

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER DIAZ
SUBJECT: SECY-99-191- MODIFICATIONS TO THE SAFETY GOAL
POLICY STATEMENT

Approved _____ Disapproved XX *[Signature]* Abstain _____
Not Participating _____

COMMENTS:

See attached comments.

[Signature]

SIGNATURE

9/9 /99

DATE

Entered on "AS" Yes X No _____

COMMISSIONER DIAZ' COMMENTS ON SECY-99-191

I commend the staff for its thoughtful effort in addressing this matter, and for its responsiveness to the Commission's direction in this regard.

The Commission has been well-served over the years by its current philosophical approach to "reasonable assurance" of adequate protection of public health, safety, and the environment. This approach presumes that compliance with the Commission's regulations provides adequate protection, but normally permits continued operation in the case of noncompliance unless the noncompliance creates undue risk to public health and safety. Nonetheless, the Commission should strive, as many voices urge, for greater definition and clarity in its approach. However, precise definition -- particularly quantitative precision -- is beyond present capabilities. What the Commission can do now is to bolster and clarify how it makes its findings of reasonable assurance. The Commission should enhance and verify the bases and premises for its determinations as new methodologies and technology permit. This process not only improves the Commission's specific findings but leads to more refined description of the meaning of "reasonable assurance" of adequate protection.

Currently, we have underway many activities that are strengthening the framework to enable us to clarify our determinations of reasonable assurance of adequate protection of public health and safety. These efforts include the continued development and implementation of the new oversight process for nuclear power plants, the revised 50.59, the revised Maintenance Rule, making 10 CFR Part 50 risk-informed, and revising Part 35 and 70. Moreover, the expanded implementation of risk-informed methods in nuclear power plants (e.g., IST, ISI, TS, etc.) and materials applications (e.g., ISAs) should provide us with additional experience. As they mature, these risk-informed activities, supported by both our robust defense-in-depth approaches and deterministic processes, will better equip us to define the overarching principles.

I believe that it is premature to develop a set of overarching safety principles, and therefore, disapprove the staff's recommendation to conduct the proposed feasibility study. In making this decision, I have also considered that, during the September 7, 1999, Commission briefing on the PRA Implementation Plan, the staff indicated that the overarching safety principles would now have little effect on the reactor aspects of risk-informed regulation and that it appears early for using it in the materials area. I recommend that we wait until experience is gained from the current changes to our regulatory structure so that we can build on a robust foundation. This approach should build on our experience with operational safety, deterministic analysis, and risk-informed methods. Instead of using a top-down approach to develop the overarching safety principles and define adequate protection, we should use a bottom-up approach. The staff should still provide a recommendation to the Commission, by March 30, 2000, on whether to modify the current Safety Goal Policy Statement.

