

## CHAIRMAN MESERVE'S COMMENTS ON SECY-99-264

I approve the staff's plan for the first (study) phase of risk-informing technical requirements in 10 CFR Part 50, subject to the following comments.

1. The staff should ensure that the criteria used to screen, prioritize, and determine the scope and feasibility of changes to technical requirements in 10 CFR Part 50, are consistent and compatible with other ongoing efforts related to risk-informed regulation, including:
  - Implementation of risk-informed processes as described in SECY-99-246 and SECY-99-256;
  - Implementation of the risk-informed plant oversight program; and
  - Modification of the Safety Goal Policy Statement, pursuant to SECY-98-101.

To the extent possible, the process should also be consistent with the development of a framework for risk-informed regulation by the Office of Nuclear Materials Safety and Safeguards, as discussed in SECY-99-100.

The ACRS should review the staff's progress to ensure consistency of approach and should inform the Commission of potential conflicts or impediments in this effort.

2. The staff should consider the issue of whether risk-informed requirements in Part 50 will be voluntary or mandatory for future plants and report to the Commission.
3. Policy issues connected with the development of a risk-informed regulatory system should be highlighted for resolution by the Commission as early as possible during this process. These include, but are not limited to, issues related to the concept of defense-in-depth, as discussed in the ACRS's letter of October 12, 1999.
4. The need for stakeholder involvement in this process is recognized by the staff. The plan to establish a website to facilitate communication with stakeholders is appropriate. However, the staff should consider Commission guidance in SRM 991109A (Nuclear Materials and Waste Activities Stakeholders Meeting), regarding accommodation of stakeholders with little or no Internet access or awareness.
5. In the context of risk informing technical requirements, the staff attention should also review safety issues noted in Part 50 as being "under consideration" or "under development," e.g., the issues of postulated breaks in the reactor coolant pressure boundary and failures of passive components in fluid systems, as discussed in footnotes 1 and 2 to the Definitions and Explanations of Appendix A, and consider their resolution.