NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Chairman Gregory B. Jaczko

SUBJECT: SECY-10-0121 – MODIFYING THE RISK-INFORMED REGULATORY GUIDANCE FOR NEW REACTORS

Approved in Part __X__ Disapproved in Part __X__ Abstain ____

Not Participating _____

COMMENTS: Below ___ Attached _X__ None ___

SIGNATURE

11/1/10

DATE

Entered on "STARS" Yes _X__ No ___

Chairman Jaczko's Comments on SECY-10-0121,
"Modifying the Risk-Informed Regulatory Guidance for New Reactors"

I approve in part and disapprove in part option 2 for the staff to identify and implement appropriate changes to the existing risk-informed guidance and processes. The staff should:

- Conduct a comprehensive assessment of all risk-informed guidance and processes to ensure that the guidance and processes when applied holistically to new large light water reactors ensure that the Commission's policies identified in SECY-10-0121 are fully met,
- Identify specific changes to the guidance for risk-informed licensing-basis changes that would prevent a significant decrease in the new reactor's level of safety over its life, and
- Identify specific changes to the risk-informed guidance for the Reactor Oversight Process to provide for meaningful regulatory oversight.

This assessment should be completed within one year. Prior to implementing any changes, the staff should inform the Commission of the changes that need to be made and request Commission approval for any proposed change to current Commission's policies or regulations.

My understanding of the staff's intent under option 2 is to ensure that risk-informed guidance and practices when applied to new reactors:

- Preserve sufficient safety margins and enhanced safety of new reactors,
- Preserve the ability to identify adverse trends in operations and safety, so effective and early actions can be taken to correct those trends, and
- Preserve the use of risk-information as a relevant tool in regulatory decision making.

I fully support that intent and commend the staff for seeking to proactively ensure that the application of risk-informed regulatory decision making to new large light water reactors is predictable and well communicated to all of our stakeholders. Ever since Commission's direction in SRM COMJSM-00-003, the early identification of regulatory issues and potential process improvements has been a strength of the NRC's new reactor activities. The current guidance and process were developed, in part, around an understanding of the baseline risk metric estimates for operating reactors. Because the current baselines risk metric estimates are orders of magnitude lower than the baseline risk metrics of operating reactors, there is a chance that all aspects of the current risk-informed guidance may not be suitable for new reactors.

As the staff conducts its assessment, I would encourage the staff to keep in mind that the Commission's safety goals are inherently relative to other societal risks, and the risk from the operation of nuclear reactors needs to be considered in the context of other societal risks. The safety goals may not need to change, but other societal risk may have decreased because safety improvements in non-nuclear industries. Therefore, it may be appropriate to change the surrogates for the safety goals, because of decreases in societal risks without the need to change the safety goals themselves.

Gregory B. Jaczko 11/1/10
Date