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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 31, 1997

Mr. David A. Lochbaum
Union of Concerned Scientists
1616 P Street, NW., Suite 310
Washington, DC 20036

Dear Mr. Lochbaum:

I am responding to your letter of January 3, 1997, to me in which you pointed out the relationship between the recent information notice on tampering, vandalism, and malicious mischief (IN 96-71) and NRC activities in the area of risk-informed, performance-based regulation. We agree that your general observations are sound.

As you observed, instances of potential tampering, vandalism, and malicious mischief, although infrequent, will continue to be a reality at nuclear power plants. Our fundamental regulatory approach to this safety issue is one of prevention. The desired effect of our regulatory programs in the area of access authorization and fitness-for-duty is to provide high assurance that the workforce is trustworthy and reliable. Furthermore, the design of the safeguards program and specific security systems which are reflected in the security plan requirements are intended to deny unauthorized personnel the opportunity to be in vital areas in which they could pose a radiological risk to the public. One objective of the information notice was to emphasize to licensees that when instances occur that question the effectiveness of this approach, a timely, full-scope assessment is expected. My safeguards staff will continue to monitor and assess the effectiveness of our regulatory approach.

I cannot comment directly on what was said at the meeting of the American Nuclear Society you mentioned because I did not attend. However, let me reiterate some important concepts concerning our risk-informed, performance-based regulatory initiative in the inservice testing (IST) area. The objective of our initiative is not to indiscriminately allow licensees to make all testing intervals longer, nor is it to allow licensees to establish IST intervals based solely on risk considerations. Licensees will be allowed to establish IST intervals consistent with a component's safety impact and other deterministic considerations, such as defense in depth, performance history, and operating environment. In some cases, the result could be a longer testing interval. Establishing extended surveillance intervals includes consideration of the ramifications of an undetected failure of a component due to any reason. Candidates for extended IST intervals would be those components whose inoperability would have a very low impact on plant risk. Moreover, in some cases, risk or reliability insights may result in testing intervals that are shorter than the current interval or in improved testing methods. The staff and the Commission understand that implementation of risk-informed, performance-based initiatives will not always result in relaxation of requirements and they are committed to the careful and deliberate implementation of these initiatives.

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January 31, 1997

Finally, operating experience feedback is an important element in all our regulatory programs. Although information notices are addressed to licensees, I ensure that each manager in our office, the regional offices, and each site receives a copy. I expect managers to share that information with their staff and to use that operating experience feedback to evaluate its impact on their area of responsibility whether it be a single plant, a group of plants, or a program area just as you did in your letter. Through this continuous evaluation of operating experience, I believe that sound decisions, including those pertaining to risk-informed, performance-based activities, can and will be made. I appreciate you bringing your concerns to my attention.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas T. Martin", with a stylized, flowing script.

Thomas T. Martin, Director
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

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Original Signed By:

Thomas T. Martin, Director
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

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