

January 22, 1999

MEMORANDUM FOR: William D. Travers
Executive Director for Operations

FROM: Annette Vietti-Cook, Secretary

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 9:25 A.M., WEDNESDAY, JANUARY 20,
1999, COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE,
MARYLAND (OPEN TO PUBLIC ATTENDANCE)

**I. SECY-98-279 PARTIAL GRANTING OF PETITION FOR RULEMAKING SUBMITTED BY THE
NUCLEAR ENERGY INSTITUTE.**

The Commission⁽¹⁾ approved a direct final rule amending 10 CFR 50.54(a) to permit power reactor licensees to make quality assurance (QA) program changes without obtaining NRC approval of these changes in advance. The rule allows licensees to make routine or administrative changes that should not have an adverse impact on the effectiveness of their QA programs. This action is intended to reduce the financial and administrative burden on power reactor licensees without adversely impacting public health and safety.

The following additions (in bold) should be made to the 50.54(a)(3) language:

1. "...Safety Analysis Report **without prior NRC approval**, provided the change does not reduce the commitments..."

2. "In addition to quality assurance program changes involving **administrative improvements and clarifications**, spelling corrections..."

With the addition of 50.54(a)(3)(ii), which allows licensees to use a QA alternative or exception approved by an NRC safety evaluation for another licensee, provided that the bases of the NRC approval are applicable to the licensee's facility, licensees may rely heavily on staff safety evaluations developed for other facilities when determining whether or not a change can be made to their plant specific QA programs without prior NRC approval. Therefore, the staff should strive to ensure all pertinent information regarding a proposed request and the bases for the staff's approval are clearly documented in its safety evaluations.

The Commission also approved publication of the companion proposed rule, and staff proposal to proceed with a second rulemaking that would develop a voluntary alternative to 10 CFR 50.54 (a) in concert with industry and other interested parties.

Following the issuance of the Direct Final Rule, the staff should consider an alternative to provide licensees greater flexibility to make changes in their Quality Assurance (QA) programs. As part of this initiative the staff should pursue a performance-based approach which provides increased flexibility for licensees to amend their QA programs without the need for prior staff review. In particular, the staff should look for opportunities to allow QA program changes where confirmation of continued adequate performance can be objectively measured.

Upon completion of the current effort to make the 50.59 process more risk-informed, consideration should be given to whether the revised 50.59 process could be used by licensees to change their QA programs

Following incorporation of the above changes, the Federal Register notices should be reviewed by the Rules Review and Directives Branch in the Office of Administration and forwarded to the Office of the Secretary for signature and publication.

(EDO)

(SECY Suspense: 2/22/99)

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
EDO
OGC
CIO
CFO
OCAA
OCA
OIG

OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR - Advance
DCS - P1-17

1. Section 201 of the Energy Reorganization Act, 42 U.S.C. Section 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner Diaz was not present when this item was affirmed. Accordingly the formal vote of the Commission was 4-0 in favor of the decision. Commissioner Diaz, however, had previously indicated that he would approve this paper and had he been present he would have affirmed his prior vote..