

N O T A T I O N V O T E

RESPONSE SHEET

TO: John C. Hoyle
 Secretary of the Commission

FROM: COMMISSIONER DICUS

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

Approved x w/comment Disapproved Abstain

Not Participating Request Discussion

COMMENTS:

1. Regarding the role of performance-based regulations:

In the context of the PRA Implementation Plan, I approve Alternative 1. However, since performance-based is not synonymous with risk-informed, staff should also consider implementation of performance-based concepts to applications that may be independent of risk initiatives. Staff should develop a plan as to how these other performance-based initiatives will be phased into the overall regulatory improvement and oversight program.

2. Regarding plant-specific application of safety goals:

I approve Alternative 1 to the extent that staff may proceed with the development of the guidance, but that the guidance not be implemented until the legal ramifications and liability of agency decisions based on numerical criteria are fully understood. In evaluating such ramifications, staff should also consider situations where updates or

changes to licensee PRAs (such as underlying assumptions) result in changes to PRA results, which would cause a previously approved action to become unacceptable. This legal analysis should be provided for Commission review.

3. Regarding Risk-Neutral vs. Increase in Risk:

I approve Alternative 1. However, in order to ensure that industry as well as NRC uses risk assessments in a balanced approach, risk assessments should be used not only to identify areas where excesses or relaxations may occur, but also to identify areas where weaknesses exist and improvements involving increases to existing methods or practices (including areas of design, procedures and surveillance test methods) can and should be made. Staff should, in its development of risk-informed guidance and review of applications regarding risk-informed initiatives, ensure that licensees use risk assessments for purposes of improvement that require additional activity or effort on its part, as well as relaxation, in order to realize the full benefit of risk assessments. Staff should also develop means of verifying licensee activity in this regard within its various inspection and oversight programs.

4. I approve Alternative 2, (i.e., the use of 10 CFR 50.55a(a)(3) to approve "alternatives" to the ASME requirements) provided that the appropriate findings can be made. Where the findings necessary to approve the alternative under 10 CFR 50.55a(a)(3) can not be made, then the use of exemptions (Alternative 1) should be considered. Also, since ASME is a consensus body that has its own approval process, staff's interactions with the Code working members, and its use of Alternative 2 should not be such that staff actions preempt the deliberative Code consensus process in this area.

Greta Jay Davis
SIGNATURE

Release Vote / X /

November 12, 1996
DATE

Withhold Vote / /
Entered on "AS" Yes / No