

NOTATION VOTE

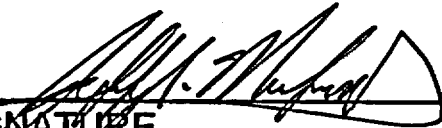
RESPONSE SHEET

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

Approved Disapproved Abstain

Not Participating

COMMENTS: *See attached comments.*



SIGNATURE

12/2/99

DATE

Entered on "AS" Yes No

Commissioner Merrifield's Comments on SECY-99-246

Before commenting directly on the matters before the Commission in SECY-99-246, I feel it is important to address two related issues that were raised to the Commission during the staff's review of the Callaway electrosleeve amendment and during a recent ACRS meeting with the Commission. First, NRC processes and decisionmaking should not discourage the use of emerging technologies by our licensees. Since, in many cases, these technologies enhance plant safety, the staff must ensure that its actions do not implicitly signal to licensees that the NRC is inherently averse to the use of new technologies. Clearly, the staff's review of issues related to licensee use of these technologies must be thorough. But, it must also be disciplined and timely. I believe the untimely and inadequately managed review of the Callaway amendment could serve to discourage licensees from pursuing similar technologies. Second, our processes and decisionmaking must not raise inappropriate impediments to the increased use of risk information in our regulatory processes, including licensing actions. The Commission has endorsed greater use of risk information by the staff and our licensees to both enhance safety and reduce unnecessary regulatory burden, and thus our processes must facilitate such use. I encourage the staff to assess its performance in these two areas to ensure its processes support the Commission's direction.

I approve the staff's use of the concepts described in SECY-99-246 for identifying and evaluating risk significant license amendment requests. The process proposed by the staff for considering risk in staff reviews appears to be sound. The NRC clearly has the authority to require the submittal of information in connection with a license amendment request if the staff has reason to question adequate protection of public health and safety. As correctly stated by the staff, in cases in which the licensee meets the design basis but unusual circumstances potentially introduce significant and unanticipated risks, the NRC staff must assume the burden of demonstrating that protection is not adequate or that additional license conditions are justified.

While the concepts described in the paper appear sound, I am concerned about the subjectivity and lack of clarity associated with the "special circumstances" standard; a standard at the heart of the staff's approach. The term "special circumstances" is not well-defined, resulting in an approach that is inherently subjective and unpredictable, and one that does not fully remedy the staff and stakeholder uncertainty that hindered the Callaway electrosleeve amendment review. While the staff has indicated that its "special circumstances" standard would rarely be invoked, I fear that without greater clarity, sound guidance, and strong management oversight, the proposed approach is susceptible to inconsistent implementation.

Given the importance of this matter, stakeholder involvement is essential. I encourage the staff to actively and expeditiously seek stakeholder input on NRC efforts to bring greater clarity to the special circumstances standard, and to develop clear guidance. The Commission should be informed of the results of this effort.

I approve the use of the proposed interim approach, as needed, for considering risk in license amendment reviews. However, given the inherent subjectivity discussed above, the EDO must ensure that management oversight of the process is robust. Furthermore, the staff should inform the Commission when it determines that a license amendment application meets the special circumstances standard, the basis for that determination, the licensee's response to the staff's determination, the expected delay in the license amendment review process, and any generic implications.



12/3/99



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 5, 2000

SECRETARY

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Annette Vietti-Cook, Secretary *Annette Vietti-Cook*

SUBJECT: STAFF REQUIREMENTS - SECY-99-246 - PROPOSED
GUIDELINES FOR APPLYING RISK-INFORMED
DECISIONMAKING IN LICENSE AMENDMENT REVIEWS

The Commission has approved the staff's approach for applying risk-informed decisionmaking in license amendment reviews and interim implementation of the proposed process, as described in SECY-99-246, subject to the following comments.

1. The staff should strive to develop final guidance that articulates what constitutes a special circumstance in a clear and objective manner.
2. The staff should propose modifications to relevant guidance documents ensuring stakeholders, both internal and external, are meaningfully engaged in the development of the guidance documents. The staff should provide to the Commission, for information, its schedule for completing development and/or modification of the guidance documents.
(EDO) (SECY Suspense: 2/18/00)

The staff should provide to the Commission, for information, the final versions of the guidance documents.
(EDO) (SECY Suspense: 9/29/00)

3. During the interim implementation of the proposed process, the staff should inform the Commission when it determines that a license amendment application meets the special circumstances standard, the basis for that determination, the licensee's response to the staff's determination, the expected delay in the license amendment review process, and any generic implications.
4. The EDO should ensure that management oversight of the interim review process is robust.

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
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CFO
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