

for recategorization and determination of revision to requirements resulting from the categorization. Thus, subjecting the implementation steps as they relate to changes to treatment from what was described in the final safety analysis report (FSAR), to determine if NRC approval is needed of those changes, is an unnecessary step. Since it is only in the area of treatment for RISC-3 and RISC-4 SSCs that might be viewed as involving a reduction in requirements, these are the only aspects for which this rule provision would have any effect. As required by § 50.69(f)(ii), the licensee/applicant will be required to update the FSAR appropriately to reflect incorporation of its treatment processes into the FSAR.

However, it is important to recognize that changes that affect any non-treatment aspects of an SSC (*e.g.*, changes to the SSC design basis functional requirements) are required to be evaluated in accordance with the requirements of § 50.59. Section 50.69(d)(2)(i), which focuses upon design control, is intended to draw a distinction between treatment (managed through § 50.69) and design changes (managed through other processes such as § 50.59). As previously noted, this rulemaking is only risk-informing the scope of special treatment requirements. The process and requirements established in § 50.69 do not extend to making changes to the design basis of SSCs.

III.4.9.6 Appendix A to 10 CFR Part 50 General Design Criteria (GDC)

The NRC has concluded that the GDC of Appendix A to 10 CFR Part 50 do not need to be revised because they specify design requirements and do not specify special treatment requirements. Because this rulemaking is not revising the design basis of the facility, the GDC should remain intact and are not within the scope of § 50.69. This subject is discussed in more detail in the NRC's action on the South Texas exemption request, in which their request for exemption from certain GDCs was denied as being unnecessary to accomplish what was proposed (see Section IV.4.0).

III.4.9.7 10 CFR Part 52 Early Site Permits, Standard Design Certifications and Combined Operating Licenses

Part 52 contains, by cross-reference, regulations from other parts of Chapter 10 of the Code of Federal Regulations, most notably Part 50. Therefore, it was initially considered for inclusion in the rulemaking effort. However, with the proposed "applicability" paragraph (§ 50.69(b)) extending to applicants for a

facility license or design certification under Part 52, the Commission presently sees no need for revisions to Part 52 itself.

III.4.9.8 10 CFR Part 54 License Renewal

In SECY-99-256, 10 CFR part 54, which provides license renewal requirements, was identified as a candidate regulation for removal from scope of applicability to low significance SSCs. The aging management requirements could be viewed as being special treatment requirements in that they provide assurance that SSCs will continue to meet their licensing basis requirements during the renewed license period. Section 54.4 explicitly defines the scope of the license renewal rule using the traditional deterministic approach. Part 54 imposes aging management requirements in § 54.21 on the scope of SSCs meeting § 54.4.

In SECY-00-0194, the NRC staff provided its preliminary view that RISC-3 SSCs should not be removed from the scope of part 54, and that licensees can renew their licenses in accordance with part 54 by demonstrating that the § 50.69 treatment provides adequate aging management in accordance with § 54.21. The NRC staff suggested that no changes are necessary to part 54 to implement § 50.69 either prior to renewing a licensing or after license renewal.

The goal of the license renewal program is to establish a stable, predictable, and efficient license renewal process. The Commission believes that a revision of part 54 at this time could have a significant effect on the stability and consistency of the processes established for preparation of license renewal applications, and for NRC staff review. Further, as discussed below, the Commission believes that the requirements in part 54 are compatible with the § 50.69 approach, including use of risk information in establishing treatment (aging management) requirements. Refer to Section V.3.0 for additional discussion regarding the implementation of § 50.69 for a facility that has already received a renewed license. Thus, part 54 requires no changes at this time. However, in the future, the Commission will consider whether revisions to the scope of part 54 are appropriate.

The use of risk in establishing the scoping criteria within part 54 was addressed by the Commission on May 8, 1995 (60 FR 22461), when amending part 54. In the 1995 amendment, the Commission stated that the current licensing basis for current operating

plants is largely based on deterministic engineering criteria. Consequently, there was considerable logic in establishing license renewal scoping criteria that recognized the deterministic nature of a plant's licensing basis. Without the necessary regulatory requirements and appropriate controls for plant-specific PRAs, the Commission concluded that it was inappropriate to establish a license renewal scoping criterion that relied on plant-specific probabilistic analyses. Therefore, the Commission concluded further that within the construct of the final rule, PRA techniques were of very limited use for license renewal scoping (60 FR 22468).

The 1995 amendment to part 54 excluded active components to "reflect a greater reliance on existing licensee programs that manage the detrimental effects of aging on functionality, including those activities implemented to meet the requirements of the maintenance rule," (60 FR 22471). Although § 50.69 would remove RISC-3 components from the scope of the maintenance rule requirements in § 50.65(a)(1), (a)(2), and (a)(3), a licensee is required under the proposed § 50.69(d)(2) to provide confidence in the capability of RISC-3 SSCs to perform their safety-related functions under design-basis conditions when challenged. The SOC for part 54 also indicated the Commission's recognition that risk insights could be used in evaluating the robustness of an aging management program (60 FR 22468). The NRC staff has received and accepted one proposal (Arkansas Unit 1) for a risk-informed program for small-bore piping which demonstrates that risk arguments can be used to a degree.

III.4.9.9 Other Requirements

In the ANPR and related documents, the staff and stakeholders suggested a number of other regulatory requirements that might be candidates for inclusion in § 50.69. These included § 50.12 (exemptions), § 50.54(a), (p), and (q) (plan change control), and § 50.71(e) (FSAR updates). As the rulemaking progressed, the Commission concluded that these requirements did not need to be changed to allow a licensee to adopt § 50.69 as it is being proposed.

III.5.0 Evaluation and Feedback, Corrective Action and Reporting Requirements

The validity of the categorization process relies on ensuring that the performance and condition of SSCs continues to be maintained consistent with applicable assumptions. Changes in the level of treatment applied to an SSC might result in changes in the