

UNITED STATES NUCLEAR REGULATORY COMMISSION
VIRGINIA ELECTRIC AND POWER COMPANY
DOCKET NOS. 50-280 AND 50-281
NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO
FACILITY OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-32 and DPR-37, issued to Virginia Electric and Power Company (the licensee), for operation of the Surry Power Station, Units No. 1 and No. 2 located in Surry County, Virginia.

The amendments would revise the Surry 1 and 2 Technical Specifications (TS), Section 6 as follows: (1) delete the organization charts and replace them with a more general description of organizational requirements, (2) replace certain corporate-level position titles with more general position descriptions, and (3) revise certain administrative requirements in order to bring them into closer conformance with the corresponding requirements currently specified in the NRC-approved TS for Westinghouse plants (NUREG-0452, Revision 4, 1981).

On March 8, 1988, the licensee announced Company-wide organizational changes which will become effective in April 1988. Specifically, nuclear operations will be strengthened by bringing the Engineering and Power Operations Departments within a single organization headed by a Senior Vice President. Nuclear Site Services and Nuclear Training will be included in

the Nuclear Operations Department. A single group responsible for nuclear transient and fuel analysis will be created within the Engineering Department. Also within the Engineering Department, Inservice Inspection and Non-Destructive Examination services will be combined under a single manager. In addition, the number of system engineers assigned to Surry 1 and 2 will be increased.

The licensee has concluded that organization charts and/or titles by themselves play little or no role in assessing the safety significance of changes for Surry 1 and 2. Conversely, specific operational requirements that bear more directly on safety matters of concern than the organization charts and titles are explicitly provided elsewhere in the Surry 1 and 2 TS. For example, the organizational element responsible for control room command function is identified separately in the TS, as are the requirements for minimum staffing under various operating modes. The organizational management functions for independent reviews and audits, onsite safety review committee, and independent safety engineering group, while revised by this change request to conform more closely with the current acceptable TS for Westinghouse plants, are also specified in other parts of the Surry 1 and 2 TS. Therefore, the organization charts and certain position titles themselves are not needed to support any future finding that the licensee's organization will operate Surry 1 and 2 in a safe manner.

In addition to being required by the Surry 1 and 2 TS, the important organizational features illustrated by organization charts and certain position titles are also required or controlled by other mechanisms subject to NRC control. Specifically, the chapter entitled "Conduct of Operations" of the Surry 1 and 2 Updated Final Safety Analysis Reports (UFSAR) contains a detailed organizational structure and a description of the conduct of operations. The information in this chapter is required by 10 CFR 50.71(e) to be maintained and

updated annually. In addition, the licensee's Topical Report, "Quality Assurance Program Operations Phase," is required by 10 CFR 50, Appendix P, to include similar information relating to the organizational structure, and is required by 10 CFR 50.54 to be maintained in a current status.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendments involves no significant hazards considerations. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has stated that the proposed changes to the Surry 1 and 2 TS involve no significant hazards considerations because operation of Surry 1 and 2 in accordance with these changes would not:

- (1) Involve a significant increase in the probability or consequences of an accident previously evaluated. The changes merely reflect administrative considerations and do not change the plant design or operations. As in the past, the Commission will continue to be informed of organizational changes through other required controls. The Code of Federal Regulations, Title 10, Part 50.34(b)(6)(i) requires that the licensee's organizational structure be included in the UFSAR. Accordingly, the "Conduct of Operations" chapter of the UFSAR provides a description of the organization and detailed

organization charts. As required by 10 CFR 50.71(e), the Company submits annual updates to the UFSAR. Finally, Appendix B to 10 CFR Part 50 and 10 CFR 50.54(a)(3) govern changes to organization described in the Quality Assurance Topical Report.

- (2) Create the possibility of a new or different kind of accident from any accident previously evaluated, because as noted above, neither the plant design nor operation is affected by these changes.
- (3) Involve a significant reduction in a margin of safety. These changes do not alter the functions, responsibilities, or minimum shift crew composition of the staff as defined by the Administrative Controls of the Surry 1 and 2 TS. Through strong quality assurance programs and commitment to maintain only qualified personnel in positions of responsibility, it is assured that safety functions performed by the on-site and the corporate organizations will continue to be performed at a high level of competence.

The NRC staff agrees that the proposed changes to the Technical Specifications meet the criteria specified in 10 CFR 50.92(c) and, hence, proposes to determine that they involve no significant hazards considerations.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments

may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland, from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C. The filing of requests for hearing and petitions for leave to intervene are discussed below.

By April 27, 1988, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a request for hearing and a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR §2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may

be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards considerations. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendments involves no significant hazards considerations, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendments involve significant hazards considerations, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of one or both of the facilities, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Herbert N. Berkow: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent

to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Michael W. Maupin, Esq., Hutton and Williams, P. O. Box 1535, Richmond, Virginia 23212, attorney for the licensee

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board, designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated March 17, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C. 20555, and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Dated at Rockville, Maryland, this 23rd day of March, 1988.

FOR THE NUCLEAR REGULATORY COMMISSION

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