



OFFICE OF THE SECRETARY

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

RELEASED TO THE PDR 4/12/94 date initials

March 28, 1994

MEMORANDUM TO: James M. Taylor Executive Director for Operations FROM: Samuel J. Chilk, Secretary SUBJECT: SECY-94-017 - OPTIONS WITH REGARD TO REVISING 10 CFR PART 100, REACTOR SITE CRITERIA

The Commission (with all Commissioners agreeing) has approved the 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.

The Commission (with all Commissioners agreeing) believes that the basic site criteria that "the reactor site must be located away from densely populated centers" could be amended. The staff and OGC should explore the possibility of using the existing "no obviously superior alternative" standard since it has been well established in NRC practice and case law and has been affirmed by the courts. If such an approach is used, the staff may wish to consider whether numerical criteria for population density and other site elements still need to be incorporated into the guidance documents.

When the proposed rule is submitted to the Commission for review, outlines of the draft regulatory guides and Standard Review plan section should be provided to demonstrate how the basic site criteria will be implemented. Of particular interest are any proposed numerical criteria for population density and exclusion area boundaries. Also, the staff should provide sufficient detail in the seismic guidance documents to provide an understanding of how decisions on the hybrid approach comparisons will be made.

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SECY NOTE: THIS SRM, SECY-94-017, AND THE VOTE SHEETS OF ALL COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 10 WORKING DAYS FROM THE DATE OF THIS SRM

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The Statement of Considerations, and possibly the rule itself, should clearly state that the new siting requirements apply only for the initial siting for new plants and are not to be used in evaluating applications for the renewal of existing nuclear power plant licenses.

The Statement of Considerations should clarify and amplify the points raised in the Commission meeting of March 1, 1994 regarding the relationships, tradeoffs and amount of coupling between standardized reactor designs and site acceptability.

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 it clear that there is more than one source term.

Due to the substantive nature of the changes to be made to the rule, both parts should be resubmitted for Commission review and reissued for public comment prior to the final rulemaking.

(EDO)

(SECY Suspense: 6/24/94)

cc: The Chairman
Commissioner Rogers
Commissioner Remick
Commissioner de Planque
OGC
OCA
OIG
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)