

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF NUCLEAR REACTOR REGULATION
HAROLD R. DENTON, DIRECTOR

In the Matter of)
) Docket Nos. 50-280
Virginia Electric Power Company) and 50-281
(Surry Power Station, Units 1 and 2))

DIRECTOR'S DECISION UNDER 10 CFR §2.206

By letter dated December 29, 1978, Mrs. June Allen on behalf of the North Anna Environmental Coalition (Coalition) requested that the Nuclear Regulatory Commission prepare an environmental impact statement on the Virginia Electric Power Company's (VEPCO) proposed steam generator repair program at the Surry Power Station and hold a Show Cause hearing on this proposed program. This letter was filed pursuant to 10 CFR §2.206 of the Commission's regulations.

The asserted bases for the request by the Coalition are (1) that the proposed steam generator replacement is an experimental remedial procedure representing an unreviewed safety question in accordance with 10 CFR §50.59 and is a significant licensing step in view of the ACRS discussion of October 28, 1978, and (2) that the notice of proposed issuance of the amendments to the operating licenses for the Surry Nuclear Power Station to allow the steam generator replacement was not adequate.

In accordance with 10 CFR §50.59 of the Commission's regulations, a licensee seeking to make a change in the technical specifications or

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a change in the facility involving an unreviewed safety question must submit an application for an amendment to the license. On August 17, 1977, VEPCO submitted a request for a NRC review and approval required in order to repair the steam generators at the Surry Power Station, Units 1 and 2. It was determined in accordance with 10 CFR §50.59 that such a program would involve an unreviewed safety question and, therefore, would require an amendment of VEPCO's Facility Operating License Nos. DPR-32 and DPR-37 for the Surry plant. In accordance with 10 CFR §2.105, a Notice of the Proposed Issuance of Amendments to the licenses at issue was published in the Federal Register on October 27, 1977 (42 FR 56652). The Notice was also available for public inspection in the Commission's Public Document Room and at the local public document room at the Swem Library, College of William and Mary, Williamsburg, Virginia. This Notice provided an opportunity for interested persons to request a hearing by November 28, 1977. No requests for a hearing were received in response to that Federal Register notice.* The Coalition's request does not

* The Atomic Safety and Licensing Board constituted to review requests for a hearing under the October 27, 1977 Federal Register Notice provided the Commonwealth of Virginia the opportunity to file a request for a hearing up to 10 days after issuance of the Staff's Safety Evaluation Report which was issued on December 15, 1978. On December 20, 1978, the Commonwealth stated it would not request a hearing.

purport to be filed pursuant to the October 27, 1977 notice of opportunity to request a hearing.**

The Coalition's December 29, 1978 letter quotes brief excerpts from the transcript of an ACRS meeting held on October 28, 1978. Apparently these excerpts are intended to reflect the Coalition's concern for radiation exposure to workers involved in the steam generator replacement program.

Prior to issuing the amendment to allow the repairs to be made to the steam generator, the Office of Nuclear Reactor Regulation prepared the Staff Safety Evaluation Report (SER) which is attached to and made a part of this decision (Appendix A). That evaluation, which expressly addressed the matter of radiation exposure to workers, concluded that there is reasonable assurance that the health and safety of the public (including the workers) will not be endangered by the proposed steam generator repair program and that the changes would be conducted in compliance with the Commission's regulations. The references to the ACRS transcript do not provide reasons for altering that conclusion.

** If the December 29, 1978 request is intended as a request for a hearing under that notice, it was untimely filed. Apart from the observation that NRC did not issue a news release concerning the opportunity for a public hearing, and the contention that the Federal Register is read by few if any of the affected citizens in the Surry area, the only reason given was it was seen for the first time by the Coalition "just a few weeks" prior to submitting the December 29, 1978 request. This reason is not adequate to support the request for a hearing made more than a year late.

As to the Coalition's request for the preparation of an environmental impact statement, no reason is given for requiring such a statement. An environmental impact statement is not required for every licensing action. Under 10 CFR §51.5 of the Commission's regulations, an environmental impact statement is required if the licensing action is a major Federal action significantly affecting the quality of the human environment. If such a finding is not made in the affirmative, the Commission is required under 10 CFR §51.5(c) to prepare a negative declaration and environmental impact appraisal. In this case it was determined after preparation of an environmental impact appraisal that a negative declaration rather than an environmental impact statement was appropriate. The declaration was issued on January 20, 1979. A copy of the Negative Declaration and the Environmental Impact Appraisal is attached to and made a part of this decision (Appendix B).

Based on the foregoing discussion and the provisions of 10 CFR §2.206, I have determined that there exists no adequate basis for holding a Show Cause hearing on the steam generator repair program and that an environmental impact statement need not be prepared. The request of the North Anna Environmental Coalition is hereby denied.

A copy of this determination will be placed in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D. C. 20555 and the Local Public Document Room for the Surry Nuclear Power Station

located at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of this document will also be filed with the Secretary of the Commission for its review in accordance with 10 CFR §2.206(c) of the Commission's regulations.

In accordance with 10 CFR §2.206(c) of the Commission's Rules of Practice, this decision will constitute the final action of the Commission 20 days after the date of issuance, unless the Commission on its own motion institutes the review of this decision within that time.

Original Signed By

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Appendix A -
Staff Safety Evaluation Report
dated December 15, 1978

Appendix B -
Notice of Issuance of Amendments
to Facility Operating Licenses,
Negative Declaration and Environmental
Impact Appraisal dated January 20, 1979