

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook
Secretary of the Commission

FROM: CHAIRMAN MESERVE

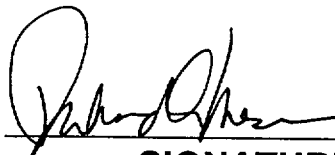
SUBJECT: SECY-99-256 - RULEMAKING PLAN FOR RISK-INFORMING
SPECIAL TREATMENT REQUIREMENTS

Approved with comments _____ Disapproved _____ Abstain _____

Not Participating _____ Request Discussion _____

COMMENTS:

See attachment



SIGNATURE

December 29, 1998

DATE

Entered on "AS" Yes _____ No _____

Chairman Meserve: Comments on SECY-99-256

I approve the publication of the ANPR, subject to the modification of the ANPR to obtain comment on certain additional issues, as discussed below. I also approve the rulemaking plan.

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

A. The staff should request suggestions and comments from the public on how to ensure that proposed section 50.69 is clear with respect to:

- 1) identifying the SSC scope relevant to specific special treatment requirements (not just the regulation containing the special treatment requirement).
- 2) 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.

B. The staff should request comments on 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.

C. The staff should seek public comment on whether the design control and procurement requirements in Appendices A and B of Part 50 should apply to RISC II SSCs.

D. The staff should seek public comment on 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 definition of basic component in section 223.b of the Atomic Energy Act.

E. The staff should seek public comment on the need to develop different Part 19 notices for those licensees implementing the new regulatory approach.

F. The staff should request comment on 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 methods to avoid the need to grant exemptions.

I join my fellow Commissioners in commending the staff for their efforts.