

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER DIAZ
SUBJECT: SECY-99-246 - PROPOSED GUIDELINES FOR APPLYING
RISK-INFORMED DECISIONMAKING IN LICENSE
AMENDMENT REVIEWS

Approved *wd* Disapproved *wd* Abstain _____
Not Participating _____

COMMENTS:

See attached comments. *wd*

[Signature]

SIGNATURE

11.29.99

DATE

Entered on "AS" Yes No _____

COMMISSIONER DIAZ' COMMENTS ON SECY-99-246

I agree with and approve the basic concepts the staff has laid out in SECY-99-246 for identifying and evaluating risk significant license amendment requests. The process for considering risk in staff reviews as described in SECY-99-246 appears to be based on sound logic and is consistent with the NRC policies regarding risk-informed regulatory activities. Under its statutory authority, the NRC should require licensees to submit additional risk information and risk assessment results, if, and only if, there is a "special circumstance" that leads the staff to believe that there is a potential significant risk associated with the licensee's request for a plant change or a license amendment. In such a case, the staff has the burden of proof of a potential significant risk associated with the licensee's request.

However, the process described by the staff needs further definition to make it effective and "implementable." This would require that the process be circumscribed by a set of well-defined criteria for identifying the "special circumstance" that warrants the staff's review, and the request for risk information, on matters beyond the design basis issues addressed in a licensee's deterministic submittal. This set of well-defined criteria will provide a critical component of the proposed process for considering risk in license amendment reviews.

While the proposed logic and process for identifying and evaluating risk significant license amendment requests appear appropriate, clear definition of the "special circumstance" and clear guidance, balanced through stakeholder input, are lacking. Therefore, I disapprove implementation of the proposed process on an interim basis prior to a full discussion with stakeholders. I recommend that the staff be directed to obtain stakeholder input and return to the Commission within 90 days with a proposed set of well-defined criteria for "special circumstance." During the transition to a formal process, the EDO should establish guidelines, as appropriate, for staff to follow in considering the need for risk information in the review of license amendment requests and inform the Commission accordingly. The final modified guidance documents should also be submitted to the Commission.

