clear on how the proposed criteria would be used to determine if new requirements are to be incorporated into technical specifications.

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. The staff will also ensure that application of the criteria to new requirements is consistent with the guidance in the draft ''Regulatory Analysis Guidelines,'' Revision 2, published in August 1993 (NUREG/BR–0058), and the final version of Revision 2 when it is approved by the Commission. In addition, the NRC has recently published NUREG/CR–6141, ''Handbook of Methods for Risk-Based Analyses of Technical Specifications,'' December 1994, which summarizes systematic risk-based methods to improve various aspects of technical specification requirements. The handbook was developed through research sponsored by the NRC and will be used as a reference document to assist the NRC staff in reviewing licensees' risk-based analyses submitted as part of the bases for proposed changes in facility technical specifications. This guidance will be updated periodically to incorporate lessons learned and changes in the state of the art, will help ensure the criteria are applied in a consistent and controlled manner, and will be publicly available. As stated above, as part of the PRA Implementation Plan, PRA application guidelines will be established (incorporating safety goals and backfit rule considerations) that address the interdependence of probabilistic risk and deterministic engineering principles. As these application guidelines develop, they will progressively be used to provide guidance to the NRC staff on the use of the criteria contained in this rule and the application of the backfit rule to new regulatory requirements.

One commenter stated that the same or similar criteria to those in the rule should also be applied to 10 CFR 50.36(c)(3), (4), and (5), so that surveillance requirements, design features, and administrative controls which do not provide the necessary ''adequate protection of the health and safety of the public'' can be relocated to other licensee-controlled documents.

With respect to § 50.36 (c)(3), ''Surveillance Requirements,'' the Commission stated in the final policy statement that appropriate surveillance requirements and actions should be retained for each LCO which remains or is included in the technical specifications.

The criteria in § 50.36(c)(2) apply to safety functions. Therefore, the Commission does not believe that these criteria can be appropriately applied to the types of requirements found in the ''design features'' and ''administrative controls'' sections of the technical specifications. The NRC staff has, however, been pursuing separate improvements to these requirements, in cooperation with industry, using the intent of the criteria to identify the optimum set of requirements in each of these areas and to eliminate redundancy to other regulations consistent with the minimum requirements of § 50.36 and the Atomic Energy Act, as amended.

One commenter stated that the removal of items from plant technical specifications may decrease enforceability and licensee attention to safety.

The Commission does not agree that the removal of items from plant technical specifications will decrease licensee attention to safety. On the contrary, the Commission believes that implementation of the criteria contained in this rule will produce an improvement in the safety of nuclear power plants through the use of more operator-oriented technical specifications, improved technical specification bases, reduced action statement induced plant transients, and more efficient use of NRC and industry resources. Clarification of the scope and purpose of technical specifications has provided useful guidance to both the NRC and industry and has resulted in improved technical specifications that are intended to focus licensee and plant operator attention on those plant conditions most important to safety.

The Commission also does not agree that the removal of items from plant technical specifications will have any adverse impact on the NRC's ability to take enforcement action on safety-significant issues. The improved STS are intended specifically to focus on the operating plant parameters and associated surveillance criteria of safety significance. The Commission requires compliance with technical specifications, and expects adherence to commitments contained in licensee-controlled documents. Violations and deviations will, as in the past, be handled in accordance with the NRC enforcement policy in 10 CFR Part 2, Appendix C. Any changes to a licensee's technical specifications to apply these criteria will be made by the license amendment process prior to implementation.

When a licensee elects to apply these criteria, some requirements are relocated from technical specifications to the FSAR or to other licensee-controlled documents. Licensees are to operate their facilities in conformance with the descriptions of their facilities and procedures in their FSAR. Changes to the facility or to procedures described in the FSAR are to be made in accordance with 10 CFR 50.59. The Commission will take appropriate enforcement action to ensure that licensees comply with 10 CFR 50.59. Changes made in accordance with the provisions of other licensee-controlled documents (e.g., QA plan, security plan) are subject to the specific requirements for those documents. Nothing in this rule limits the authority of the NRC to conduct necessary inspections and to take appropriate enforcement action when regulatory requirements or commitments are not met.

The same commenter stated that the removal of items from plant technical specifications will diminish public participation rights in the regulation of operating nuclear power plants by diminishing the universe of potential operating license amendment cases.

Any changes to a licensee's technical specifications to apply these criteria will be made by the license amendment process before implementation. The review of each license amendment will involve an opportunity for public participation. One of the goals of the technical specifications improvement program was to make more efficient use of NRC and industry resources by focusing attention on those plant conditions most important to safety and, in turn, reducing the number of license amendment requests. Since 1969, there has been a trend toward including in technical specifications not only those requirements derived from the analyses and evaluations included in the safety analysis report but also essentially all other Commission requirements governing the operation of nuclear power reactors. This extensive use of technical specifications is due in part to a lack of well-defined criteria (in either the body of the rule or in some other regulatory document) for what should be included in technical specifications. This has contributed to the volume of technical specifications and to the several-fold increase, since 1969, in the number of license amendment applications to effect changes to the technical specifications. It has diverted both NRC staff and licensee attention from the more important requirements in these documents to the extent that it has resulted in an adverse but unquantifiable impact on safety.