January 31, 2000

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Annette Vietti-Cook, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - SECY-99-256 - RULEMAKING PLAN FOR RISK-INFORMING SPECIAL TREATMENT REQUIREMENTS

The Commission has approved publication of the Advanced Notice of Proposed Rulemaking for risk-informing special treatment requirements and approved the rulemaking plan subject to the comments provided below.

(EDO) (SECY Suspense: 2/25/00)

The staff, with assistance from OGC, should revise the ANPR to specifically request public comment on the follow issues:

1. How to ensure that proposed section 50.69 is clear with respect to:

   a. identifying the SSC scope relevant to specific special treatment requirements (not just the regulation containing the special treatment requirement), and

   b. any additional requirements to be placed on those SSCs in RISC I or II and any functionality requirements to be placed on SSCs in RISC III.

2. The effect the new rule would have on terminology used by the staff, specifically with respect to the term "operability" as currently used in technical specifications' limiting conditions for operations (LCOs) and the concept of "functionality" as proposed for SSCs in RISC III.

3. Whether the design control and procurement requirements in Appendices A and B of Part 50 should apply to RISC II SSCs.

4. Whether Part 21 reporting requirements should be imposed upon vendors who supplied safety-related components to licensees who subsequently select the new regulatory approach. The staff should also seek public comment on the effect of the proposed rule change on the interpretation of the definition of basic component in section 223.b of the Atomic Energy Act.

5. The need to develop different Part 19 notices for those licensees implementing the new regulatory approach.

6. Whether any exemptions from Part 50, Appendix A (General Design Criteria) would be required by those licensees implementing the new regulatory approach and suggestions for means to build these exemptions into the rulemaking.

7. Whether more than two levels of safety significance is a better approach. Specifically, the benefit of the four-level safety significance ranking as used by the South Texas Project.

Commission briefings should be provided after the ANPR comment period, prior to granting the the STP exemption, after the proposed and final rules have been submitted to the Commission, and whenever staff identifies issues requiring Commission attention.

The Commission commends the staff for its thorough evaluation of the issues posed by this rulemaking activity.

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CIO
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
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