

December 17, 1997

MEMORANDUM FOR: L. Joseph Callan
Executive Director for Operations

Karen D. Cyr
General Counsel

FROM: John C. Hoyle, Secretary /s/

SUBJECT: STAFF REQUIREMENTS: SECY-97-173 - POTENTIAL REVISION TO 10 CFR 50.65(a)(3)
OF THE MAINTENANCE RULE TO REQUIRE LICENSEES TO PERFORM SAFETY
ASSESSMENTS

The Commission approved the staff's recommendation to develop a proposed rulemaking to revise the maintenance rule to require that safety assessments be taken into account prior to performing maintenance activities, subject to the following comments:

1. Although all three alternatives, including not changing the rule, should be considered as part of the regulatory analysis for proposed rulemaking, extended or protracted regulatory analysis of Alternative 1 is unnecessary.
2. In addition to the change from "should" to "shall" in section 50.65(a)(3) as proposed by the staff in Alternative 2, the proposed rule should also incorporate the following changes that are consistent with NRC Regulatory Guide 1.160, Revision 2, and NUMARC 93-01 , Revision 2. The staff may suggest alternative wording for Commission consideration as part of the proposed rulemaking package, if the following rule language is problematic:
 - a. Since the requirements of the maintenance rule, including the assessment of structures, systems, and components proposed to be removed from service, are applicable during all modes of plant operation, the following clarification should be added as a preamble to the maintenance rule:
The requirements of this section are applicable during all conditions of plant operation, including normal shutdown operations.
 - b. Revise the third sentence of (a)(3) to read as follows:
Adjustments shall be made where necessary to ensure that the objective of preventing failures of structures, systems, and components through maintenance is appropriately balanced against the objective of minimizing unavailability of structures, systems, and components due to monitoring or preventive maintenance.
 - c. The final sentence of section 50.65 (a)(3) should be redesignated as (a)(4) and revised as follows:
Prior to performing maintenance activities on SSCs within the scope of this section (including, but not limited to, surveillance testing, post-maintenance testing, corrective maintenance, performance/condition monitoring, and preventive maintenance), an assessment of the current plant configuration as well as expected changes to plant configuration that will result from the proposed maintenance activities shall be conducted to determine the overall effect on performance of safety functions. The results of this assessment shall be used to ensure that the plant is not placed in risk-significant configurations.
3. Since the changes to the maintenance rule are part of a larger set of initiatives, including, but not limited to, changes to 10 CFR 50.59 and the integrated review of the NRC assessment process for commercial reactors, the staff should ensure consistency among these efforts.

(EDO) (SECY suspense: 4/30/98)
4. In the limited regulatory analysis discussion of Alternative 3, staff should briefly consider how this alternative might be pursued. One disadvantage of Alternative 2 is that licensees could theoretically use technically inferior methods for conducting safety assessments and could theoretically perform maintenance in configurations involving risk levels that may be imprudent, yet still argue that they are in compliance with the requirements of the revised maintenance rule to take into account safety

assessments prior to performing maintenance.

(EDO)

(SECY Suspense: 4/30/98)

To address this issue, the Commission would consider, as part of a future separate rulemaking, a staff proposal to incorporate by reference updates to [NUMARC 93-01](#) , Revision 2, and NRC Regulatory Guide 1.160, Revision 2, which emerge from the activities described in item 5.

5. As part of the regulatory guidance for this proposed rulemaking, the staff should supplement and expand on the discussion that was provided in the statements of consideration for the original maintenance rule with regard to (1) variations in the rigor and sophistication of the assessments depending on the number and safety significance of SSCs out-of-service and (2) NRC's general expectations with regard to risk levels that the assessment should take into account to ensure a plant is not placed in risk-significant configurations during maintenance activities. This discussion should acknowledge that there 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. This discussion would be short of Alternative 3's comprehensive treatment of these issues in the rule itself and would not constitute binding regulatory requirements. In developing this guidance, the staff should also consider whether the Guidelines for Industry Actions to Assess Shutdown Management, NUMARC 91-06, as referenced in Section 11.2 of [NUMARC 93-01](#) , Revision 2, could be endorsed by the NRC. Consistent with the Commission's decision on DSI-13, the staff should interact with stakeholders in developing regulatory guidance. Development of regulatory guidance should not delay issuance of the proposed rule, and the Commission expects the final rule to be issued by December 15, 1998.

(EDO)

(SECY Suspense: 12/15/98)

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
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