

December 22, 1983

Note to T.Novak  
F.Miraglia  
G.Lainas

I have recently come across a number of packages in which the Staff is, again back at its old habits of making modifications to the amendment proposed by the licensee. We are apparently discussing them on the phone and getting Licensee approval of changes to the incoming application and then trying to approve these as part of the package on the amendment. That is not acceptable under Sholly. If the application that we noticed is not correct, you just can't modify it after-the-fact by the Staff to make it okay and then issue it. You've denied an opportunity for comment on the amendment on which we actually took the action. That's what Sholly all about. The prenotice is not suppose to be a strawman.

Very minor modifications for clarification, etc. are probably alright but they are going to have to be explained as to why they are minor and do not affect, in any way, the substance of the amendment that we actually noticed. If there is any substantive changes, they should not be done by having the licensee modify the amendment. If we don't like what the applicant sent in, deny it. If we don't like what he sent in, issue it on a condition but take some action on the amendment that was submitted by the applicant and noticed. Don't get the Licensee to modify by agreement over the phone or some other informal action. If he modifies his application that way you will need another pre-notice because you are not taking action on the amendment that you in fact gave notice about.

Please bring this to the attention of the Branch Chiefs and the reviewers. We're now starting to get these over-the-phone arrangements again and that should stop.

*AMB*  
for Joe Scinto

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