



REQUEST REPLY BY: 6/14/06
UNITED STATES

COMSECY-06-0028

NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

Disapproved. See attached comments.

SECRETARY

May 31, 2006

[Signature]
Nils J. Diaz 6/12

MEMORANDUM FOR:

- ✓ Chairman Diaz
- Commissioner McGaffigan
- Commissioner Merrifield
- Commissioner Jaczko
- Commissioner Lyons

FROM:

(1) - Bates
Andrew L. Bates, Acting Secretary

SUBJECT:

COMSECY-06-0028 - STATUS UPDATE ON FEASIBILITY OF DEVELOPING FUEL FACILITY PERFORMANCE INDICATORS

At the request of Commissioner McGaffigan, we have converted the May 24, 2006, memorandum from the Executive Director of Operations on the subject matter to a COMSECY. A copy is attached. Please reply to SECY by COB Wednesday, June 14, 2006.

Attachment:
As stated

cc: EDO
OGC
OCA
OPA
CFO

CHAIRMAN REC'D
06 MAY 31 PM 2:26

Chairman Diaz's Vote on COMSECY-06-0028

I do not support continuing the staff's efforts to develop facility-specific performance indicators (PIs) for fuel facilities. This effort is reminiscent of the work done in the 1999-2002 timeframe to revise the fuel facility oversight program. The staff concluded that a revised oversight program which emulated the power reactor program was not feasible because there was not enough information yet about the implementation of the risk-informed revised Part 70. Now that the staff and licensees have more experience implementing Part 70, and reviewing the Integrated Safety Analyses for the fuel cycle licensees, it appears that the uniqueness of the fuel facilities will hinder an attempt to homogenize the NRC's approach to regulating safety through the development of performance indicators. A "one size fits all" approach is not appropriate for these facilities.

As the fuel facility licensees gain more experience in using the Integrated Safety Analyses as tools for making safety and operational decisions, the NRC staff can continue to focus their efforts on the most risk significant plant operations.

A handwritten signature in black ink, appearing to be the initials 'LD', is located below the second paragraph of text.



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- ~~Commissioner McGaffigan~~
- Commissioner Merrifield
- Commissioner Jaczko
- Commissioner Lyons

FROM:

(A) Bates
Andrew L. Bates, Acting Secretary

SUBJECT:

COMSECY-06-0028 - STATUS UPDATE ON FEASIBILITY OF DEVELOPING FUEL FACILITY PERFORMANCE INDICATORS

I responded.
See attached comments.
Ellie Gaffigan Jr.
6/6/06

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Commissioner McGaffigan's Comments on COMSECY-06-0028

I do not support continuing a search for performance indicators for fuel cycle facilities. I believe that the chance of this effort being successful is very small, and that the effort is very unlikely to produce benefits commensurate with the additional costs of staff (and I presume contractor) efforts.

Fuel cycle facilities are entirely different from reactors. Each is unique. As they all move to the integrated safety assessment (ISA) framework of the revised Part 70, we will develop a deeper understanding of the safety envelopes and will better understand where to focus our inspection resources, as we use probabilistic risk assessment (PRA) insights to focus reactor inspections. I support that degree of risk-informing fuel facility oversight. But the now several year old search for fuel facility performance indicators takes the analogy to the reactor oversight process too far and should be terminated.


Edward McGaffigan, Jr. 6/6/08
(Date)



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Disapproved. I concur with the vote by Commissioner McGaffigan. Staff has other higher priority issues to address first.

SECRETARY

May 31, 2006

MEMORANDUM FOR:

Chairman Diaz
Commissioner McGaffigan
~~Commissioner Merrifield~~
Commissioner Jaczko
Commissioner Lyons


Jeffrey St. Merrifield, 6/8/06

FROM:

(cc) Bates
Andrew L. Bates, Acting Secretary

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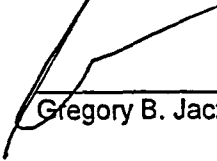
SECRETARY

May 31, 2006

Approved, see attached
comments.

MEMORANDUM FOR:

Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
~~Commissioner Jaczko~~
Commissioner Lyons


Gregory B. Jaczko

6/7/06
Date

FROM:

(A) Bates

Andrew L. Bates, Acting Secretary

SUBJECT:

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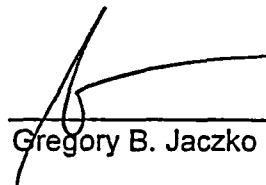
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**Commissioner Jaczko's Comments on COMSECY-06-0028
Status Update on Feasibility of Developing Fuel Facility Performance Indicators**

The Commission, following the May 25, 2005, briefing on the results of the Agency Action Review Meeting, directed the staff to engage stakeholders when evaluating the feasibility of developing facility-specific indicators of performance that could further enhance our regulatory oversight efforts at fuel facilities. The May 24, 2006, memorandum, which is the subject of this COMSECY, provides the status of the staff's efforts to evaluate the feasibility of developing indicators that are objective, transparent, risk-informed and performance-based.

I support the staff's effort to openly engage stakeholders in its evaluation process, and believe that the Commission should not prejudge the outcome, but rather wait until the staff provides the Commission with the results and recommendations of its evaluation by December 2006. Trying to short circuit this process now could potentially prevent the Commission from realizing gains in further implementing a more performance-based, risk-inform safety program. Therefore, I continue to approve of the staff's efforts to evaluate the feasibility of developing performance indicators appropriate for our fuel facility licensees as directed by a majority of the Commission following the Agency Action Review meeting last year. X



Gregory B. Jaczko

6/7/06

Date



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COMSECY-06-0028

NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

SECRETARY

May 31, 2006

Approved with
attached comments.

MEMORANDUM FOR: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons

Josephine M. Piccone
for _____ Date 6/14/06

FROM: *(A) Bates* Andrew L. Bates, Acting Secretary

SUBJECT: COMSECY-06-0028 - STATUS UPDATE ON FEASIBILITY OF
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Commissioner Lyons Comments on COMSECY-06-0028

I agree with the Chairman and Commissioner McGaffigan's observations that fuel cycle facilities are so different from reactors that it may not be worthwhile to apply the concept of performance indicators (PIs), which comes from the Reactor Oversight Process, to fuel cycle facilities.

The Commission, however, directed the staff in the SRM for SECY-50-0070 to evaluate the feasibility of developing PIs for these facilities, and the staff has been carrying out this task. To support this effort, the staff has already spent significant resources in gathering the necessary information in order to make its recommendations regarding PI development. Any additional staff efforts should be minimized by gathering information during routine visits to the fuel facilities or by telephone, rather than specific site visits for this purpose. This would complete the staff's proposed actions in gathering information.

The information has value and should be provided to the Commission in a manner that economizes our resources. Accordingly, the staff should inform the Commission of the information and any recommendations through a TA brief, as opposed to a Commission paper.

for Josephine M. Piccone
Peter B. Lyons Date 6/14/06