

potential net increase in risk from implementation of proposed § 50.69 be assessed, and that this risk change is small. These requirements to provide reasonable confidence that the net change in risk is small as part of the categorization decision, in conjunction with the proposed rule requirements for maintaining design basis functions, and the processes noted below for feedback and adjustment over time, all contribute to preventing risk from increasing beyond the ranges that the Commission has determined to be appropriate. As a result, these requirements are a contributing element for maintaining adequate protection of public health and safety.

### III.7.2 Defense-in-Depth Is Maintained

Section 50.69 would require that the defense-in-depth philosophy be maintained as part of the categorization requirements of § 50.69(c)(1) and as a result, defense-in-depth is considered explicitly in the categorization process. Thus, SSCs that are important to defense-in-depth, as outlined in the implementation guidance, will be categorized as safety-significant (and will retain their treatment requirements). For safety-significant SSCs (*i.e.*, RISC-1 and RISC-2 SSCs), all current special treatment requirements would remain (*i.e.*, the proposed rule does not remove any of these requirements) to provide high confidence that they can perform design basis functions, and additionally requires sufficient treatment be applied to support the credit taken for these SSCs for beyond design basis events. For RISC-3 SSCs, proposed § 50.69 would impose high level treatment requirements that when effectively implemented, maintain the capability of RISC-3 SSCs to perform their design basis functions. Thus, the complement of SSCs installed at the facility that provide the defense-in-depth will continue to be available. The proposed rule does not change the design basis of the facility, which was established based upon defense-in-depth considerations. Accordingly, the Commission concludes that the proposed rule maintains defense-in-depth.

### III.7.3 Safety Margins Are Maintained

Proposed § 50.69 maintains sufficient safety margins by a combination of:

(1) Maintaining all existing functional and treatment requirements on RISC-1 and RISC-2 SSCs and additionally ensuring that any credit for these SSCs for beyond design basis conditions is valid and maintained; (2) maintaining the design basis of the facility for all

SSCs, including RISC-3 SSCs as described above; and (3) requiring a licensee to have reasonable confidence that the overall increase in risk that may result due to implementation of proposed § 50.69 is small.

Maintaining current requirements on RISC-1 and RISC-2 SSCs, and ensuring that credit taken for these SSCs in the PRA for beyond design basis events is maintained, provides assurance that the safety-significant SSCs continue to perform as assumed in the categorization process. Maintaining the design basis ensures that SSCs continue to be designed to criteria that ensure the SSCs perform their design basis functions, and therefore are nominally capable of performing their design basis functions. Because the only requirements that are relaxed are those related to treatment, existing safety margins for SSCs arising from the design technical and functional requirements would remain. The proposed rule would also require (through monitoring requirements) that the SSCs must be maintained such that they continue to be capable of performing their design basis functions. The reduction in treatment applied to RISC-3 SSCs may result in an increase in RISC-3 failure rates (*i.e.*, a reduction in RISC-3 reliability). To address how this relates to safety margin, proposed § 50.69 would require that there be reasonable confidence that any potential increases in CDF and LERF be small from assumed changes in reliability resulting from the treatment changes permitted by the proposed rule. As a result, individual SSCs continue to be capable of performing their design basis functions, as well as to perform any beyond design basis functions consistent with the categorization process and results. Therefore, the Commission concludes that the proposed rule preserves sufficient safety margins.

### III.7.4 Monitoring and Performance Assessment Strategies Are Used

Proposed § 50.69(e) would contain requirements that ensure that the risk-informed categorization and treatment processes are maintained, and reflect operational practices, the facility configuration, and SSC performance. In addition, proposed § 50.69(g) would contain requirements that reports are made to NRC of conditions preventing SSCs from performing their safety-significant functions. Together, these requirements maintain the validity of the risk-informed categorization and treatment processes such that the above criteria will continue to be satisfied over the life of the facility.

### III.7.5 Summary and Conclusions

Proposed § 50.69 would contain requirements such that the net risk increase from implementation of its requirements is small; defense-in-depth is maintained; safety margins are maintained; and monitoring and performance assessment strategies are used. Together, these requirements result in a proposed § 50.69 that is consistent with Commission policy on the use of PRA, and that maintains adequate protection of public health and safety.

## IV. Public Input to the Proposed Rule

### IV.1.0 Advance Notice of Proposed Rulemaking (ANPR) Comments

The Commission published an ANPR (March 3, 2000; 65 FR 11488) to solicit public input on the direction and scope of this rulemaking. A number of comments were received. The NRC staff provided its preliminary responses to the issues raised by the commenters in SECY-00-194, dated September 7, 2000. The Commission has considered these issues in developing the proposed rule. More detailed discussion of the comments and the Commission's preliminary positions are contained in a separate document (see Section X, Availability of Documents). A summary of some of the more substantive issues follows.

### IV.1.1 Need for Prior NRC Review and PRA "Quality"

As originally envisioned in the ANPR, with development of a detailed Appendix T to contain the categorization process requirements, implementation of § 50.69 could be undertaken without a prior NRC review and approval. As the rulemaking, guidance development, and pilot reviews progressed, it became apparent that some degree of NRC review would be necessary to determine that the PRA was technically adequate to support its use in the categorization process. While the completion of documents such as the ASME Standard for Probabilistic Risk Assessments for Nuclear Power Plant Applications and completion of peer reviews can lead to improved PRAs, there is still some lack of definitive guidance on preparation of PRAs that would allow use of PRA results in the manner anticipated without some degree of NRC review of the PRA itself. Concerns were also raised that excessive detail in the rule might be problematic and require exemptions. Thus, the approach that has been developed is for a rule with the minimum elements of the categorization process defined in the rule, a