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April 6, 1961

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Mr. Robert Lowenstein
Acting Director
Division of Licensing
and Regulations
Atomic Energy Commission
Washington 25, D. C.

Dear Mr. Lowenstein:

The following are our comments on the proposed reactor site criteria published in the Federal Register February 1961. At the outset, we wish to state that in our judgment the criteria are a distinct improvement over the criteria issued on May 23, 1959.

The format of treating the criteria as "proposed guides" is commendable since it would seem undesirable at this stage in the development of reactor technology to issue rules establishing precise criteria on any one aspect of reactor safety, and particularly on the difficult matter of siting such facilities. Of course, mere use of the term "guides" may not accomplish the desired results of permitting regulatory flexibility and of avoiding the implication that the criteria set forth are intended to be definitive rules. Moreover, there is some confusion as to just what is intended because of the use of the word "criteria." In a regulatory context, a criterion connotes something more definitive than a guide. To avoid any possibility of confusion, it might be well to use the term "guide" in place of the term "criteria" throughout the document.

One serious disability of the proposed guides is the incorporation of specific numbers in §100.11 (a)(3) and in Appendix "A" attached to the guides. We acknowledge that specific numbers may be useful to applicants,

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in the form of guidance, in assisting them in choosing their sites, but they may also have an adverse effect as published in the proposed guides. While it is true that the calculations and the numbers resulting therefrom are only intended as examples as stated in paragraph §100.11(b), the numbers may well have a limiting effect by assuming the import of standards. Indeed, a reading of the newspaper reports of this proposed rule indicates the likelihood that the numbers used of distance from populous areas for reactors of various power levels will be regarded by the public as firm limitations. Such an eventuality may result in a stifling effect on industrial ingenuity and be an inhibiting factor to new developments. These adverse effects could result from a combination of causes. The regulatory agency, wishing to avoid political and public relations problems, may be reluctant to make an exception to the distances that have been set forth in the rule. Aware of this understandable reluctance, an applicant may well conclude that an exception to the distances set forth would not warrant either the administrative difficulties involved or the investment necessary to develop and prove-out new techniques which might justify reducing the distances. Needless to say, a license applicant who is planning a major reactor facility also will be mindful of the public relations problem of trying to locate nearer to major population areas than specified by published guides.

The difficulty, therefore, is not the purpose of the proposed figures, which we recognize as a commendable effort to provide guidance to potential licensees and information to the public, but rather, it is the impact which the document will have in its present form.

We believe that the objectives may be accomplished in another manner and without the disadvantages which are likely to accompany the proposed rule in its present form. We would recommend that the guides be published without the specific numbers mentioned above or the formulas contained in the Appendix or in "100.11(a)(3)", and that a supplementary document be published which summarizes the regulatory experience to date with respect to the location of reactors. Such a supplementary document would afford an applicant a sound informational base for estimating the likely action of the Agency on his proposed site without committing the Agency to specific quantitative

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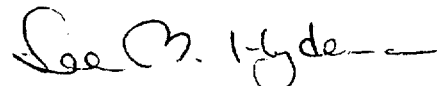
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figures. Certainly public adherence by the AEC to the principle of regulation by precedent, rather than by rule, particularly in the reactor field where experience and standardization are lacking, would seem at this time to be more realistic.

Another difficulty with the proposed guides is the retention of, and emphasis placed upon, the concept of a maximum credible accident. It is difficult for us to discern how a maximum believable accident can be identified with the kind of precision which the proposed rule appears to contemplate. Moreover, at least in the case of engineering test reactors the less serious, and also less remote, accidents would appear to be more important factors in the determination of site than the single accident deemed to be the maximum credible accident. As an alternative, we would suggest consideration of a requirement that each applicant be required to identify the various types of accidents which are credible for the particular type of reactor being proposed. The applicant also could be required to identify the worst of these possible accidents, but the safety determination should not be predicated solely on the worst accident. The Commission should be able to provide guidance for the kind of accidents to be considered.

Finally, we would think that the flat assertion in §100.2 that "This conservatism will result in more isolated sites" may be too categorical. If "more isolated sites" refers to the figures given at the end of Appendix "A" the statement is misleading since the remoteness of the site will depend on the safety factors built into the facility and also may depend on whether the novelty of the facility is such that it is quite likely to be more safe than existing facilities. This minor difficulty could be overcome if the word "may" is substituted for the word "will."

Sincerely yours,



Lee M. Hydeman

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