

April 11, 1991

MEMORANDUM FOR: James M. Taylor  
Executive Director for Operations

FROM: Samuel J. Chilk, Secretary /S/

SUBJECT: SECY-91-061 - SEPARATION OF NON-REACTOR AND  
NON-POWER REACTOR LICENSING ACTIVITIES FROM  
POWER REACTOR LICENSING ACTIVITIES IN 10 CFR  
PART 50

The Commission (with Commissioners Rogers, Curtiss and Remick agreeing) has disapproved staff's recommendation to take no action as described in the subject paper. Chairman Carr approved the staff's proposal.

The staff should prepare a NUREG document or other form of similar guidance that identifies the regulations that apply to non-power reactors, provides general guidance to licensees on all aspects of the licensing of non-power reactors including such things as the process for license amendments and license renewals, and describes procedures the staff will use when reviewing an application for a license.

In implementing this approach, the staff should consider making selective changes to regulations in the following cases: 1) where the process of developing the guidance reveals inconsistencies or errors in existing regulations that cannot be clarified without changing the regulations; 2) where rulemaking is being conducted for other reasons, and changes to clarify the applicability of the rule to non-power reactors can be incorporated without a separate rulemaking. For example, such changes can be made as part of the process of modifying Part 50 and Part 100 with respect to source term considerations.

The legal status of a NUREG is not the same as a rule, and that fact should be clearly stated in the guidance. The staff should provide periodic updates as necessary to maintain the guidance

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SECY NOTE: THIS SRM, SECY-91-061, AND THE VOTE SHEETS OF  
COMMISSIONERS ROGERS, CURTISS AND REMICK WILL BE  
MADE PUBLICLY AVAILABLE 10 WORKING DAYS FROM THE

DATE OF THIS SRM

current and should consider maintaining an index in an electronic format to facilitate routine updates and be readily available to all interested parties.

The staff should inform the Commission of its schedule for accomplishing these tasks.

(EDO)

(SECY Suspense:

5/22/91)

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