



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

October 6, 2004

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM:       SECY-04-0118

TITLE:                    PLAN FOR THE IMPLEMENTATION OF THE  
                              COMMISSION'S PHASED APPROACH TO  
                              PROBABILISTIC RISK ASSESSMENT QUALITY

The Commission (with Chairman Diaz and Commissioner Merrifield agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of October 6, 2004. Commissioner McGaffigan disapproved the paper.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in black ink, appearing to read "Annette Vietti-Cook", written over a horizontal line.

Annette L. Vietti-Cook  
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc:     Chairman Diaz  
          Commissioner McGaffigan  
          Commissioner Merrifield  
          OGC  
          EDO  
          PDR

VOTING SUMMARY - SECY-04-0118

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. DIAZ	X				X	7/29/04
COMR. McGAFFIGAN		X			X	9/29/04
COMR. MERRIFIELD	X				X	9/7/04

COMMENT RESOLUTION

In their vote sheets, Chairman Diaz and Commissioner Merrifield approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of October 6, 2004. Commissioner McGaffigan disapproved the paper. Subsequently, the comments of a majority of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on October 6, 2004.

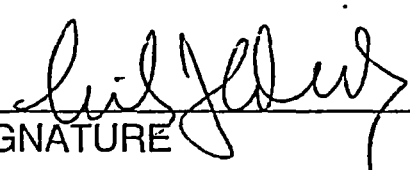
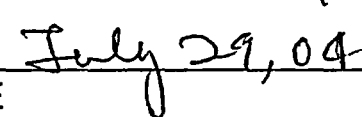
NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: CHAIRMAN DIAZ  
SUBJECT: **SECY-04-0118 - PLAN FOR THE IMPLEMENTATION  
OF THE COMMISSION'S PHASED APPROACH TO  
PROBABILISTIC RISK ASSESSMENT QUALITY**

Approved  Disapproved  Abstain   
Not Participating

COMMENTS:

  
\_\_\_\_\_  
SIGNATURE  
  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No

Chairman Comments:

I approve the staff's proposed action plan to implement the Commission's Phased approach to PRA quality. I also approve the staff's recommendations on Policy Issues #1 and #2.

I would like to commend the staff for an excellent effort. The action plan is thorough, thoughtful, well written, and fully consistent with Commission direction. It provides a suitable and appropriate basis for addressing PRA quality for the on-going efforts to risk-inform the reactor regulations, including efforts involving 50.69 and 50.46.

A handwritten signature in black ink, appearing to be the initials 'LW' followed by a stylized flourish.

NOTATION VOTE

RESPONSE SHEET

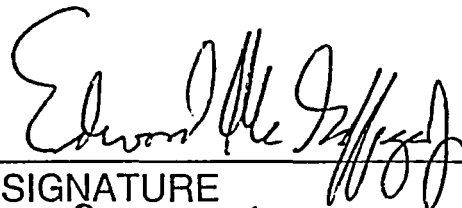
TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MCGAFFIGAN  
SUBJECT: **SECY-04-0118 - PLAN FOR THE IMPLEMENTATION  
OF THE COMMISSION'S PHASED APPROACH TO  
PROBABILISTIC RISK ASSESSMENT QUALITY**

Approved \_\_\_\_\_ Disapproved  Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS:

See attached comments.



SIGNATURE

DATE

September 29, 2004

Entered on "STARS" Yes  No \_\_\_\_\_

Commissioner McGaffigan's Comments on SECY-04-0118

I do not approve the SECY-04-0118 recommendations.

In the SECY, the staff proposed a plan to achieve an "appropriate quality for PRAs" for making regulatory decisions, in accordance with the SRM associated with COMNJD-03-0002, "PRA Quality Expectations and Requirements." At that time, I did not support the phased approach being proposed, and I find that I still do not support it. I remain strongly of the view that I expressed then that the current approach requires far too little of the industry in phase 2 when both the need for higher quality PRAs is clear and NRC's leverage (because of the 50.69 and 50.46 rulemakings) is greatest. This is consistent with my recent vote for SECY-04-0109 (the Proposed Final Rule for 50.69:

With regard to PRA quality, I agree that there are incentives built into this rule and its companion guidance for licensees to produce higher quality PRAs. The PRA provisions may be adequate for this rulemaking, but I do not believe that we are on a path that will produce PRAs of the quality needed for the more complex 10 CFR 50.46 rulemaking ....

I fear that a phased approach such as the one in SECY-04-0118, combined with the provisions of the backfit rule (10 CFR 50.109) for a substantial increase in public health and safety and for benefits that exceed costs, will produce a continuum of licensing decisions with respect to risk-informed regulation. The exact state of deterministic versus probabilistic regulation may end up being not only site-specific, but also application specific on every given site, and even date-specific as implementation phases progress. The burden on the regulator to make appropriate decisions in such a situation concerns me, as the trade-offs among implementation phases will always vary and the plants were designed and licensed originally in a far different regulatory environment.

I remain convinced of the need to inextricably link high quality PRAs with the major rulemakings for 10 CFR 50.46 and 10 CFR 50.69 because those offer the potential for major cost reductions to the industry likely to far exceed the costs of improving PRAs. I am very skeptical that we will ever achieve industry-wide high quality PRAs using a phased approach such as proposed in the SECY.



NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MERRIFIELD  
SUBJECT: **SECY-04-0118 - PLAN FOR THE IMPLEMENTATION OF THE COMMISSION'S PHASED APPROACH TO PROBABILISTIC RISK ASSESSMENT QUALITY**

Approved  Disapproved  Abstain

Not Participating

COMMENTS:

*I concur with the comment of Chairman Diaz.*

  
\_\_\_\_\_  
SIGNATURE

*9/7/04*  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No