

February 16, 1999

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-001

TITLE: PROPOSED GUIDANCE FOR UPDATED FINAL SAFETY ANALYSIS REPORTS IN ACCORDANCE WITH 10 CFR 50.71(e)

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of February 16, 1999.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commissioners, and the SRM of February 16, 1999.

Annette Vietti-Cook
Secretary of the Commission

Attachments: 1. Voting Summary
2. Commissioner Vote Sheets
3. Final SRM

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
EDO
PDR
DCS

VOTING SUMMARY - SECY-99-001

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. JACKSON	X				X	1/29/99
COMR. DICUS	X					1/20/99
COMR. DIAZ	X					1/27/99
COMR. McGAFFIGAN	X				X	1/13/99
COMR. MERRIFIELD	X				X	1/13/99

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and some provided additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on February 16, 1999.

Commissioner Comments on SECY-99-001

Chairman Jackson's Comments on SECY-99-001

1. I approve issuance of DG-1083, "Content of the Updated Final Safety Analysis Report in Accordance with 10 CFR 50.71(e)." The staff and industry should be commended on the progress they have made in this controversial area.
2. In applying NEI 98-03, the definition of "UFSAR description" should be as follows:

UFSAR description includes text, table, diagrams, etc., that provide an understanding of the **facility**, design bases, safety analyses and facility operation ~~under~~ **during all** conditions of ~~normal~~ **plant** operation including **normal shutdown operations**, anticipated operational occurrences, design basis accidents, external events, and natural phenomena for which the plant is designed to function.

Use of this definition is necessary to be consistent with 50.34(b) and the proposed revision to the Maintenance Rule.

3. I have long been an advocate of risk-informing our regulations. Recent staff and industry initiatives have begun to lay the foundation for risk-informing our licensing, inspection, assessment, and enforcement programs. I commend the staff for identifying in SECY-99-001 the potential issue associated with retention of information, in the Updated Final Safety Analysis Report (UFSAR), associated with risk-significant structures, systems, and components (SSCs). The staff indicates that the industry's voluntary guidance in NEI 98-03 could be interpreted to allow the removal of all information that is not specifically required to be incorporated into a UFSAR, regardless of whether that information is associated with risk-significant SSCs. The staff has attempted to limit this potential adverse impact through incorporation of the following language in NEI 98-03:

It is the intent of this guideline to help licensees remove unimportant information from UFSARs such as excessive detail, obsolete, or redundant information. This guideline is not intended to be used to remove information from UFSARs regarding SSCs that insights from operating experience or probabilistic risk assessments would indicate are risk significant.

However, the staff notes in SECY-99-001 that this limitation is voluntary; i.e., a licensee that chooses to take out this information regarding risk-significant SSCs would be free to do so, absent an order or other legally binding requirement (e.g., a rule) by the Commission to the licensee directing the licensee not to remove the information. The staff states that such an order or other legally binding requirement would have to be based on a finding that removal of such information (and by implication the SSCs described) would bear on reasonable assurance of adequate protection. I believe that this constitutes too high a threshold to be of much practical utility in ensuring risk-information is not removed from the Updated FSAR. Allowing the potential for removal of risk-significant information from the Updated FSAR (and by implication the SSCs described) is not consistent with our vision for properly risk-informing our regulations and programs. Therefore, the staff should carefully monitor the implementation of this voluntary commitment and consider the need to codify criteria in 50.71(e) for retention of such risk-significant information.

The staff has indicated that this issue can be resolved prior to publication of the final regulatory guide. The staff should consider providing specific examples in the regulatory guide of: (1) information that could be deleted from the UFSAR with due consideration of the original FSAR requirement (50.34(b)) to provide information "that describes the facility" and (2) information that should not be deleted from the UFSAR based on its importance to risk.

4. Section 6.1.1 of NEI 98-03 discusses updating of the FSAR to reflect changes to the facility resulting from new or amended requirements, including plant-specific orders. The staff should provide additional guidance in the Regulatory Guide on the disposition of plant-specific orders that require changes in facility administrative controls (e.g., Millstone Orders on the ICAVP and independent oversight of the SCWE/ECP), but do not require specific facility changes or changes to the safety analysis. For example, could these plant-specific orders be interpreted as a modification to the "Managerial and administrative controls to be used to assure safe operations" as discussed in 50.34(b)(6) and, as such, require updating of the final safety analysis report?
5. Sections 6.1.2 and 6.1.3 of NEI 98-03 discusses updating of the FSAR to reflect changes to the facility or procedures, and analyses of new safety issues. The staff should provide additional guidance in the Regulatory Guide on the disposition of risk-significant changes to the facility and procedures that go

"beyond the design basis" of the plant. For example, probabilistic risk considerations led licensees to modify their facilities and procedures in response to NRC Generic Letters, including:

- [Generic Letter 89-16](#) "Installation of a Hardened Wetwell Vent": Licensees for Mark I containments installed hardened vents under the provisions of 50.59.
- [Generic Letter 88-17](#) "Loss of Decay Heat Removal": PWR licensees committed to procedural and plant enhancement to prevent and mitigate the consequences of core damage during mid-loop operations.

6. Given the extent of public interactions that have occurred in the development of the proposed draft regulatory guide and the apparent lack of significant remaining issues, the staff should consider limiting the public comment period to 45 days. This would allow issuance of the final regulatory guide by September 1999, after due consideration of public comments. In addition, the staff should inform the Commission on the resolution of public comments received prior to issuance of the final regulatory guide.

Commissioner McGaffigan's Comments on SECY-99-001

I commend the staff and the NEI task force for their work.

Commissioner Merrifield's Comments on SECY-99-001

I commend the staff for its efforts on this difficult matter. This is a good example of how the NRC's regulatory processes can benefit from the insights of our stakeholders. I encourage the staff to continue seeking stakeholder insights on other regulatory improvement initiatives.