

(2) The capability to shut-down the facility and maintain it in a safe shut-down condition, or

(3) The capability to prevent or mitigate the consequences of accidents which could result in an unplanned offsite release of quantities of fission products in excess of the limits established by the Commission.

The U.S. Department of Justice is responsible for prosecutorial decisions involving violations of Section 223.b.

#### III.4.1.4 Posting Requirements

Both AEA Section 223.b and ERA Section 206 require posting of their statutory requirements at the premises of all licensed facilities. This is implemented through 10 CFR Parts 19 and 21.

As a result of implementation of § 50.69, rights and responsibilities of licensee workers would be slightly different. For instance, SSCs categorized as RISC-3 would no longer be subject to Part 21. However, RISC-1 SSCs (and "safety-related" SSCs not yet categorized per § 50.69), are subject to the Part 21 requirements. No additional responsibilities for identification or notification are involved. The supporting information such as procedures to be made available to workers would need to reflect the reduction in scope of requirements. For the reasons already mentioned, the Commission concludes that there would be no impact on vendors with respect to posting requirements in that these changes in categorization would be "transparent" to them as suppliers.

#### III.4.2 Section 50.49 Environmental Qualification of Electrical Equipment

The general requirement that certain SSCs be designed to be compatible with environmental conditions associated with postulated accidents is contained in GDC-4. Section 50.49 was written to provide specific programmatic requirements for a qualification program and documentation for electrical equipment, and thus, is a special treatment requirement.

Section 50.49(b), imposes requirements on licensees to have an environmental qualification program that meets the requirements contained therein. It defines the scope of electrical equipment important to safety that must be included under the environmental qualification program. Further, this regulation specifies methods to be used for qualification of the equipment for identified environmental conditions and documentation requirements.

RISC-3 and RISC-4 SSCs would be removed from the scope of the requirements of § 50.49 through

§ 50.69(b)(2)(ii). For SSCs categorized as RISC-3 or RISC-4, the Commission has concluded that for low safety-significant SSCs, additional assurance, such as that provided by the detailed provisions in § 50.49 for testing, documentation files and application of margins, are not necessary (see Section III.4.0). The requirements from GDC-4 as they relate to RISC-3 and RISC-4 SSCs, and the design basis requirements for these SSCs, including the environmental conditions such as temperature and pressure, remain in effect. Thus, these SSCs must continue to remain capable of performing their safety-related functions under design basis environmental conditions.

#### III.4.3 Section 50.55a(f), (g), and (h) Codes and Standards

Section 50.69(b)(2)(iv), would remove RISC-3 SSCs from the scope of certain provisions of § 50.55a, relating to Codes and Standards. The provisions being removed are those that relate to "treatment" aspects, such as inspection and testing, but not those pertaining to design requirements established in § 50.55a. Each of the subsections being removed is discussed in the paragraphs below.

Section 50.55a(f) incorporates by reference provisions of the ASME Code as endorsed by NRC that contains inservice testing requirements. These are special treatment requirements. Through this proposed rulemaking, RISC-3 SSCs would be removed from the scope of these requirements, and instead would be subject to the requirements in § 50.69(d)(2)(iii). For the reasons discussed in Section III.4.0, the Commission has determined that for low safety-significant SSCs, it is not necessary to impose the specific detailed provisions of the Code, as endorsed by NRC, and these requirements can be replaced by the more "high-level" alternative treatment requirements, which allow greater flexibility to licensees in implementation.

Section 50.55a(g) incorporates by reference provisions of the ASME Code as endorsed by NRC that contains the inservice inspection, and repair and replacement requirements for ASME Class 2 and Class 3 SSCs. The Commission will not remove the repair and replacement provisions of the ASME BPV Code required by § 50.55a(g) for ASME Class 1 SSCs, even if they were categorized as RISC-3, because those SSCs constitute principal fission product barriers as part of the reactor coolant system or containment. For Class 2 and 3 SSCs that are shown to be of low safety-significance if categorized

as RISC-3, the additional assurance from the specific provisions of the ASME Code is not considered necessary.

Section 50.55a(h) incorporates by reference the requirements in either Institute of Electrical and Electronics Engineers (IEEE) 279, "Criteria for Protection Systems for Nuclear Power Generating Stations," or IEEE 603-1991 "IEEE Standard Criteria for Safety Systems for Nuclear Power Generating Stations." Within these IEEE standards are special treatment requirements. Specifically, sections 4.3 and 4.4 of IEEE 279 and sections 5.3 and 5.4 of IEEE 603-1991 contain quality and environmental qualification requirements. RISC-3 SSCs are being removed from the scope of this special treatment requirement consistent with the Commission decision already discussed.

#### III.4.4 Section 50.65 Monitoring the Effectiveness of Maintenance

The Commission is proposing to remove RISC-3 and RISC-4 SSCs from the scope of the requirements of § 50.65 (except for paragraph (a)(4)). The basis for this includes Section III.4.0 and the following discussion.

Section 50.65, referred to as the Maintenance Rule, imposes requirements for licensees to monitor the effectiveness of maintenance activities for safety-significant plant equipment to minimize the likelihood of failures and events caused by the lack of effective maintenance. Specifically, § 50.65 requires the performance of SSCs defined in § 50.65(b) to be monitored against licensee established goals, in a manner sufficient to provide confidence that the SSCs are capable of fulfilling their intended functions. The rule further requires that where performance does not match the goals, appropriate corrective action shall be taken. Included within the scope of § 50.65(b) are SSCs that are relied upon to remain functional during design basis events or in emergency operating procedures, and nonsafety-related SSCs whose failure could result in the failure of a safety function or cause a reactor scram or activation of a safety-related system.

Sections 50.65(a)(1), (a)(2), and (a)(3) impose documentation and action requirements; thus, they are special treatment requirements. Upon implementation of § 50.69, a licensee would not be required to apply maintenance rule monitoring, goal setting, corrective action, alternate demonstration, or periodic evaluation treatments required by §§ 50.65(a)(1), (a)(2), and (a)(3) to RISC-3 and RISC-4