

## ADDITIONAL COMMENTS FROM COMMISSIONER DIAZ ON SECY-98-300

I am supplementing my vote of February 8, 1999, on the Maintenance Rule rulemaking activities. Since issuance of SECY-98-300 (December, 1998), additional significant information<sup>(1)</sup> has been received from the staff, stakeholders, and from individual Commissioner's deliberations. This information has added focus and definition to the SRM for SECY-97-173 (December, 1997), and SECY-98-300.

The scope of the assessment requirement proposed under paragraph 50.65(a)(4) needs to be restricted to risk-significant structures, systems or components (SSCs). An unbound scope would not be compatible with our on-going risk-informed oversight and other activities. It would divert licensee and NRC resources to areas with little risk-significance and could actually be deleterious to the protection of public health and safety.

Therefore, I approve continuation of the expeditious revision of 50.65 (a)(3)/(a)(4), if and only if:

- the requisite ("should" to "shall") assessment of plant configurations is restricted to risk-significant structures, systems or components; and
- the requisite assessment of plant configurations is conducted using the methods stated in the SRM for SECY-97-173 <sup>(2)</sup>. The assessment should be performed "commensurate with complexity of the maintenance configuration."<sup>(3)</sup>

If the conditions provided above are not adopted, I cannot support the proposed configuration assessment requirement to be effected by changing "should" to "shall".

Regarding the scope of the rule, I approve changing the existing scope of 50.65 to conform to the risk-informed regulatory framework advocated by the Commission. In the near term, the staff should develop a rulemaking plan to risk-inform the scope of the Maintenance Rule on an aggressive schedule. This rulemaking should be a priority activity and should give due consideration of the Commission objectives and policies, including those recently reaffirmed in testimony to the U.S. Senate. The proposed rulemaking plan should be submitted to the Commission no later than September 15, 1999.

All other statements in my vote of February 8, 1999 remain unchanged.

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1. For example, I refer to the Commission briefing on January 11, 1999, and to the presentations to the ACRS on April 8, 1999.

2. "...[T]here can be several inputs to the determination of risk significance of plant configurations, including PRA, deterministic analysis, considerations of defense in depth, and qualitative measures."

3. Staff presentation to the ACRS on April 8, 1999.