



UNITED STATES
 NUCLEAR REGULATORY COMMISSION
 ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
 WASHINGTON, D. C. 20555

ACRS-120906

November 12, 1980

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Honorable John F. Ahearne
 Chairman
 U.S. Nuclear Regulatory Commission
 Washington, D. C. 20555

REGISTRATION
 SERVICES
 ARCH

SUBJECT: ACRS REVIEW OF LICENSE APPLICATIONS

Dear Dr. Ahearne:

The ACRS, in response to your request, has discussed Commissioner Gilinsky's attached memorandum of October 2, 1980 regarding the format of the findings in ACRS reports on license applications. We have the following comments:

1. The Committee believes that its reports on Construction Permit and Operating License applications should continue to include a general conclusion concerning the Committee's evaluation of the risk posed to public health and safety by operation of the plant being reviewed. In the absence of more quantitative standards, the Committee's conclusions must, at this time, be based on its collective judgment which takes into account a variety of factors including a comparison of the plant being considered with other operating nuclear power plants and with other risks to which populations are exposed.
2. The Committee recognizes that precedent may have some influence on the decisions it reaches. However, the backgrounds and viewpoints of the members are sufficiently broad and the turnover in membership is sufficiently rapid that, up to now, precedent has not provided noticeable constraints on Committee views.

In summary, the ACRS believes that its general evaluation of a license application, as typically expressed in the last paragraph of past reports, continues to be appropriate and has positive value.

Sincerely,

Milton S. Plesset
 M. S. Plesset
 Chairman

Attachment:
 Commissioner Gilinsky's memo dtd. 10/2/80 to Chairman Ahearne,
 Commissioners Hendrie and Bradford, Subj: ACRS Review of
 License Applications

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

OFFICE OF THE
COMMISSIONER

October 2, 1980

MEMORANDUM FOR: CHAIRMAN AHEARNE
COMMISSIONER HENDRIE
COMMISSIONER BRADFORD

SUBJECT: ACRS REVIEW OF LICENSE APPLICATIONS

I would like to suggest that we change the format of the findings which we ask the ACRS to make with regard to license applications. Presently, the ACRS makes a general finding that a facility for which a license is sought poses "... no undue risk to the health and safety of the public." By asking the ACRS to make a formal finding that a given design or activity is acceptable I suspect we are constraining the ACRS's judgment in later cases. This is particularly true where there are no well-defined standards of acceptability since the ACRS may define acceptability in terms of its prior decisions. It would not be surprising if the ACRS felt some compunction about taking a position which would, in effect, overturn one of the Committee's earlier findings of general acceptability. As an alternative, I would suggest we ask the ACRS to drop the boilerplate final paragraph of its letters.

Victor Gilinsky

Victor Gilinsky

cc: Chairman Plesset, ACRS
L. Bickwit, GC
E. Hanrahan, O.
S. Chilk, SECY

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