

# NOTATION VOTE

## RESPONSE SHEET

RELEASED TO THE PDR

10/9/96

date

DFW

initials

TO: John C. Hoyle, Secretary

FROM: COMMISSIONER ROGERS

SUBJECT: SECY-96-189 - ISSUANCE OF 10 CFR 50.54(f)  
LETTERS ON THE AVAILABILITY AND ADEQUACY OF  
DESIGN BASIS INFORMATION

Approved <sup>WITH</sup> COMMENTS <sup>\*</sup> Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

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

COMMENTS:

SEE ATTACHMENT. <sup>KCH</sup>

Kenneth C. Rogers  
SIGNATURE

Release Vote / X /

September 24, 1986  
DATE

Withhold Vote /    /

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

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Commissioner Rogers' Comments on SECY-96-189

Although I approve the staff's intent to request information, I believe the request needs additional thought. Neither the focus of the proposed letter on design basis reconstitution nor the requirement for a response from all licensees is justified by the supporting material presented by the staff.

The information request proposed here carries the strong implication that if licensees have done an adequate job of documenting their design basis, the problems observed by the staff at Millstone, and elsewhere, would not have occurred. The deficiencies noted, however, appear to be failures to use the information that was available. Therefore, the focus of the information request should be on the use of design basis information rather than on its existence. This can be accomplished by making items (a) through (f) on Page 6 of the letter be the primary information requested.

The NRC's real interest is in assuring itself that the design basis requirements are correctly reflected in plant design, maintenance and operation. Whether or not this is accomplished through a design basis reconstitution program, as discussed by NRC and NUMARC in the past, does not seem particularly relevant. To be relevant, the design basis documentation has to be used in the operation, maintenance and modification of the plant. Indeed, the focus on design basis reconstitution runs counter to the agency's current emphasis on performance based regulation. We appear to be telling the licensee what to do, rather than telling them what results we expect.

My second concern about the focus of the proposed letter on design basis documentation is that many of the examples cited, and the supporting discussion, relate to licensing basis and conformance with the UFSAR. Design basis is only one component of licensing basis. The staff needs to clearly articulate its view of the relationship among design basis, licensing basis and UFSAR conformance.

Finally, the examples cited do not support a requirement for over 100 operating plants to respond to a formal, rather extensive request for information. The Millstone, Maine Yankee and Haddam Neck examples represent three sites with organizational ties. The reference to the refueling practices survey, which covers a larger sample of unrelated plants, does not include an assessment of the degree of seriousness of the problems encountered, or whether they were indeed related to design basis (as opposed to licensing basis or UFSAR conformance).

While I agree that a request for information is appropriate, such a request should focus on the perceived problem and should better justify the need for an industry-wide response.

KCR

9/24/86