5/18/83

Note to: M. Dean Houston

From: Mary E. Wagner

Subject: Grand Gulf -- Federal Register Notice of Proposed Amendments

I am sending this package back without concurrence, because 1) the proposed amendments are not sufficiently described in the Notice to inform the public as to what the amendments are, and 2) the reasons for the NSHC finding are not given.

With regard to describing the amendments, those involving typos, nomenclature errors and the like should be listed by tech spec. number and, at a minimum, be collectively described as involving typos, etc. As for the thirteen amendments requiring safety evaluation, each one should be identified and sufficiently described so that the public will be informed as to what the changes are.

With regard to the NSHC findings, the current Notice as drafted does no more than list the three standards in 10 CFR § 50.92. There needs to be some explanation as to why these standards apply to each of the proposed amendments. The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples of actions involving NSHC is a purely administrative change to the tech specs, for example, a change to achieve consistency throughout the tech specs, correction of an error, or a change in nomenclature. For the proposed amendments covered by this example, the reason for the proposed NSHC finding is that these amendments precisely fit the Commission's example of an amendment not involving a SHC, and the Notice should so state. For other proposed amendments, other examples may be applicable and should be cited. When no example is applicable, there must be some discussion as to why the § 50.92 standards are met.

In addition, as I briefly mentioned to you or the telephone a couple of days ago, some of these proposed amendments may be covered by the original notice of opportunity for hearing on the full power operating license and therefore need not be renoticed again. Under this theory (still only in the discussion stage and being analyzed within OELD), any amendment that constitutes an action in the chain of events necessary for a full power finding need not be prenoticed, since it is covered by the original notice on the full power license. Under this theory, the kind of amendment to a 5% license that would not need to be prenoticed is the kind that arises because of going to full power, not those amendments that are needed for continued operation at 5% power. In addition, an amendment to a 5% license that has nothing to do with operating at full power or 5% power, but that is directed at correcting an error, need not be prenoticed since an amendment to correct such an error is covered by the original notice on the full power operating license.

The following is an example of the kind of amendment to a 5% license that was not covered by the original notice, and which must be prenoticed under this theory: a tech spec requires a test that cannot be performed until the unit reaches 75% of rated power. In order to not be in violation of the tech specs, the tech specs must be amended to provide that the test in question does not apply until 75% power is reached. This is not the kind of an amendment contemplated by the original full power notice and it must be prenoticed.

Possible examples in this amendment package of the category of amendments which do not require prenoticing are: March 24 submittal, No. 1 (nomenclature correction); No. 2 (typo); No. 19 (error unrelated to either 5% or full power). All of the proposed amendments should be carefully analyzed to ascertain which may fall under the original notice.