



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

January 15, 1980

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

Subject: RECOMMENDATIONS OF PRESIDENT'S COMMISSION ON ACRS ROLE

Dear Dr. Ahearne:

The following comments are offered in response to Mr. Chilk's letter of November 9, 1979 requesting that the ACRS provide the Commission with its views and analysis of the role of the ACRS as contained in the recommendations of the report of the President's Commission (PC) on the Accident at Three Mile Island. Individual recommendations from the report are listed below with ACRS comments following.

1. "The Advisory Committee on Reactor Safeguards (ACRS) should be retained, in a strengthened role, to continue providing an independent check on safety matters." The ACRS agrees.
2. "The members of the Committee should continue to be part-time appointees;...." The ACRS agrees.
3. "The staff of ACRS should be strengthened to provide increased capacity for independent analysis." The ACRS agrees that current staff support is inadequate to provide suitable independent-analysis capability; to keep abreast of NRC Staff, industry, and foreign group activities on specific safety matters; to provide technical and background information to the members so the latter can make the best use of their limited time; and to provide proper support to the numerous ACRS subcommittees. The Committee therefore requests that ten additional, senior-staff positions be authorized for the ACRS staff in order to meet the sense of the PC's recommendations and to provide an adequate technical support base for improved operation of the Committee. These positions are intended to be in addition to those authorized in the Fellowship Program. However, if budgetary limitations prevent this level of support, the Committee would accept some conversion of Fellowship positions into permanent, senior positions.

In connection with strengthening the staff, it is noted that the help of some outside organization could occasionally be very useful in the assembly of information and data or in carrying out some specific analysis. It is requested that means be explored whereby the ACRS could obtain such short-term studies as needed.

4. "Special consideration should be given to improving ACRS' capabilities in the field of public health." At the present time, the Committee has one member who is a specialist in the field of public health, and it can call upon an extensive list of highly qualified consultants. One of the initial group of ACRS Fellows was qualified in this area, and new Fellows, or possibly full-time staff members, knowledgeable in this field could be added to our staff as needed. Consequently, the Committee believes it has adequate competence in this area.
5. "The ACRS should not be required to review each license application." The ACRS concurs with this recommendation and suggests that legislation be passed such that, unless the Commission specifically requests a review and report on an application or portion thereof, the Committee may dispense with such review and report by notifying the Commission in writing that review by the Committee is not warranted. We would expect that such notification by the Committee would be made part of the public record.
6. "When ACRS chooses to review a license application, it should have the statutory right to intervene in hearings as a party. In particular, ACRS should be authorized to raise any safety issue in licensing proceedings, to give reasons and arguments for its views, and to require formal response by the Agency to any submission it makes." While the ACRS agrees that additional emphasis should be given to ACRS recommendations during the hearing process, it believes that a more desirable method of achieving this purpose would be to alter the statute to require that all recommendations made by the ACRS on given licensing proceedings be treated as substantive issues during the hearing. In order to protect the advisory role and collegiality of the ACRS, the statute should also specify that neither the Committee nor its members should be involved as a party nor be subject to subpoena in connection with the hearings.
7. "Any member of the ACRS should be authorized to appear and testify in hearings," The Committee believes that one of its main strengths results from its collegial approach and that this would be jeopardized if members departed from the collegial forum. Although members can express disagreement with full Committee views by adding separate comments to our reports, we believe the collective aspect is overriding and we cannot support the recommendation. A member should be free, of course, to participate as an intervenor in his capacity as a private citizen.
8. "ACRS should have similar rights in rulemaking proceedings. In particular, it should have the power to initiate a rulemaking proceeding before the agency to resolve any generic issue it identifies." The Committee agrees with the thrust of this recommendation but believes that the Commission would, as a matter of course, initiate a rulemaking proceeding when recommended by the ACRS. However, as noted in our letter of December 13, 1979 to Commissioner Bradford, we believe that well-defined

procedures for ACRS input to the rulemaking process would be useful for clarifying the roles and responsibilities of the ACRS and the NRC Staff in this area. Such procedures should include enough flexibility to allow those departures which may be required by special circumstances.

We have also informally sought comment from the President's Office, the Commission, the ASLBP, the NRC Staff, Congressional Staff, and from the Committee members on ways to strengthen the role of the ACRS. Four major suggestions have surfaced, and these are addressed below.

1. It has been suggested that it would be of considerable value to the Commission if the ACRS could periodically assist in establishing priorities among the many safety matters needing attention. One approach to accomplish such an assignment, which we are prepared to undertake, would be for the Committee to comment on the priorities indicated in the report on unresolved safety issues which is submitted annually by the NRC to the Congress. Such a review should include consideration of other issues which are potential candidates for the list.

A second, more time-consuming approach, somewhat experimental in nature, might be for the ACRS to evaluate and provide comments to the Commission on the general objectives, priorities, and resource allocations of the Office of Nuclear Reactor Regulation or other NRC Offices. We would be pleased to work with the Commissioners to determine whether this or some other approach might prove useful.

2. It has been suggested that the NRC needs a senior advisory group to assist in consideration of problems covering all aspects of the fuel cycle and that the PC seems to suggest that this role be filled by the ACRS. As you are aware, the ACRS, at the request of the Commissioners, either is or has been involved in safety-related aspects of reactor power plant design and operation, advanced reactor development, Department of Energy and Naval reactors, research, siting, chemical processing facilities, nuclear safeguards, transportation of radioactive materials, industrial sabotage, waste management, emergency planning, and spent fuel storage capacity. Thus, it already serves as an advisory body on subjects covering most of the breadth of the safety aspects of the fuel cycle. Although the Committee's time is limited, it could undertake additional work on the few remaining safety aspects of the full fuel cycle.
3. The Committee feels that some of its recommendations have not been followed up by the Commission and the NRC Staff in an adequate or timely fashion. We are pleased to see that you have initiated actions recently to resolve this matter, and we are prepared to work with you or your staff as needed. We believe that the Commission and Staff should develop a specific procedure for handling ACRS recommendations and for commenting on the reasons for the actions taken.

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4. It has been suggested that the ACRS should devote a greater fraction of its time to some of the broader, as contrasted to detailed, aspects of reactor safety. The Committee is in agreement with this point and had begun moving farther in this direction prior to TMI-2.

We would welcome the opportunity to discuss any aspects of this letter on which you have questions.

Sincerely,

A handwritten signature in black ink, reading "Milton S. Plesset". The signature is written in a cursive, flowing style.

Milton S. Plesset
Chairman