

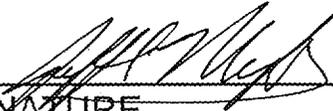
NOTATION VOTE

RESPONSE SHEET

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

Approved \_\_\_\_\_ Disapproved  Abstain \_\_\_\_\_  
Not Participating \_\_\_\_\_

COMMENTS: *See attached comments.*

  
\_\_\_\_\_  
SIGNATURE

*9/30/99*  
\_\_\_\_\_  
DATE

Entered on "AS" Yes  No \_\_\_\_\_

**COMMISSIONER MERRIFIELD'S COMMENTS ON SECY-99-191**

I commend the staff for their efforts associated with SECY-99-191; however, I do not support the staff's recommendations presented in the paper.

As the staff has pointed out, the concept of adequate protection has multiple attributes and both legal and technical considerations. I agree with Commissioner Diaz that developing a precise definition of adequate protection is beyond our present capabilities and endorse his "bottom-up" approach to eventually defining it. That should not preclude us from striving to further enhance the clarity and discipline associated with how findings of "reasonable assurance of adequate protection" are made. The agency has many initiatives underway, including initiatives to risk-inform our regulations, which should enhance the staff's ability to bring greater clarity and discipline to the process of making findings of reasonable assurance. Insights gained from these initiatives should be used to improve staff training associated with making such findings and more clearly and consistently communicating the bases for these findings to agency stakeholders.

Based on my review of SECY-99-191, the ACRS' April 19, 1999 letter on revising the safety goal policy statement, and statements made by the staff during the September 7, 1999 Commission meeting on the PRA Implementation Plan, I disapprove the staff's recommendation to proceed with a study of the feasibility of developing overarching safety principles. I believe that the staff's proposal to develop overarching safety principles would inappropriately divert NRC resources and focus away from more important activities, would be of little benefit to our ongoing efforts in the area of risk-informing reactor regulation, and would be premature for use in the materials area.

Finally, I note that part of the staff's basis for delaying its recommendation regarding the need to modify the current Safety Goal Policy Statement by 8 months was "the need to ensure coordination and consistency with the feasibility study on overarching safety principles". Should the Commission disapprove the staff's recommendation associated with pursuing the feasibility study, the staff should provide the Commission with a more aggressive schedule than that currently provided in SECY-99-191 (due date: March 30, 2000).

  
9/30/99