



No objection with comments.
See attached sheet

Shirley Ann Jackson
Shirley Ann Jackson 8/8/97

RULEMAKING ISSUE

(NEGATIVE CONSENT)

RELEASED TO THE PDR

1/30/98

date

initials

SECY-97-168

July 30, 1997

FOR: The Commissioners

FROM: L. Joseph Callan
Executive Director for Operations

SUBJECT: ISSUANCE FOR PUBLIC COMMENT OF PROPOSED RULEMAKING PACKAGE
FOR SHUTDOWN AND FUEL STORAGE POOL OPERATION

PURPOSE:

This paper informs the Commission of the staff's intent to re-issue for public comment a proposed rulemaking package addressing shutdown and fuel storage pool operations at nuclear power plants.

BACKGROUND:

In SECY-94-176, the staff sought Commission approval to issue for public comment a proposed rule for shutdown and low-power operation at nuclear power plants. The Commission approved the request in the staff requirements memorandum dated September 12, 1994, and the proposed rule was published in the *Federal Register* in October 1994. The numerous comments received were considered along with Commission guidance regarding the use of a risk-informed, performance-based approach for new regulations. As a result, the staff made significant changes to the proposed rule and regulatory analysis. In addition, the staff's studies of spent fuel storage pool operations led to a decision to encompass spent fuel storage pool operations in the revised rule. Therefore, the staff intends to again issue the rulemaking package for public comment.

DISCUSSION:

The staff's revised regulatory analysis considered important safety functions and the controls currently in place to ensure these functions. For low-power operation, hot shutdown, and the transition period from hot to cold shutdown, the revised analysis concludes that for these periods important safety functions are protected by existing requirements in standard technical specifications. Accordingly, the revised proposed rule no longer addresses these modes.

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SECY NOTE: TO BE MADE PUBLICLY
AVAILABLE AT COMMISSION MEETING ON
AUGUST 6, 1997

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L-4-1 P150
Shutdown
x - L-4-1 proposed
rulemaking

Comments on SECY 97-168

I do not object to the issuance of the proposed rulemaking package for shutdown and fuel storage pool operation for public comment. In addition, the staff should review the extent to which other nuclear plant activities exist where voluntary licensee action is relied upon, and where some regulatory action may be warranted to ensure that the current level of safety is maintained. The staff should ensure that the public comments and any additional ACRS comments are properly addressed. The staff should also provide the commission an assessment of public comments, along with additional changes to the rule based on the public and ACRS comments.

In addition, when the proposed rulemaking for shutdown and fuel storage pool operation is issued for public comment, the staff should evaluate modifying the Federal Register notice to solicit comments from the public on the applicability of, and desire for, a revised fire protection rule for power operations that would be constructed with a format similar to the shutdown rule.