

the RISC-3 and RISC-4 SSCs from the scope of special treatment requirements delineated in § 50.69(b)(1), and instead require the licensee to comply with more general, high level requirements for maintaining functionality. The proposed rule would allow appropriate flexibility for implementation while continuing to provide reasonable confidence that the SSCs will remain functional. As discussed elsewhere in this notice, the Commission concludes that the requirements in proposed § 50.69 would maintain adequate protection of public health and safety. Previous drafts of this proposed rule posted to the NRC web site, contained more detailed requirements in § 50.69(d)(2) for RISC-3 SSCs. The Commission believes that this level of detail is beyond what is necessary to provide reasonable confidence in RISC-3 design basis capability in light of the robust categorization requirements incorporated into proposed § 50.69. However, the Commission recognizes that some stakeholders may disagree and invites public comment on this matter. To facilitate public comment, example language is provided below that identifies (in quotations and brackets) those requirements that were considered for inclusion in § 50.69 (as well as where they would have appeared in the rule).

(2) RISC-3 SSCs. The licensee or applicant shall develop and implement processes to control the design; procurement; inspection, maintenance, testing, and surveillance; and corrective action for RISC-3 SSCs to provide reasonable confidence in the capability of RISC-3 SSCs to perform their safety-related functions under design basis conditions throughout their service life. ["These processes must meet voluntary consensus standards which are generally accepted in industrial practice, and address applicable vendor recommendations and operational experience. The implementation of these processes and the assessment of their effectiveness must be controlled and accomplished through documented procedures and guidelines. The treatment processes must be consistent with the assumptions credited in the categorization process."] The processes must meet the following requirements, as applicable: (i) Design Control. Design functional requirements and bases for RISC-3 SSCs must be maintained and controlled, ["including selection of suitable materials, methods, and standards; verification of design adequacy; control of installation and post-installation testing; and control of design changes"]. RISC-3 SSCs must be

["have a documented basis to demonstrate that they are"] capable of performing their safety-related functions including design requirements for environmental conditions (*i.e.*, temperature and pressure, humidity, chemical effects, radiation, and submergence) and effects (*i.e.*, aging and synergism); and seismic conditions (design load combinations of normal and accident conditions with earthquake motions). ["Replacements for ASME Class 2 and Class 3 SSCs or parts must meet either: (1) The requirements of the ASME Boiler & Pressure Vessel (BPV) Code; or (2) the technical and administrative requirements, in their entirety, of a voluntary consensus standard that is generally accepted in industrial practice applicable to replacement. ASME Class 2 and Class 3 SSCs and parts shall meet the fracture toughness requirements of the SSC or part being replaced."]

(ii) Procurement. Procured RISC-3 SSCs must satisfy their design requirements. ["Upon receipt, the licensee shall verify that the item received is the item that was ordered."]

(iii) Maintenance, Inspection, Testing, and Surveillance. Periodic maintenance, inspection, testing, and surveillance activities must be established and conducted using prescribed acceptance criteria, and their results evaluated to determine that RISC-3 SSCs will remain capable of performing their safety-related functions under design basis conditions until the next scheduled activity.

(iv) Corrective Action. Conditions that could prevent a RISC-3 SSC from performing its safety-related functions under design basis conditions must be identified, documented, and corrected in a timely manner. ["In the case of significant conditions adverse to quality, measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition."] The Commission is requesting comment as to whether any of these requirements (or other requirements) are necessary to provide reasonable confidence of SSC functionality commensurate with the safety significance of the RISC-3 SSC, *i.e.*, whether the requirements on categorization are sufficiently robust that the level of detail contained in the proposed rule on treatment is appropriate.

VI.2.0 Questions for Public Input

In addition to seeking comment on the proposed rule and its supporting documents, the Commission is also specifically seeking public comment on the following questions. Comments

should be submitted as noted in the **ADDRESSES** section of this notice.

VI.2.1 PRA Requirements

The proposed rule requires as a minimum, a PRA that includes internal events, at power, which has been subjected to a peer review process. The PRA (for that scope) must be capable of determining both CDF and LERF (*i.e.*, provide level 2-type results). Proposed § 50.69 allows licensees to use non-PRA methods to address other modes and hazards in the categorization process (see in particular NEI 00-04 and DG-1121). The proposed rule requires the licensee to submit information about its PRA and these other methods, including information about the quality and level of detail about all of the methods to be used.

The Commission is seeking comment as to whether the NRC should amend the requirements in § 50.69(c) to require a level 2 internal and external initiating events, all-mode, peer-reviewed PRA that must be submitted to, and reviewed by, the NRC. Thus, instead of employing other methods to account for the contribution from modes and events not modeled in the PRA, this more comprehensive PRA would allow for quantification of the contribution from these scenarios. This approach would involve substantive changes in the implementing guidance as well. The Commission is interested in both the benefits of this approach as well as any implications for this specific application of risk insights. The Commission is also seeking comment on whether a different set of PRA requirements, from either of the alternatives described above, should be required for this application.

VI.2.2 Review and Approval of Treatment for RISC-3 SSCs

In the proposed rule, the Commission is proposing to review and approve the categorization process to be used by the licensee. For treatment requirements, the proposed rule sets forth high-level requirements, and does not require NRC review and approval of specific processes a licensee would implement to meet these requirements. Another way to structure the rule would be to require NRC review and approval of the licensee's proposed treatment program for RISC-3 SSCs. The Commission is interested in any benefits of this approach as well as any implications for this rulemaking and its associated guidance.

VI.2.3 Inspection and Enforcement

As discussed above, the Commission recognizes that the final rule may have implications with respect to NRC's