

April 16, 2001

COMMISSION VOTING RECORD

DECISION ITEM: SECY-01-0009

TITLE: MODIFIED REACTOR SAFETY GOAL POLICY
STATEMENT

The Commission (with Chairman Meserve and Commissioners Diaz, McGaffigan, and Merrifield agreeing) disapproved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of April 16, 2001. Commissioner Dicus approved the paper.

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

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Meserve
 Commissioner Dicus
 Commissioner Diaz
 Commissioner McGaffigan
 Commissioner Merrifield
 OGC
 EDO
 PDR

VOTING SUMMARY - SECY-01-0009

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	PARTICIP	NOT COMMENTS	DATE
CHRM. MESERVE		X			X	4/9/01
COMR. DICUS	X				X	2/6/01
COMR. DIAZ		X			X	2/1/01
COMR. McGAFFIGAN		X			X	4/10/01
COMR. MERRIFIELD		X			X	4/12/01

COMMENT RESOLUTION

In their vote sheets, Chairman Meserve and Commissioners Diaz, McGaffigan, and Merrifield disapproved the staff's recommendation and provided some additional comments. Commissioner Dicus approved the paper. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on April 16, 2001.

Commissioner Comments on SECY-01-0009

Chairman Meserve

I commend the staff for its efforts in developing the modified Reactor Safety Goal Policy Statement (SGPS). Although the staff has carefully followed the Commission guidance in SECY-00-0077, events that have transpired in the past several months with respect to the NRC's risk-informed regulatory initiatives have persuaded me that making the proposed incremental modifications to the SGPS might deflect the Commission and our stakeholders from more important activities. The NRC's current efforts to risk-inform our reactor regulations should ultimately provide the basis for more significant revision of the SGPS. Thus, I disapprove the recommended changes to the SGPS as proposed in SECY-01-0009. The staff should revisit this issue in the future, when further progress has been made on the agency's various risk-informed regulatory initiatives.

Commissioner Dicus

I approve the staff's proposed revision to the Commission's Reactor Safety Goal Policy Statement. The modified safety goal policy statement continues to provide, and further enhances, the foundation for improved safety-focused regulation. By considering the current regulatory practice and experience gained in risk-informing some of our regulatory approaches, I believe that the staff has proposed a modest, reasonable, and timely update to the safety goal policy statement.

The proposed modification to the Commission's safety goal policy statement reflects significant staff effort and is consistent with the Commission's direction in the SRM on SECY-00-0077, "MODIFICATIONS TO THE REACTOR SAFETY GOAL POLICY STATEMENT". The staff's recommendation to modify the policy statement has been informed by numerous interactions with stakeholders, interactions with the Advisory Committee on Reactor Safeguards, and by the experience gained in developing guidance for risk-informed regulatory applications.

I am certain that as we continue to learn from our experiences a future, additional update to the Commission's Safety Goal Policy statement will be warranted. For example, the current effort to risk inform part 50 is a long term effort and the conclusion of that effort may be an appropriate point to consider an additional revision to the safety goal policy statement.

Commissioner Diaz

I commend the staff for the work done on modifying the reactor safety goals in response to the Commission's Staff Requirements Memoranda on SECY-97-208, SECY-98-101, SECY-99-191, and SECY-00-0077. I believe the existing reactor safety goals have provided, and continue to provide a foundation for improved safety-focused regulation. The modified reactor safety goals appear not to advance the intent nor the specificity of the established safety goals. The proposed modifications to the safety goals are generally articulated in other NRC documents and incorporation into the reactor safety goals is unnecessary. Furthermore, I believe that modifying the reactor safety goals now could inject a degree of instability counterproductive to the many initiatives the Commission has undertaken. Moreover, SECY-00-0077 noted that there was no strong public support for modifying the safety goal policy statement among public interest groups and industry representatives.

The Commission has multiple initiatives, including Options 2 and 3 for risk-informing Part 50, that will result in a foundation for a substantive improvement to the reactor safety goals policy statement. I recommend we do not proceed with the present modification and revisit the issue after the completion of risk-informing Part 50.

Commissioner McGaffigan

I disapprove going forward with the Modified Reactor Safety Goal Policy Statement (SGPS) (SECY-01-0009).

I join with Commissioner Diaz in commending the staff for their work done in proposing the revision to the Commission's Reactor Safety Goal Policy Statement. And I agree with Commissioner Dicus that SECY-01-009 is consistent with Commission direction in the SRM for SECY-00-0077. The staff, in that same SECY, however, informed the Commission that there was little interest in, or support for, even an incremental safety goal policy statement revision among external stakeholders. The one public meeting held on this subject in November 1999 was sparsely attended. Thus, the impetus for the SGPS revision had largely come from an internal NRC desire to make modest technical changes while more far reaching risk-informed initiatives were still underway. It was always recognized that another revision would be necessary once the broader changes were developed and implemented.

It is quite possible that if the proposed modification were to be issued for another round of public comment, a consensus might emerge. However, even if such a consensus could be attained, and the results to date leave me with grave doubt that it could, I share the Chairman's concern that the effort might deflect both the Commission and our stakeholders from the more important risk-informed reactor regulatory initiatives. The staff should consult with the Commission on a more significant revision to the reactor SGPS in the future, when further progress has been made on the agency's various risk-informed regulatory initiatives.

Commissioner Merrifield

After long and serious consideration of the information provided by the staff and of the views expressed by other members of the Commission, I disapprove the staff's proposed modified version of the Reactor Safety Goal Policy Statement (RSGPS), and their recommendation to publish it as a final Policy Statement in the Federal Register. I join my Commission colleagues in commending the staff for their efforts associated with the development of the modified RSGPS. In particular, I recognize Commissioner Dicus' views on this matter and agree with her that SECY-01-0009 is consistent with the Commission's direction provided in the SRM associated with SECY-00-0077. There is no doubt in my mind that the staff gave the Commission what we asked for. However, after carefully reviewing SECY-01-0009, it is clear to me that additional staff effort would be necessary before the modified RSGPS would be acceptable to a majority of the Commission and I simply do not believe that utilizing the agency's limited resources in such a manner is prudent given the many challenges we face.

Recent information provided by the staff made it clear to me that further enhancements to the proposed modified RSGPS are necessary, and that it would be prudent for the agency to issue the modified RSGPS for another period of public comment. As I stated above, I cannot support these efforts because they would require the agency to devote resources that could be better utilized on more important regulatory initiatives. Frankly, the limited benefits that may be

achieved by a modified RSGPS at this time do not justify the costs that would be required of the staff. However, as indicated by some of my Commission colleagues, the staff should consult with the Commission on a more significant revision to the RSGPS in the future when further progress has been made on the agency's risk-informed regulatory initiatives and when resource demands are not as pressing.