

SSCs. The proposed rule does include in § 50.69(e)(3) provisions for a licensee to use performance information to feedback into its processes to adjust treatment (or categorization) when results so indicate. However, this requirement does not require the specific monitoring and goal setting as required in § 50.65, in consideration of the lesser safety-significance of these SSCs.

RISC-1 and RISC-2 SSCs that are currently within the scope of § 50.65(b) would remain subject to existing maintenance rule requirements. Any RISC-1 or RISC-2 function not currently within the scope of § 50.65(b) would be added to the scope of the maintenance rule (as a result of the requirement in § 50.69(e)(2) that requires monitoring, evaluation and appropriate action for these SSCs).

The proposed removal of RISC-3 and 4 SSCs from the scope of requirements does not include § 50.65(a)(4), which contains requirements to assess and manage the increase in risk that may result from proposed maintenance activities. The requirements in § 50.65(a)(4) remain in effect. It is noted that § 50.65(a)(4) already includes provisions by which a licensee can limit the scope of the assessment required to SSCs that a risk-informed evaluation process has shown to be significant to public health and safety. Thus, there is no need to revise the requirements to permit a licensee to apply requirements commensurate with safety-significance.

III.4.5 Sections 50.72 and 50.73 Reporting Requirements

This proposed rule would remove the requirements in §§ 50.72 and 50.73 for RISC-3 and RISC-4 SSCs. The basis for this removal follows.

Sections 50.72 and 50.73 contain requirements for licensees to report events involving certain SSCs. These reporting requirements are special treatment requirements. NRC requires event reports in part so that it can follow-up on corrective action for these circumstances. Through this rulemaking, the Commission proposes to remove RISC-3 and RISC-4 SSCs from the scope of these requirements. The low safety-significance of these SSCs does not warrant the burden associated with reporting events or conditions only affecting such SSCs, for the reasons already discussed. In particular, under NRC's risk-informed inspection process, NRC follow-up of corrective action will be focused upon safety-significant situations.

III.4.6 10 CFR Part 50 Appendix B Quality Assurance Requirements

This proposed rule would remove RISC-3 SSCs from the scope of requirements in Appendix B to 10 CFR Part 50. These requirements are currently not applicable to RISC-4 SSCs so there is no change for these SSCs. Appendix B contains requirements for a quality assurance program meeting specified attributes. While many of the general attributes are still appropriate for RISC-3 SSCs (and in some instances are included within the high-level requirements in § 50.69(d)(2)), it was considered simpler to remove RISC-3 SSCs from the scope of the existing requirements in Appendix B (with its attendant set of guidance and implementing documents), and to add back the minimum set of requirements viewed as necessary for RISC-3 SSCs, rather than to subdivide the existing Appendix B requirements for this purpose.

The intent of Appendix B to 10 CFR Part 50, and the complementary regulations is to provide quality assurance requirements for the design, construction, and operation of nuclear power plants. The quality assurance requirements of Appendix B are to provide adequate confidence that an SSC will perform satisfactorily in service; these requirements were developed to apply to safety-related SSCs. In the implementation of Appendix B, a licensee is bound to detailed and prescriptive quality requirements to apply to activities affecting those SSCs. As such, these requirements meet the Commission's definition of special treatment requirements. These requirements are removed from application to RISC-3 and RISC-4 SSCs because their low safety-significance does not warrant the level of quality requirements that currently exist with Appendix B.

III.4.7 10 CFR Part 50, Appendix J Containment Leakage Testing

The proposed rule would remove a subset of RISC-3 and RISC-4 SSCs from the scope of the requirements in Appendix J to Part 50 that pertain to containment leakage testing. Specifically, RISC-3 and RISC-4 SSCs that meet specified criteria would be removed from the scope of the requirements for Type B and Type C testing. The basis for the removal is described below.

One of the conditions of all operating licenses for water-cooled power reactors as specified in § 50.54(o) is that primary reactor containments shall meet the containment leakage test requirements

set forth in Appendix J to 10 CFR Part 50. These test requirements provide for preoperational and periodic verification by tests of the leak-tight integrity of the primary reactor containment, and systems and components which penetrate containment of water-cooled power reactors, and establish the acceptance criteria for these tests. As such, these tests are special treatment requirements. The purposes of the tests are to assure that (a) leakage through the primary reactor containment, or through systems and components penetrating primary containment, shall not exceed allowable leakage rate values as specified in the technical specifications, and (b) periodic surveillance of reactor containment penetrations and isolation valves is performed so that proper maintenance and repairs are made during the service life of the containment, and systems and components penetrating primary containment. Appendix J includes two Options, Option A and Option B. Option A includes prescriptive requirements while Option B identifies performance-based requirements and criteria for preoperational and subsequent periodic leakage-rate testing. A licensee may choose either option for meeting the requirement of Appendix J.

The discussion contained in Appendix J to 10 CFR Part 50 can be divided into two categories. Parts of Appendix J contain testing requirements. Other parts contain information, such as definitions or clarifications, necessary to explain the testing requirements. A review of Appendix J did not identify any technical requirements other than those describing the methods of the required testing. Therefore, Appendix J was considered to be, in its entirety, a special treatment requirement.

The NRC believes that risk-informing this appendix may lead to less testing and therefore would reduce unnecessary regulatory burden on the licensees. Although the 1995 revision to Appendix J was characterized as risk-informed, the changes were not as extensive as those expected in the risk-informed Part 50 effort. The revision primarily decreased testing frequencies, whereas risk-informing the scope of SSCs that are subject to Appendix J testing would remove some components from testing (*i.e.*, to the extent that defense-in-depth is maintained in accordance with the risk-informed categorization process).

The proposed rule would exclude certain identified containment isolation valves from Type C testing. For RISC-3 components, which includes containment isolation valves, leak testing is not required. The reliability