the Commission to approve for D-RAP and O-RAP. I would also like to know if there are other options appropriate for accomplishing the staff's objectives.

cc: The Chairman
Commissioner Rogers
Commissioner de Planque
OGC
SECY