

April 9, 1991

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

FROM: Samuel J. Chilk, Secretary /S/

SUBJECT: SECY-91-041 - EARLY SITE PERMIT REVIEW
READINESS

This is to advise you that the Commission (with all Commissioners agreeing) has approved in part and disapproved in part the staff's proposals in SECY-91-041 as noted below.

The Commission agrees with the staff's recommendation on the first policy issue it raises. The requirement in Part 52 that the applicant identify physical characteristics of the site that could be a significant impediment to developing an emergency plan should be extended to the evaluation of alternative sites. The agency cannot determine whether another site would be obviously superior unless the agency knows whether that other site imposes significant impediments to the development of emergency plans.

However, in regard to development of guidance, the Commission has disapproved the staff's choice of option 2, and directs the staff to utilize the process outlined as option 1. The development of the guidance and the early site permit review could proceed in parallel where necessary.

The Commission is concerned with staff's proposed approach to development of interim guidance for review of the early site permit where the project manager would work with the technical reviewers and the applicant to establish such guidance during review of the first early site permit application. This approach could bypass the normal channels for review of such guidance, such as management, CRGR, ACRS, and the public.

SECY NOTE: This SRM, SECY-91-041, and the vote sheets of Commissioners Rogers, Curtiss and Remick will be made publicly available in 10 working days from the date of this SRM.

Another major reason for the Commission's support of option 1 is that careful consideration of all the ramifications from separately approving an early site permit and a design certification is necessary in order to avoid the potential for problems at the combined license stage when the site and design are brought together. Currently, the staff has in process at least four efforts that are germane to licensing under 10 CFR Part 52.

They are: 1) the development of guidance on early site permit, 2) the development of guidance on level of detail, 3) changes to 10 CFR Part 100 and 50, and 4) definition of a large release. All of these efforts need to be carefully coordinated to produce a consistent and comprehensive process that will lead to a combined license.

Two specific issues relative to the early site permit are unanswered in SECY-91-041. First, SECY 91-041 states that plants of modern design have required "at most, minor modifications to equipment and facilities" to meet the dose provisions of 10 CFR Part 100. However, before receipt of any application for a combined license, it is expected that Part 100 will have been changed, and as required by the Commission's decision on level of detail for design certification, the SSAR will have been expanded to incorporate resolution of severe accident issues in the design, the experience from operating events in current designs, and risk insights from the design specific PRA. Therefore, consistency must be ensured between confirmatory analysis that "will have to be performed" at combined license relative to the early site permit and the accident consequence assessment that will have been performed for design certification. Second, in developing guidance for the review of the early site permit, the staff should consider the need for guidance on the number of alternate sites that must be considered and whether this number would depend on the nature (e.g., state, utility, etc.) of the ESP applicant permitted under Part 52. The Commission expects that the staff will give thought to these and other substantive issues in developing the related guidance on all of these issues.

The Commission is also concerned with the policy issue of allowing the NRC's review capability to erode to such an extent that it has to rely on contractors to develop guidance and perform the NRC licensing review. The Commission is further concerned with its ability even to judge the products of contractors when the NRC may not have the expertise on staff, such as in the hydrology area. Therefore, the staff should take steps to ensure that the core technical disciplines necessary to carry

out the agency's mission, not only in the context of the early site permit but also in the broader context of developing regulatory guidance, conducting licensing reviews, and overseeing related research, are available in each office. To achieve this end, the staff should determine what these core technical disciplines are and what skills individuals should have in them. For those disciplines or skills that are missing or where the staff is not being kept abreast of technology, the staff should determine the time it would take to train individuals in these disciplines and skills, and the time necessary in the long term for those individuals to remain current. These FTE's should be incorporated into and justified in the 5-year plan. This effort, although part of the overall, long-term skill study underway within the Office of Personnel, should receive accelerated attention.

cc: Chairman Carr
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
OGC
IG
GPA