

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook  
Secretary of the Commission

FROM: COMMISSIONER DICUS

SUBJECT: SECY-99-240, "FINAL AMENDMENTS TO 10 CFR PARTS 21, 50,  
AND 54, AND AVAILABILITY FOR PUBLIC COMMENT OF DRAFT  
REGULATORY GUIDE DG-1081 AND DRAFT STANDARD REVIEW  
PLAN SECTION 15.0.1 REGARDING USE OF ALTERNATIVE  
SOURCE TERMS AT OPERATING REACTORS"

Approved XX with comments Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_ Request Discussion \_\_\_\_\_

COMMENTS:

See attached.

  
SIGNATURE

  
DATE

Entered on "AS" Yes x No \_\_\_\_\_

## Commissioner Dicus' comments on SECY-99-240

I approve the notice of final rulemaking for publication, subject to incorporation of the following comments.

1. The proposed *Federal Register* Notice (FRN) in the section titled "Appendix A to Part 50 - General Design Criteria for Nuclear Power Plants" (Page 50 of the FRN attached to the SECY), states that applicants for combined licenses "shall meet the requirements of this criterion" (the revised GDC 19). However, if a combined license applicant references a certified design that already used the TID-14844 source term (e.g., the ABWR-See Appendix A to Part 52), then this paragraph requires a backfit to the certified design, which is specifically prohibited by 10 CFR Part 52.63. The staff should revise the FRN with language similar to the following, and ensure that the corresponding text in the Statements of Consideration (SOCs), environmental assessment, regulatory analysis, and other attachments to the SECY are updated accordingly:

Applicants for and holders of construction permits and operating licenses under this part who apply on or after January 10, 1997, applicants for design certifications under Part 52 of this chapter who apply on or after January 10, 1997, applicants for and holders of combined licenses under Part 52 of this chapter who do not reference a standard design certification, or holders of operating licenses using an alternative source term under § 50.67, shall meet the requirements of this criterion, except that with regard to control room access and occupancy, adequate radiation protection shall be provided to ensure that radiation exposures shall not exceed 0.05 Sv (5 rem) total effective dose equivalent (TEDE) as defined in § 50.2 for the duration of the accident.

2. The staff should ensure that the language of the rule, the SOCs, and other attachments to the SECY is reviewed for accuracy. The following are specific items that should be corrected.

- A. The SECY states that the rule language was modified to "correct the unintentional exclusion of holders of renewal licenses." While the rule language was in fact modified, corresponding changes were not made to the draft regulatory guide and draft standard review plan.
- B. In the proposed section titled 50.67(a) "Applicability" (see page 47 of the FRN), it states that this is applicable to "all holders of operating licenses prior to January 10, 1997, and holders of renewed licenses under Part 54" whereas the Background section of the FRN (Page 8) states that the AST is applicable to "only to those facilities for which a construction permit was issued before January 10, 1997." The Background section of the SOCs should be revised to match the rule language.
- C. The SECY and the SOCs refer to a "combined operating license," whereas Part 52 only refers to a "combined license." The staff should ensure that the final rule language, SOCs, and other SECY attachments are consistent with Part 52.

3. The staff should provide the final regulatory guide, Standard Review Plan, and a summary of comments received on the draft versions, to the Commission by May 31, 2000.

11-8-99  
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