

requirement for NRC review and approval of the categorization process (including PRA peer review information) to be used, and detailed implementation guidance (in the form of a regulatory guide).

IV.1.2 Treatment Attributes

Many of the ANPR comments focused on what treatment requirements should be established for various RISC categories of SSC. For example, there were comments that the requirements should not be "added-on" to existing requirements, but should reflect the significance of the SSCs. The Statement of Considerations of this rulemaking provides details about the decisions the Commission has made concerning the appropriate treatment requirements to include for the various categories of SSCs.

IV.1.3 Selective Implementation

The Commission received a number of comments on selective implementation, both during the ANPR process and later. The Commission concludes that selective implementation of § 50.69 should be allowed to permit a licensee/applicant to depart from compliance with a limited set of the special treatment rules delineated in § 50.69(b)(1). This topic is discussed further in Section V.5.1. Because of the existing requirements that would remain in place, a licensee could choose not to revise requirements for all of the rules within the scope of § 50.69(b). However, there is no selective implementation for the overall requirements in § 50.69. Thus for example, a licensee could not elect to adopt paragraph (b)(1) and not (d)(2).

The other question was whether selective implementation with respect to the scope of SSCs to be categorized should be allowed. The Commission has determined that selective implementation on a system basis should be allowed, but not for components within a system. The rule includes specific language about this limitation. This required scope ensures that all safety functions associated with a system or structure are properly identified and evaluated when determining the safety significance of individual components within a system or structure and that the entire set of components that comprise a system or structure are considered and addressed. As further discussed in Section III.2, the implementation, including the categorization process must address an entire system or structure, not selected components within a system.

With respect to the question about categorizing only some systems, because

the process of categorization of individual components within the systems can be time-consuming, categorization will occur over a period of time. In theory, certain systems might not be categorized at all. Initially there was some reservation that a licensee might only choose to categorize in systems where they anticipated relief from requirements (*i.e.*, with a large set of RISC-3 SSCs) and would not categorize a system that would have RISC-2 SSCs. The Commission notes that requirements remain for RISC-3 SSCs until they are recategorized, and both sets of requirements are intended to maintain the design basis functions of RISC-3 SSCs. However, in categorizing any SSC, the categorization process may result in making assumptions about other SSCs in the plant (through the PRA modeling and in the IDP). In other words, for some SSCs to be of low safety significance, it is necessary for other SSCs to be safety-significant. For example, a RISC-2 SSC may be credited in the categorization process and subsequently another SSC becomes RISC-3 (low safety-significant). If a licensee wants to selectively implement § 50.69 just for the system in which a particular RISC-3 SSC resides, then the licensee would also have to assure that the credit for the RISC-2 SSC is maintained also. To ensure that the categorization process is valid, such assumptions and credit must be retained over time, as determined by the PRA update process. Because the NRC will be reviewing the categorization process before implementation, NRC can determine if the categorization process is compatible with this approach.

IV.2.0 Draft Rule Comments

On November 29, 2001 (66 FR 59546), the NRC staff released draft rule language for proposed § 50.69, in response to guidance from the Commission dated August 2, 2001. The draft rule language was released to stakeholders as a means of obtaining early input from stakeholders about the rulemaking and how it would be implemented. The NRC staff received ten sets of comments from stakeholders in response to the FR notice. The NRC staff revised the draft rule and re-issued the revised language on April 5, 2002, taking into account the issues raised by the stakeholders. A third draft of the rule was made publicly available on August 2, 2002. Some revisions to the rule resulted from the input provided by the stakeholders and others were taken into account in the development of the SOC. The remaining discussion identifies the significant comments

which resulted in changes to the draft rule.

Many of the comments received related to the way in which the high-level treatment requirements for RISC-3 SSCs were organized and worded. Based upon these comments, the NRC reduced the number of separate subsections (from 8 to 4), and simplified the wording by removing duplication of phrases. Suggested simplifications that were accepted were the deletion of details of the types of maintenance (corrective, predictive), and deletion of the words "design inputs." Some stakeholders, such as the NEI, stated that the requirements were overly prescriptive and were not consistent with the concept of removing SSCs from the scope of NRC special treatment requirements. The issue about level of detail is the topic that drew the most comment during the draft rule language process. At the same time, comments and input from other stakeholders (including the Advisory Committee on Reactor Safeguards (ACRS)), were resulting in strengthening of the categorization process such that any individual SSC categorized as RISC-3 is of very low safety significance. Specific consideration was also added in the rule requirements to deal with potential common-cause failures. Based upon this evolution, concerns about prescriptiveness as stated in these comments led the Commission to simplify the requirements on treatment for RISC-3 SSCs.

Another part of the draft rule that drew comment was the requirement for monitoring of RISC-3 SSCs. Some of the comments indicated that this was not necessary for low safety-significant SSCs, and was inconsistent with the removal of maintenance rule monitoring (by removing § 50.65(a)(1) through (3) as requirements). In the proposed rule, the Commission has clarified that the type of monitoring of availability and failures under the maintenance rule is not necessary and that the type of monitoring appropriate for RISC-3 SSCs is the performance monitoring specified in § 50.69(d)(2)(iii) and the feedback specified in § 50.69(e)(3).

Other comments proposed that the scope of rules being removed should be expanded to include the requirements in § 50.55a (ASME code requirements), and Appendix A to Part 100. Rule language was added to accomplish this by listing specific subsections of § 50.55a and Appendix A to Part 100 in the list of requirements removed, and through other changes to the rule designed to maintain the necessary reliability of SSCs. The ASME provided comments on the draft rule language