

reliability of the SSCs which are used in the categorization process. Additionally, plant changes, changes to operational practices, and industry operational experience may impact the categorization assumptions. Consequently, the proposed rule contains requirements for updating the categorization and treatment processes when conditions warrant to assure that continued SSC performance is consistent with the categorization process and results.

Specifically the proposed rule would require licensees to review in a timely manner but no longer than every 36 months, the changes to the plant, operational practices, applicable industry operational experience, and, as appropriate, update the PRA and SSC categorization. In addition, licensees would be required to obtain sufficient information on SSC performance to verify that the categorization process and its results remain valid. For RISC-1 SSCs, much of this information may be obtained from present programs for inspection, testing, surveillance, and maintenance. However for RISC-2 SSCs and for RISC-1 SSCs credited for beyond design basis accidents, licensees would need to ensure that sufficient information is obtained. For RISC-3 SSCs, there is a relaxation of requirements for obtaining information when compared to the applicable special treatment requirements; however sufficient information would need to be obtained, and rule requirements are being proposed to consider performance data, see if adverse changes in performance might occur, and to make necessary adjustments such that desired performance is achieved so that the evaluations conducted to meet § 50.69(c)(1)(iv) remain valid. The feedback and adjustment process is crucial to ensuring that the SSC performance is maintained consistent with the categorization process and its results.

Taking timely corrective action is an essential element for maintaining the validity of the categorization and treatment processes used to implement proposed § 50.69. For safety-significant SSCs, all current requirements would continue to apply and, as a consequence, Appendix B corrective action requirements would be applied to RISC-1 SSCs to ensure that conditions adverse to quality are corrected. For both RISC-1 and RISC-2 SSCs, requirements would be included in § 50.69(e)(2) for monitoring and for taking action when SSC performance degrades.

When a licensee or applicant determines that a RISC-3 SSC does not meet its established acceptance criteria for performance of design basis functions, the proposed rule would require that a licensee perform timely corrective action (§ 50.69(d)(2)(iv)). Further, as part of the feedback process, review of operational data may reveal inappropriate assumptions for reliability or performance and a licensee would need to re-visit the findings made in the categorization process or modify the treatment for the applicable SSCs (§ 50.69(e)(3)). These provisions would then restore the facility to the conditions that were considered in the categorization, and would also restore the capability of SSCs to perform their functions.

Finally, the proposed rule would require reports of events or conditions that would have prevented RISC-1 and RISC-2 SSCs from being able to perform their safety-significant functions. A new reporting requirement would be added in § 50.69(g) for events or conditions that would prevent RISC-2 SSCs from performing their safety-significant functions (if not otherwise reportable). Because the categorization process has determined that RISC-2 SSCs are of safety significance, NRC is interested in reports about circumstances where the safety-significant function would have been prevented because of events or conditions. This reporting will enable NRC to be aware of situations impacting those functions found to be significant under § 50.69, such that NRC can take any actions deemed appropriate.

Properly implemented, these requirements would ensure that validity of the categorization process and results are maintained throughout the operational life of the plant.

III.6.0 Implementation Process Requirements

The proposed rule would also contain requirements specifying how a licensee (or applicant) would be able to use the alternative requirements in lieu of the existing requirements. The rule would specify applicability requirements as well as requirements on the Commission approval process for implementation.

The Commission is making the provisions of § 50.69 available to both applicants for licenses or design certification rules and to holders of facility licenses for light-water reactors. The proposed rule would be limited to light-water reactors because it was developed to risk-inform the scope of special treatment requirements which are applied to light-water reactors. Consequently, the technical aspects of

the rule (e.g., providing reasonable confidence that risk increases (e.g., changes in CDF and LERF are small) including the implementation guidance, are specific to light-water reactor designs.

Proposed § 50.69 would rely on robust categorization to provide high confidence that the safety significance of SSCs is correctly determined. To ensure a robust categorization is employed, proposed § 50.69 would require the categorization process to be reviewed and approved prior to implementation of § 50.69 either by following the license amendment process of § 50.90 or as part of the license application review. While detailed regulatory guidance has been developed to provide guidance for implementing categorization consistent with the proposed rule requirements, the Commission concluded that a prior review and approval was still necessary to enable the NRC staff to review the scope and quality of the plant-specific PRA taking into account peer review results. The NRC staff would also review other evaluations and approaches to be used such as margins-type analyses. Additionally, this review would examine any aspects of the proposed categorization guidance that are not consistent with the staff's regulatory guidance for implementing § 50.69. Thus, the proposed rule would require that a licensee who wishes to implement § 50.69 submit an application for license amendment to the NRC containing information about the categorization process and about the peer review process employed. An applicant would submit this information as part of its license application. The Commission will approve, by license amendment, a request to allow a licensee to implement § 50.69 if it is satisfied that the categorization process to be used meets the requirements in § 50.69. Commission action on an applicant's request would be part of the Commission decision on the license application.

The Commission is proposing that the approval for a licensee to implement § 50.69 be by license amendment. As discussed above, prior NRC review and approval of the licensee's proposed PRA, basis for sensitivity studies and evaluations, and results of PRA review process is required. This review will involve substantial professional judgment on the part of NRC reviewers, inasmuch as the rule does not contain objective, non-discretionary criteria for assessing the adequacy of the PRA process, PRA review results and sensitivity studies. Consistent with the