

NOTATION VOTE

RESPONSE SHEET

RELEASED TO THE PDR  
4/12/94  
date initials

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER REMICK

SUBJECT: SECY-94-017 - OPTIONS WITH REGARD TO  
REVISING 10 CFR PART 100, REACTOR SITE  
CRITERIA

APPROVED <sup>w/comment</sup>  DISAPPROVED  ABSTAIN

NOT PARTICIPATING  REQUEST DISCUSSION

COMMENTS:

*Please see attached*

9404140142 940315  
PDR COMMS NRCC  
CORRESPONDENCE PDR

*[Signature]*  
SIGNATURE

RELEASE VOTE

*15 March 92*  
DATE

WITHHOLD VOTE

ENTERED ON "AS" Yes  No

*[Handwritten initials]*

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Commissioner Remick's comments on SECY-94-017:

I commend the staff for their efforts to improve the proposed Part 100 rule. I approve staff's recommendations to withdraw the non-seismic portion of the proposed Part 100 rule and to proceed with Option 4 for the non-seismic provisions and Option 2 for the seismic provisions subject to the following comments:

1. In relocating source terms and dose calculations from Part 100 to Part 50, staff should give consideration to the adequacy of the current dose limits from the perspective of the Commission's Safety Goal Policy Statement, risk, regulatory consistency, and current international terminology and approaches (e.g., TEDE, relationship between whole body and thyroid exposures, etc.). Also, the staff should make clear that there is more than one source term.
2. I agree with Commissioner Rogers' comment that it should be made clear that the new siting requirements are for use with new plants and not for existing plants or license renewal applications.
3. I agree with the basic direction of the Chairman's first comment. A basic reactor site criterion like the one he suggests should be used instead of the vague, and probably unnecessary, criterion that a "... reactor site must be located away from densely populated centers."

However, I would like the staff and OGC to explore the possibility of using the agency's existing "no obviously superior alternative" standard instead of the Chairman's suggested criterion -- the "best reasonable choice". The latter formulation would be new in NRC practice and thus raises concerns about consistency with existing standards, and concerns about unforeseen difficulties in implementation. The criterion that there should be "no obviously superior alternative" to the site proposed is well established in NRC practice and case law, affirmed by the courts, and now incorporated in Part 52 (§§ 52.17 and 52.18). Such a standard might make it unnecessary for guidance documents to contain numerical values for population density.

I am also concerned that the Chairman's suggested "weighing [of] various site elements to generate composite rankings" may involve an unnecessary quantification, and may therefore be a less useful way to choose a site than the "balancing" of "factors" which our NEPA regulations require (§§ 51.71(d) and 51.103(a)(3)).

4. I agree with Chairman Selin's comments 2 and 3 that draft Regulatory Guides and Standard Review Plan sections should be submitted to the Commission and that the revised proposed rule should go out for additional public comment.