

Note to: D. Neighbors

From: J. Gray

SUBJECT: PROPOSED NOTICE FOR SURRY OL AMENDMENTS

OELD has been asked to concur in a proposed notice and no significant hazards consideration (NSHC) determination for Surry-1 license amendments involving changes to the rod insertion limits and to the fractional power limits. OELD's review at this point is a review only of the adequacy of the notice and not a review, for example, for the substantive adequacy of the basis provided for the proposed NSHC determination.

From my review, I do not believe that adequate notice of the reasons why we propose to find NSHC has been given. The notice lists an example of a type of action which the Commission has found unlikely to involve significant hazards considerations but the notice is unclear as to whether the Staff believes that example applies to the rod insertion limit change, the fractional power limit change, both, or neither. With regard to the rod insertion limit change, the notice states that it is a change back to previous limits. How that justifies a NSHC finding, however, is unclear. (Why were the rod insertion limits changed in the first place? What compensatory action would be taken now that would justify use of the previous limits?) As to the change to the fractional power limit, the fact that such change will provide additional operating flexibility has no bearing on whether or not the change involves NSHC. While the notice states that the change will increase margins at low power, there is no indication of the effects at higher power levels. Finally, the fact that the same change was approved for some other facility (North Anna) is not, of itself, necessarily determinative of whether the change involves NSHC for this facility. (Several years ago, a petitioner for rulemaking proposed a criterion whereby a license amendment would be deemed to involve NSHC if the NRC had reviewed and approved a similar license amendment for any facility in the past. The Commission rejected that proposal.)

Because the notice is unclear as to the bases for the Staff's proposed NSHC determination, as described above, I do not believe that it provides adequate notice to the public of the reasons for the NSHC determination on which the Staff intends to rely. For that reason, I have not concurred in the proposed notice.

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