



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

[0128-82-5]

MEMORANDUM FOR: John T. Collins  
Regional Administrator  
Region IV

FROM: William J. Dircks  
Executive Director for Operations

Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

SUBJECT: DELEGATION AND ASSIGNMENT TO REGION IV OF  
CERTAIN LICENSING FUNCTIONS FOR THE FORT  
ST. VRAIN NUCLEAR GENERATING STATION

Introduction

Pursuant to NRC Manual Chapter 0128, "Organization and Functions - Regional Offices", the Region IV Regional Administrator is hereby assigned and authorized to perform certain licensing functions described herein related to the Fort St. Vrain Nuclear Generating Station (FSV) of Public Service Company of Colorado (License No. DPR-34, Docket No. 50-267). As a result of this delegation and assignment, certain licensing functions previously performed by the Office of Nuclear Reactor Regulation (NRR) will now be performed by Region IV. Other licensing functions, as described herein, will remain the responsibility of NRR.

Pursuant to the Energy Reorganization Act of 1974, the Director, NRR is responsible for the principal licensing and regulation involving facilities and materials associated with the construction and operation of nuclear reactors licensed under the Atomic Energy Act of 1954, as amended. Therefore, NRR will remain responsible for determining overall licensing and regulatory policy pertaining to all licensed reactors, including FSV. To enable NRR to execute this responsibility properly, NRR will maintain oversight of all licensing functions related to FSV, including those that are delegated pursuant to this assignment. This oversight will be implemented by NRR staff review of correspondence to and from the licensee, by periodic implementation assessments of Region IV licensing activities, and by coordination and consultation between Region IV and NRR regarding selected licensing actions. The Director of NRR retains the authority to take actions determined necessary in all matters hereby assigned and delegated to Region IV.

Pursuant to this delegation and assignment, Region IV is responsible for implementing established NRC licensing and regulatory policy at FSV. The specific assignments to Region IV are set out below. Licensing and regulatory matters which have not been specifically delegated and assigned to Region IV pursuant to this Memorandum remain the responsibility of NRR.

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Should NRR and Region IV disagree on whether a FSV licensing action is being suitably handled by Region IV in accordance with overall licensing and regulatory policy, the matter will be resolved between the Director of Licensing, NRR, and the Director, Division of Resident Reactor Projects and Engineering Programs, Region IV. Should attempts at resolution be unsuccessful at that level, the matter will be referred to the Director of NRR who will consult with the Regional Administrator of Region IV and other appropriate officials before reaching a decision.

Specific Delegations and Assignments to Region IV

1. Review, process and take final action on all licensing actions related to FSV except those related to generic issues and those involving exemptions to the Commission's regulations. Before acting on applications that seek to amend License DPR-34 itself, concern anti-trust or safeguards matters, affect established licensing and regulatory policy, or involve potential significant hazards considerations, Region IV will consult with NRR. Before denying an application to amend the FSV license or Technical Specifications and before making a determination that an application involves significant hazards considerations, Region IV will consult with NRR. (Significant hazards considerations and established regulatory policy are discussed in the guidance section of this Memorandum.) The degree of consultation with NRR will vary, depending on the complexity of the issue involved, and may involve the furnishing of draft evaluations to NRR. Region IV will subsequently act upon such matters after completing consultations with NRR.
2. Review, process, and respond to all requests for action pursuant to 10 CFR 2.206 and, as necessary, issue orders to suspend, modify, or revoke License No. DPR-34. Before acting on 10 CFR 2.206 requests or issuing orders related to FSV, Region IV will consult with NRR. Region IV will subsequently act upon such matters after completing consultations with NRR.
3. Review, evaluate, and make safety findings on issues, problems, and incidents that relate to the operation or modification of FSV. These matters may require consultation with NRR if they could reasonably be expected to involve amendments to license DPR-34 itself, anti-trust or safeguards matters, affect established licensing or regulatory policy, or involve significant hazards considerations.
4. Coordinate with the Division of Licensing, NRR, for those matters relating to assigned licensing actions that involve consultation with NRR or that require technical assistance from other NRR Divisions or NRC Offices. Examples of areas where technical assistance may be needed include emergency preparedness and safeguards licensing actions, and multi-disciplined reviews of proposed licensing actions involving health and safety considerations.

5. Coordinate with License Fee Management Branch, ADM, regarding fees related to assigned licensing actions.
6. Coordinate with Freedom of Information and Privacy Branch, ADM, regarding FOIA requests relating to FSV.
7. Coordinate with the FSV local public document room regarding activities and documents relating to FSV.
8. Coordinate with the Docketing and Service Branch, SECY, regarding Federal Register Notices related to assigned licensing functions.
9. Prepare and circulate environmental impact statements, appraisals, and negative declarations regarding assigned licensing actions.
10. Review and evaluate submittals and reports made by the licensee pursuant to FSV license conditions, Technical Specifications, and NRC regulations.
11. Review periodic updates to the FSAR.
12. Review, evaluate, and process Multi-Plant Action items relating to FSV as assigned by NRR.
13. Arrange with contractors for technical support in the conduct of assigned licensing matters. These arrangements shall be consistent with budget authority.
14. Complete specific action items pertaining to FSV, assigned to Region IV, and listed in the Transfer Memorandum executed by the Director, Division of Licensing, NRR, and directed to the Director, Division of Resident Reactor Projects and Engineering Programs, Region IV, effecting the transfer of specific FSV-related responsibilities from NRR to Region IV. This Transfer Memorandum will provide a complete and current status report on all FSV licensing action items transferred to Region IV and will delineate clearly the current licensing action items to be retained by NRR.
15. Coordinate site visits and meetings with the licensee, including issuance of meeting notifications and meeting minutes, for matters relating to FSV.
16. Develop recommended Board notifications for matters relating to FSV and transmit them to the Director, Division of Licensing, NRR, for further processing.



17. Review changes made by the licensee pursuant to 10 CFR 50.59 to determine whether they may constitute an unreviewed safety question or a change in the Technical Specifications. If the change is evaluated by Region IV as one involving a potential unreviewed safety question or a change in Technical Specifications, Region IV shall, after consultation with NRR, inform the licensee that the change cannot be implemented without NRC approval and that application pursuant to 10 CFR 50.90 is required.
18. Review changes made by the licensee pursuant to 10 CFR 50.54(p) to determine whether they decrease the safeguards effectiveness of the security, guard training and qualification, or safeguards contingency plans. This review should consider the safety impact of the security or safeguards change. If the change is evaluated by Region IV as one involving a decrease in the safeguards effectiveness of the plan or a significant safety impact, Region IV shall, after consultation with NRR, inform the licensee that the change cannot be implemented without NRC approval and that application pursuant to 10 CFR 50.90 is required.
19. Prepare and coordinate, consistent with current delegation authority, responses to correspondence received by the NRC related to FSV, such as responses to Congressional inquiries, state and local correspondence, or inquiries by members of the public.
20. For licensing matters which remain the responsibility of NRR and where Region IV technical expertise is required, Region IV will prepare draft SER and licensing action input.
21. Coordinate activities in support of hearings related to FSV, including technical arrangements, staff participation, and legal assistance from OELD and/or the Region IV Regional Counsel, as appropriate.
22. Maintain the integrated schedule of NRC regulatory activities related to FSV and submit to NRR the monthly input to the Operating Reactors Licensing Actions Summary (ORLAS) - NUREG-0748.
23. Coordinate the licensing input to the Systematic Assessment of Licensee Performance (SALP) activities relating to FSV.
24. Maintain the official NRC Docket file for FSV.
25. Submit Daily and Weekly Highlights input and Bevill Report input to NRR for matters relating to FSV.
26. Coordinate proprietary data reviews for matters related to the assigned licensing functions.

27. Coordinate the licensing input to Part 21 reports and Abnormal Occurrence reports for matters related to FSV.
28. Coordinate NUREG-0020 - Licensed Operating Reactors (Grey Book) input for FSV.
29. Provide NRR with copies of all incoming and outgoing correspondence related to FSV, including correspondence related to all licensing actions.
30. Provide weekly input to the NRR Regulatory Activities Manpower System (RAMS) for staff utilization in support of FSV licensing activities.

#### Specific Authorities and Responsibilities Retained by NRR

1. Review, process and take action on applications for exemptions to the Commission's regulations. NRR will consult with Region IV before taking action on FSV exemption requests and provide Region IV with copies of its actions on such requests.
2. Review, process, and take action on all generic licensing issues related to FSV. Any action that may affect more than one reactor is considered to be generic. If NRR action on generic issues is expected to impact on the Region IV activities regarding FSV, NRR will consult with Region IV prior to taking such action. NRR will issue generic letters to FSV and other licensees and provide copies to Region IV. For generic actions resulting in an amendment to the FSV license or Technical Specifications, Region IV will prepare the amendment package based on technical input provided by NRR. Region IV will issue the amendment package after completing consultations with NRR.
3. Maintain oversight of Region IV licensing activities to assure that NRC licensing policy and programs are suitably implemented with respect to FSV.

#### Applicable Guidance

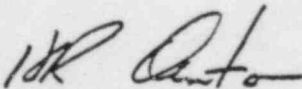
1. Criteria for a "no significant hazards" determination and a related rule change are under development. General guidance (derived from the most recent draft of the proposed rule change) for making determinations regarding significant hazards considerations is provided as Enclosure 1 to this Memorandum. NRR may modify the guidance used in making significant hazards considerations by written memoranda to Region IV. Region IV shall consult with NRR if there is potential that an action contemplated by Region IV pursuant to this assignment may involve significant hazards. Most license amendments involve no significant hazards consideration and therefore are routine in nature.

3. In performing technical evaluations on matters relating to FSV, NRR and Region IV may consult with and request technical assistance from each other in resolving specific technical issues. All Region IV requests for technical assistance from NRR or other Headquarters organizational entities shall be directed to the Director, Division of Licensing. As prescribed by established procedures, the Division of Licensing will coordinate technical assistance with other organizational entities in NRC. All NRR requests for technical assistance from Region IV will be directed to the Director, Division of Resident Reactor Project and Engineering Programs.
4. In the event that the licensee disagrees with a decision made by Region IV regarding the assigned licensing functions for FSV, resolution should be sought with the Regional Administrator of Region IV. If resolution still cannot be achieved, the licensee shall be informed in writing by Region IV, with a copy to NRR, that it may seek resolution of the matter with the Director of the Office of Nuclear Reactor Regulation.
5. NRR shall provide the support necessary to enable Region IV to assume the responsibilities described herein. This includes assisting in the training of Region IV personnel prior to and during the first three months following the assumption by Region IV of its new responsibilities.
6. Within six months of the transfer to Region IV of FSV-related licensing authority, NRR will formally review and evaluate Region IV implementation of the assigned licensing functions to assure consistency with NRC licensing policy.

Date \_\_\_\_\_

William J. Dircks  
Executive Director for  
Operations

Date 11/29/82

  
Harold Denton, Director  
Office of Nuclear Reactor  
Regulation

Enclosure and cc:  
See next page

Enclosure:  
Significant Hazards  
Determination Guidance

cc w/enclosure:  
S. Chilk, SECY  
P. Norry, ADM  
R. DeYoung, IE  
J. Davis, NMSS  
G. Cunningham, OELD



## ENCLOSURE 1

### SIGNIFICANT HAZARDS DETERMINATION GUIDANCE

EXAMPLES OF AMENDMENTS THAT ARE CONSIDERED LIKELY TO INVOLVE SIGNIFICANT HAZARDS CONSIDERATIONS ARE LISTED BELOW:

1. A significant relaxation of the criteria used to establish safety limits.
2. A significant relaxation of limiting safety system settings or limiting conditions for operation.
3. A significant relaxation in limiting conditions for operation not accompanied by compensatory changes, conditions, or actions that maintain a commensurate level of safety.
4. Renewal of an operating license.
5. For a nuclear power plant, an increase in authorized maximum core power level.
6. A change to Technical Specifications involving a significant unreviewed safety question.
7. A change in plant operation designed to improve safety but which, in fact, allows plant operation with safety margins of some significance reduced from those believed to have been present when the license was issued.
8. Reracking of a spent fuel storage pool.

EXAMPLES OF AMENDMENTS THAT ARE CONSIDERED NOT LIKELY TO INVOLVE SIGNIFICANT HAZARDS CONSIDERATION ARE LISTED BELOW:

1. A purely administrative change to Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature.
2. A change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement.



3. For a nuclear power reactor, a change resulting from a nuclear reactor core reloading, if no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the facility in question are involved. This assumes that no significant changes are made to the acceptance criteria for the Technical Specifications, that the analytical methods used to demonstrate conformance with the Technical Specifications and regulations are not significantly changed, and that NRC has previously found such methods acceptable.
4. A relief granted upon demonstration of acceptable operation from an operating restriction that was imposed because acceptable operation was not yet demonstrated. This assumes that the operating restriction and the criteria to be applied to a request for relief have been established in a prior review and that satisfaction of the criteria are essentially self-evident.
5. Upon satisfactory completion of construction in connection with an operating facility, a relief granted from an operating restriction that was imposed because the construction was not yet completed satisfactorily. This is intended to involve only restrictions where it is essentially self-evident whether construction has been completed satisfactorily.
6. A change which either increases the probability or consequences of a previously-analyzed accident or reduces a safety margin but for which the results of the change are clearly within regulatory acceptance criteria: for example, a change resulting from the application of a small refinement of a previously used calculational model or design method.
7. A change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations.
8. A change to a license to reflect a minor adjustment in ownership shares among co-owners already shown in the license.