

Applicants would be permitted to implement the treatment requirements, although the process involved for them would likely be different, depending upon the stage at which they seek approval. An applicant would have to categorize its SSCs into the four RISC categories, which would first require the applicant to design the facility to meet the Part 50 requirements including classifying SSCs according to the safety-related definition of Part 50. The applicant could then use the provisions of § 50.69 (upon NRC approval) to categorize SSCs into the four RISC categories, and this in turn would enable the applicant to initially procure these SSCs to meet the applicable § 50.69 requirements.

For Part 54 license holders, implementation is the same as that for a holder of an operating license under Part 50, that is, to apply for an amendment to the (renewed) license. In the development of § 50.69, questions have been received regarding what would be the impact to licensees that implement the proposed § 50.69 and then apply to renew their license. Because Part 54 includes scoping criteria that bring safety-related components within its scope, these components could not be exempted without amending Part 54 to allow for their exclusion. However, there are still options available to applicants for renewal that have implemented § 50.69 first. Because § 50.69 includes alternative treatment requirements for RISC-3 components, an applicant may be able to provide an evaluation that justifies why these alternative treatment criteria (§ 50.69(d)(2)) provide a sufficient demonstration that aging management of the components will be achieved during the renewal period to ensure the functionality of the structure, system, or component. In addition, in the 1995 amendment to Part 54, the Commission recognized that risk insights could be used in evaluating the robustness of an aging management program. The NRC staff has already 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.

For the case where a licensee renewed its license first and then implemented § 50.69, a licensee might revise some aging management programs for RISC-3 SSCs, consistent with the requirements of § 50.69. The Commission considers that there should be little or no impediment for doing so because the categorization process that allows for the reduction in the special treatment requirements for RISC-3 components is

expected to provide an appropriate level of safety for the respective structures, systems and components.

Adopting the proposed § 50.69 requirements for an applicant that has not obtained a § 50.21(b) or § 50.22 operating license (e.g. for a construction permit holder), is not as straightforward, and requires that the applicant first design the facility to meet the current Part 50 requirements. Specifically, to use the proposed § 50.69 requirements requires that SSCs first be classified into the traditional safety-related and nonsafety-related classifications. This establishes the design basis for the facility, which as previously stated, the proposed § 50.69 is not changing. Once the SSC categorization has been done consistent with the safety-related definition in § 50.2, then proposed § 50.69 can be used to re-categorize SSCs into RISC-1, RISC-2, RISC-3, and RISC-4, and the alternative treatment requirements of proposed § 50.69 implemented. A new applicant who chooses to adopt these proposed § 50.69 requirements, must seek approval of the categorization process as part of its license application, and following NRC approval, would be able to procure RISC-3 SSCs to proposed § 50.69 requirements before initial plant operation. An applicant who references a certified design and wishes to implement § 50.69 would include the specified information as part of its application for a license. This does not mean that an applicant would actually construct the facility per all Part 50, and 100 requirements first, before applying § 50.69. Instead, the facility needs to be designed per these requirements, but following approval of application of § 50.69, RISC-3 SSCs could be procured per the requirements of § 50.69(d).

The rule provisions were devised to provide means for licensees and applicants for light water reactors to implement § 50.69. In view of some of the specific provisions of the rule, for example, "safety-related" definition and use of CDF/LERF metrics, the Commission is making this rule only applicable to light-water reactor designs.

An applicant for a design certification could request to implement § 50.69 with respect to categorizing SSCs. Because the rule requirements in § 50.69 include elements of procurement and installation, as well as inservice activities, implementation of the rule by a holder of a manufacturing license or by a design certification applicant would have implications for the eventual operator of the facility. The entity that actually constructs and operates the facility would also have to implement § 50.69 to maintain

consistency with the categorization process and feedback requirements. Otherwise, the operator would be required to meet other Part 50 requirements, such as Appendix B or § 50.55a, which may not be compatible with the facility as manufactured by the manufacturing licensee. However, applicability of this proposed rule is not excluded for manufacturing licenses or design certificate applicants.

V.3.1 Section 50.69(b)(1) Removal of RISC-3 and RISC-4 SSCs From the Scope of Treatment Requirements

Section 50.69 (b)(1) of the proposed rule lists the specific special treatment requirements from whose scope the RISC-3 and RISC-4 SSCs are being removed through the application of § 50.69. In this paragraph, each of the rule requirements (or portions thereof) that are being removed by this rulemaking are listed in a separate item, numbered from § 50.69(b)(1)(i) through (ix). The basis for removal of these requirements was discussed earlier. These requirements are being removed due to the low safety significance of RISC-3 and RISC-4 SSCs as determined by an approved risk-informed categorization process meeting the requirements of § 50.69(c). The special treatment requirements for RISC-3 SSCs are replaced with the high level requirements in § 50.69(d)(2), which when effectively implemented by licensees to provide a sufficient level of confidence that RISC-3 SSCs continue to be capable of performing their safety-related functions under design basis conditions. Note that special treatment requirements are not removed from any SSCs until a licensee (or applicant) has categorized those SSCs using the requirements of § 50.69(c) to provide the documented basis for the decision that they are of low safety significance.

V.3.2 Section 50.69 (b)(2) Application Process

Proposed § 50.69(b)(2) would require a licensee who voluntarily seeks to implement § 50.69 to submit an application for a license amendment pursuant to § 50.90 that contains the following information:

(i) A description of the categorization process that meets the requirements of § 50.69(c).

(ii) A description of the measures taken to assure that the quality and level of detail of the systematic processes that evaluate the plant for internal and external events during normal operation, low power, and shutdown (including the plant-specific PRA, margins-type approaches, or other systematic evaluation techniques used