

containment penetrations typically have redundant isolation valves. While one valve may leak, the other may remain leak-tight. The study assumed that failure of one valve in a series failed the penetration; however, the probability of failure was that for a single valve.

3. The analysis assumed possible leakage of all valves subject to Type C testing, not just those subject to the proposed revision.

According to this analysis, the proposed revision would not have a significant effect on risk. The NUREG-1493 analysis shows that the amount of leakage necessary to significantly increase risk is two orders of magnitude greater than a typical Technical Specification leakage rate limit. Therefore, the risk to the public will not significantly increase due to the proposed relief from the requirements of Appendix J to 10 CFR part 50.

III.4.8 Appendix A to 10 CFR Part 100 (and Appendix S to 10 CFR Part 50 (Seismic Requirements))

The proposed rule would remove RISC-3 and RISC-4 SSCs from the requirement in Appendix A to Part 100 to demonstrate that SSCs are designed to withstand the safe shutdown earthquake (SSE) by qualification testing or specific engineering methods. GDC 2 requires that SSCs "important to safety" be capable of withstanding the effects of natural phenomena such as earthquakes. The requirements of 10 CFR Part 100 pertain to reactor site criteria and its Appendix A addresses seismic and geologic siting criteria used by the Commission to evaluate suitability of plant design bases in consideration of these characteristics. Sections VI(a)(1) and (2) of Appendix A to 10 CFR Part 100 address the engineering design for the SSE and Operating Basis Earthquake (OBE), respectively. The rule change would exclude RISC-3 and RISC-4 SSCs from the scope of the requirements of sections VI(a)(1) and (2) of Appendix A to 10 CFR Part 100, only to the extent that the rule requires testing and specific types of analyses to demonstrate that safety-related SSCs are designed to withstand the SSE and OBE. It is only these aspects of Appendix A to 10 CFR Part 100 that are considered special treatment. As discussed in Section III.4.0, because of the low safety significance of the RISC-3 and RISC-4 SSCs, the additional assurance provided by qualification testing (or engineering analyses) is not considered necessary.

For current operating reactors, Appendix A to part 100 is applicable. For new plant applications, the seismic design requirements are set forth in Appendix S to Part 50. The NRC has

determined that Appendix S does not need to be included in the proposed § 50.69 because the wording of the requirements with respect to "qualification" by testing or specific types of analysis is not present in this rule. Therefore, a rule change would not be necessary to permit a licensee to implement means other than qualification testing or the specified methods to demonstrate SSC capability.

III.4.9 Requirements Not Removed by § 50.69(b)(1)

In the following paragraphs, the Commission discusses certain rules that were considered as candidates for removal as requirements for RISC-3 and RISC-4 SSCs during development of this rulemaking. These rules were identified as candidate rules in SECY-99-256. They are not part of this rulemaking for the reasons presented.

III.4.9.1 Section 50.34 Contents of Applications

Section 50.34 identifies the required information that applicants must provide in preliminary and final safety analysis reports. Because § 50.69 contains the documentation requirements for licensees and applicants who choose to implement § 50.69, and these requirements do not conflict with § 50.34, it is not necessary to revise § 50.34 to implement § 50.69.

III.4.9.2 Section 50.36 Technical Specifications

Section 50.36 establishes operability, surveillance, limiting conditions for operation and other requirements on certain SSCs. To the extent that this rule specified testing and related requirements, it was considered as a candidate for being "special treatment". However, the Commission concluded that it was not appropriate to revise § 50.36 for several reasons. First, risk-informed criteria have already been established in § 50.36 for determining which SSCs should have TS requirements. Improved standard TS have already resulted in relocation of requirements for less important SSCs to other documents. Further, other improvement efforts are underway that could be implemented by individual licensees to make their plant-specific requirements more risk-informed. Thus, no changes to this rule (or its implementation) are necessary as part of § 50.69 to make the TS risk-informed or to accommodate the revised requirements of this proposed rule.

III.4.9.3 Section 50.44 Combustible Gas Control

Certain provisions within § 50.44 were identified as containing special treatment requirements in that they specified conformance with Appendix B for particular design features, specified requirements for qualification, and related statements. The Commission notes that a separate rulemaking is underway to "rebaseline" the requirements in § 50.44 using risk insights (see August 2, 2002; 67 FR 50374). Therefore, the NRC believes that there is no need to include those sections of (existing) § 50.44 as being removed for RISC-3 SSC. If portions of § 50.44 that were identified as special treatment requirements are retained, and/or relocated to other rules (and they are not necessary for RISC-3 SSCs), then there may be a need to reference these rules within § 50.69(b)(1) when § 50.69 is issued as a final rule.

III.4.9.4 Section 50.48 (Appendix R and GDC 3) Fire Protection

Initially, fire protection requirements were considered to be within the scope of this rulemaking effort. There are augmented quality provisions applied to fire protection systems and these augmented quality provisions are considered special treatment requirements. However, these provisions are not contained in the rules themselves. The Commission has developed a proposed rulemaking (see November 1, 2002; 67 FR 66578) to allow licensees to voluntarily adopt National Fire Protection Association (NFPA)-805 requirements in lieu of other fire protection requirements. NFPA-805 would permit a licensee to implement a risk-informed fire protection program as a voluntary alternative to compliance with § 50.48 and 10 CFR Part 50, Appendix R. Accordingly, changes to these regulations were not included in the scope of the § 50.69 rulemaking.

III.4.9.5 Section 50.59 Changes, Tests and Experiments

The Commission does not believe that a § 50.59 evaluation need be performed when a licensee implements § 50.69 by changing the special treatment requirement for RISC-3 and RISC-4 SSCs. Accordingly, § 50.69(f)(iii) contains language that removes the requirement for a § 50.59 evaluation of the changes in special treatment as part of implementation. The process of adjusting treatment for RISC-3 and RISC-4 SSCs does not need to be subject to § 50.59 because the rulemaking already provides the decision process