

NOTATION VOTE

RESPONSE SHEET

TO: John C. Hoyle, Secretary

FROM: COMMISSIONER ROGERS

SUBJECT: SECY-96-218 - QUARTERLY STATUS UPDATE FOR  
THE PROBABILISTIC RISK ASSESSMENT (PRA)  
IMPLEMENTATION PLAN, INCLUDING A DISCUSSION  
OF FOUR EMERGING POLICY ISSUES ASSOCIATED  
WITH RISK-INFORMED PERFORMANCE-BASED  
REGULATION

Approved <sup>\* IN PART \*</sup> KCH Disapproved <sup>\* IN PART \*</sup> KCH Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_ Request Discussion \_\_\_\_\_

COMMENTS: SEE ATTACHMENT.  
KCH

Kenneth C. Rogers  
SIGNATURE

Release Vote / ☒ /

October 28, 1996  
DATE

Withhold Vote / ☐ /

Entered on "AS" Yes x No \_\_\_\_\_

Comments of Commissioner Rogers on  
SECY-96-218  
October 28, 1996

A. THE ROLE OF PERFORMANCE BASED REGULATION IN THE PRA  
IMPLEMENTATION PLAN

I endorse neither Alternative 1 nor Alternative 2 completely. I propose that a modified version of Alternative 2 be adopted. The highest priority for the use of staff resources should be assigned to completing the PRA Implementation Plan on the schedule already established with the development of performance based regulation in the context of PRA as stated in the staff's Alternative 1. However, staff should announce its plans to phase into the PRA Implementation Plan at a later date e.g. early 1998, an effort to solicit from the industry (or to develop on their own) additional performance based objectives that are not amenable to mathematical probabilistic analysis, but could be ranked according to a relative hazard analysis. Using this approach the CONS of Alternative 2 could be significantly reduced.

I believe that if Alternative 1 is unreservedly approved by the Commission, performance-based regulation will be entirely confined to those matters for which PRA's can be carried out, and other applications of a performance-based approach, but not amenable to PRA, will never receive sufficient staff attention to become worthy of serious consideration.

I like the staff's effort to define four key elements of a risk-informed performance-based regulatory approach and their comments on performance-based regulation without use of risk insights. However, I share Commissioner Diaz's concern on the wording of the fourth key element of performance-based regulation. The phrase "intolerable outcome" is too vague. On the other hand, I would not be in favor of introducing the NRC's Safety Goal Quantitative Health Objectives into a definition of what the NRC means by the term Performance-Based Regulation, because to do so would set an entirely new standard for all regulations if they were to become stated in non-prescriptive terms. Staff should attempt to find terminology that avoids these problems.

B. PLANT-SPECIFIC APPLICATION OF SAFETY GOALS

I approve the staff's recommendation of Alternative 1. In this connection the staff should explore the legal ramifications of the use of numerical guidelines for plant-specific regulatory decisions and prepare a legal analysis of the issues for the Commission.

#### C. RISK NEUTRAL VS. INCREASES IN RISK

Provided that greater specificity is given by the staff to definitions of the terms "small" and "under certain conditions", and the establishment by the staff of procedures for accurately tracking the cumulative changes in risk for a given nuclear facility over time, I approve Alternative 1 which would "Allow small increases in risk under certain conditions, for proposed changes to a plant's licensing basis".

The staff should develop a methodology for assessing changes in risk that uses recognized mathematical statistical concepts and definitions of mean values and uncertainties.

#### D. IMPLEMENTATION OF CHANGES TO RISK-INFORMED IST AND ISI REQUIREMENTS

I approve the staff's recommendation of Alternative 2. In pursuing this alternative the staff should strive to work closely with ASME and with the Code consensus process so as to harmoniously expedite changes to the Code involving ISI and IST.

FCR