

NOTATION VOTE

RESPONSE SHEET

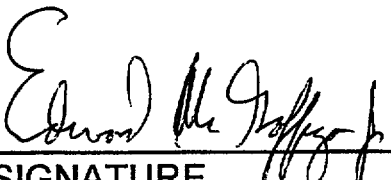
TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MCGAFFIGAN
SUBJECT: **SECY-99-256 - RULEMAKING PLAN FOR RISK-INFORMING
SPECIAL TREATMENT REQUIREMENTS**

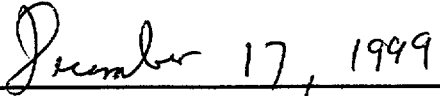
Approved Disapproved Abstain

Not Participating

COMMENTS:

Approved with attached comments.



SIGNATURE


DATE

Entered on "AS" Yes No

Commissioner McGaffigan's Comments on SECY-99-256

I approve the proposed rulemaking plan and issuance of an Advance Notice of Proposed Rulemaking for risk-informing special treatment requirements. The staff has done a good job in outlining a process for moving forward in this area and in highlighting the policy, implementation and resource issues which will be confronted during the rulemaking process. Throughout this long process it is going to be essential to keep the Commission fully informed of the staff's evolving positions and concerns. Commission briefings should occur not just at the obvious milestones -- issuance of proposed and final rules, granting of the STP exemption -- but at any point where important issues arise, such as following the ANPR comment period, following the proposed rule comment period before presenting the proposed final rule, and possibly others.

I regard this as a very important initiative that will not only reduce unnecessary burden, but also enhance safety as licensees identify the RISC-2 SSCs which are missed by the current deterministic framework and these SSCs receive special treatment going forward.

From yesterday's discussion at the Commission stakeholders' meeting, it is clear that licensees understand the enormity of this undertaking and want us to devote the time necessary to fully understand the issues and to put in place an implementable rule. This is not a straightforward exercise on which we know all the answers from the outset. I would plead with GAO and others to understand this and not to expect that we can lay out a detailed plan with precise resource loads for exactly how we and our licensees will be implementing this rule in 2003, 2004 and 2005. This paper provides the right level of detail about our plans over the next two years. We cannot know the unknowable about the years after that, and the constant harping for detailed operational plans for distant fiscal years will only result in NRC resources being wasted writing works of fiction akin to other agencies' outyear budget and planning documents.

