

5/22/84  
Note to: Don Neighbors

From: J. Gray

SUBJECT: SURRY AMENDMENT IMPLEMENTING APPENDIX I REQUIREMENTS

OELD has been asked to concur in Surry license amendments incorporating Appendix I requirements and in the approval of the Offsite Dose Calculation Manual (ODCM) and the Process Control Program (PCP). I have several problems with this package.

Although we issued a Federal Register notice relating to these amendments in July 1983, this package would authorize, among other things, tech. spec. changes which were only submitted in letters on January 11 and February 3, 1984. While the January and February changes may not be significant, they were never noticed and no proposed NSHC finding as to those amendments was ever published. Thus, the notice requirements for those particular changes have not been met and those changes cannot now be issued.

Secondly, we purport to approve the ODCM and the PCP, although with conditions. It is not at all clear whether our approval is dependent upon licensee submitting changes to the ODCM and PCP at some undefined time in the future or whether that is just something we would like to see happen. In addition, it is not clear whether our "approval" of the ODCM and PCP involves a license amendment or not (that approval is mentioned in the proposed notice of licensing action). If a license amendment is involved, then at least the PCP approval was not noticed since the PCP was not filed until November 4, 1983, several months after the Federal Register notice for these amendments.

Finally, the SER in support of these amendments contains a NSHC finding in the first full paragraph on p. 4. If there have been no comments on the proposed NSHC finding in the July Federal Register notice and there are no requests for hearing, a NSHC finding at this stage is unnecessary.

In summary:

- (1) All aspects of this package were not properly noticed. Those tech. spec. changes which were the subject of licensee's January 11 and February 3, 1984 supplemental applications should either be removed from the package or the issuance of all these tech. spec. changes should be delayed until January and February 1984 changes are properly noticed and the 30-day notice period for them expires.

- (2) The status of the ODCM and PCP approval is wholly unclear both in terms of whether we are unconditionally approving them and in terms of whether the approval constitutes a license amendment. If the approval does not constitute a license amendment, then it should be separated from this amendment package and separately provided to the licensee. If it does constitute a license amendment, then the PCP portion has not been properly noticed.
- (3) The NSHC finding need not be included in the SER unless comments on the proposed NSHC and/or requests for hearing were received.

Because of the foregoing problems, we are not prepared to concur in this package at this time.

  
J.R. Gray