

February 11, 1999

MEMORANDUM William D. Travers
TO: Executive Director for Operations
FROM: Annette L. Vietti-Cook, Secretary /s/
SUBJECT: STAFF REQUIREMENTS - SECY-98-132 - PLANS TO INCREASE PERFORMANCE-BASED APPROACHES IN REGULATORY ACTIVITIES

The Commission has approved the staff soliciting input from the industry and other stakeholders on the performance-based initiatives including those that are not amenable to Probabilistic Risk Analysis (PRA) in any forum the staff feels appropriate. The identification of candidates for performance-based regulatory activities should be the responsibility of all program offices instead of relying largely on the Office of Research.

(EDO)

(SECY Suspense: 5/31/99)

The NRC's understanding and maturity in applying performance-based regulation should be further developed by participating in pilot projects for performance-based regulation.

After the stakeholder meetings, the staff should provide the Commission with its plan for pursuing performance-based initiatives including those that are not amenable to PRA, prior to expending additional resources in this area. The staff should enhance this plan by incorporating experience from existing performance-based regulatory activities (e.g., Maintenance Rule, Appendix J to Part 50) and comments from the Commission and the ACRS, as well as DSI-13 meeting participants. The staff should consider providing more guidelines to identify candidate regulatory activities and to simplify the screening and reviewing process for selecting performance-based regulatory activities. The staff should ensure appropriate use and coordination of resources in the development of the plan.

The staff should consider looking for performance-based opportunities in new rulemakings. The NRC should routinely request comment on proposed rules as to whether there are elements of the rule that are unnecessarily prescriptive, and deal with those comments in adjusting the final rule, as appropriate. However, the Commission does not support modification of Management Directive 6.3 at this time to require evaluation of performance-based alternatives for all new rulemaking plans and regulatory analyses.

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
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