such that it justified including the constraints in the technical specifications to ensure adequate protection of the public health and safety or that the addition of such constraints provides substantial additional protection to the public health and safety.

The Commission identified four systems that meet Criterion 4 in the final policy statement based on previous qualitative reviews of operating experience and risk. They are reactor core isolation cooling/isolation condenser, residual heat removal, standby liquid control, and recirculation pump trip. The Commission recognizes, however, that other structures, systems, or components may meet this criterion. Plant- and design-specific PRAs have yielded valuable insight to unique plant vulnerabilities not fully recognized in the safety, design basis accident, or transient analyses.

The NRC's current regulatory requirements are largely based on deterministic engineering criteria involving the use of multiple barriers and defense in depth. Recently, the NRC staff has formulated a comprehensive plan for the application of PRA technology and insights throughout the agency. It is expected that the PRA Implementation Plan will serve as the framework for continued and future applications of PRA at the NRC. Implementation of this plan will increase the systematic use of risk assessment techniques. To ensure consistent and appropriate decisionmaking that incorporates PRA methods and results, it is important that coherent and clear application guidelines are applied. As part of the PRA Implementation Plan, such guidelines will be established (incorporating safety goals and backfit rule considerations) that address the interdependence of probabilistic risk and deterministic engineering principles. The process of developing these guidelines will involve communications among the NRC staff, the nuclear industry, and the public to ensure that all parties understand the role of PRA methods and results in NRC's risk management efforts. The NRC staff anticipates that, as it gains experience with the development and use of such PRA application guidelines, it will be better able to refine such phrases as "significant to public health and safety," and other phrases that are used in many of the Commission's regulations.

The Commission could delay publication of this final rule until the PRA application guidelines are in place. However, the Commission believes that the experience gained while using the criteria under the interim and final policy statements combined with the limitations imposed on the NRC staff by the backfit rule provide assurance that, in the interim, the staff's use of Criterion 4 to apply PRA to technical specification content will be properly controlled. The Commission has concluded that it is appropriate to publish this final rule, which provides the framework for technical specifications, at this time.

One commenter stated that the PRA portion of the fourth criterion should be clarified to include only those equipment items important to risksignificant sequences as defined in Generic Letter 88–20, "Individual Plant Examination for Severe Accident Vulnerabilities," Appendix 2, and reported in licensees' individual plant examination (IPE) reports.

The IPE program has resulted in commercial reactor licensees using riskassessment methods to identify plantspecific severe accident vulnerabilities. Since submittal of their IPE reports, many licensees have enhanced their plant-specific PRAs and have gained additional insights into unique plant vulnerabilities. These additional insights from PRAs are being used by licensees in such areas as implementation of the maintenance rule.

As stated in the Commission's "Proposed Policy Statement on the Use of Probabilistic Risk Assessment Methods in Nuclear Regulatory Activities," the use of PRA technology should be increased in all regulatory matters to the extent supported by the state of the art in PRA methods and data and in a manner that complements the NRC's deterministic approach and supports the NRC's traditional defensein-depth philosophy. The Commission will continue to apply PRA to technical specifications in accordance with its proposed policy statement on the use of PRA. In addition, guidance for specific applications or classes of applications will be developed under the PRA Implementation Plan. The Commission believes this is a more appropriate means to define how Criterion 4 will be used in practice, rather than to limit the structures, systems, and components captured by Criterion 4 to those items important to risk-significant sequences as defined in Generic Letter 88-20, Appendix 2, and reported in licensees' IPE reports. The Commission believes that this process will provide the NRC staff and the industry with additional risk insights, beyond those identified through the IPE program.

The same commenter said that the operating experience portion of the

fourth criterion should be deleted because it is subjective and because no equipment would satisfy only that portion of the fourth criterion and none of the other criteria.

While operating experience is an important part of PRA, not all PRA models are sophisticated enough to capture all operating experience. The Commission believes that operating experience can play an important role in determining the safety significance of structures, systems, and components and that there will be no adverse impact by including operating experience as part of Criterion 4.

One commenter emphasized that the development of implementation guidance, especially with respect to Criterion 4, should be consistent with the implementation guidance of the maintenance rule.

As stated previously, the Commission believes that the improved STS, the final policy statement, the backfit rule (§ 50.109), and the statement of consideration for this rule contain sufficient guidance on implementation of the criteria to proceed with rulemaking. Supplementary guidance will continue to be provided to the NRC staff that will support the process for implementing the four criteria on both a generic and plant-specific basis, and will be publicly available. The NRC staff will ensure that any guidance documents that relate to the implementation of the four criteria will be consistent with the implementation guidance of the maintenance rule along with the guidance for other rules promulgated by the Commission.

One commenter expressed a concern with respect to the level of PRA information necessary to support the relocation of existing technical specifications which do not meet the first three criteria.

If a technical specification provision does not meet any of the first three criteria, and if the current PRA knowledge or operating experience does not identify the structure, system, or component as risk significant, the NRC staff will not preclude relocating such technical specifications. The level of PRA information necessary to support relocation would be considered as part of the overall review of the supporting basis for the proposed change. The Commission expects that licensees will utilize PRA insights to indicate whether the provisions to be relocated contain constraints of importance in limiting the likelihood or severity of the accident sequences that are commonly found to dominate risk.

One commenter stated that the implementing guidance needs to be