

AA61-2 PDR

ACTION - SD/NMSS/NRR/ADM (Bill Miller)



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

- Cys: Acting EDO
- Cornell
- Rehm
- Campbell
- ✓ Alexander
- Donoghue
- Stello
- Budnitz
- Kerr
- Shapar
- Haller
- Singer
- Felton

March 4, 1980

OFFICE OF THE
SECRETARY

MEMORANDUM FOR: William J. Dircks, Acting EDO
Leonard Bickwit, Jr., General Counsel
Carlton Kammerer, Director, OCA
Joseph Fouchard, Director, OPA

FROM: Samuel J. Chilk, Secretary

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION 80-8, 3:40 P.M.,
FRIDAY, FEBRUARY 29, 1980, COMMISSIONERS' CONFERENCE ROOM,
D. C. OFFICE (OPEN TO PUBLIC ATTENDANCE)

I. SECY-79-660 - Petition for Rulemaking (PRM) 50-17, "No Significant Hazards Consideration"

1. The Commission, by a vote of 4-0*, approved, as revised, a Notice of Proposed Rule Making to amend 10 CFR 50.58, 50.91, and 2.105(a)(3) to specify criteria for determining when a proposed amendment to an operating license or to a construction permit involves no significant hazards consideration. In approving the amendments, the Commission requested the following revisions to be incorporated in the text:

- a. the attached revised version of page 5, enclosure A should be substituted for the existing page 5 in the text;
- b. example (VI) on page 6 of enclosure A should be modified by inserting the word "significant" so that the example reads "significant unreviewed safety question";
- c. the Statement of Considerations should reflect the NRC's intention to codify in a Regulatory Guide the examples associated with the criteria subsequent to resolution of any comments received on the proposed rule.

(SD) (SECY Suspense: 3/17/80)
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2. The Commission also requested that:

- a. the proposed amendments be published in the Federal Register ²⁰ for a 60 day public comment period; (SD) (SECY Suspense: 3/17/80)
- b. the Federal Register notice of proposed rule making be distributed to the petitioner, individuals commenting on the petition, power reactor licensees/permit holders, fuel reprocessing facility licensees/permit holders applicants for either a construction permit for a power reactor or fuel reprocessing facility, public interest groups, and nuclear steam system suppliers;

(SD) (SECY Suspense: 3/17/80) After rule is published

*Commissioner Gilinsky was not present but had indicated his prior approval of the Federal Register Notice as modified.

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Acting EDO
3/4/80

- c. in the event an amendment to an operating license or construction permit involves no significant hazards considerations, the staff will cause a notice of proposed action to be published in the Federal Register prior to action on the amendment when it is determined, pursuant to 2.105(a)(4) that an opportunity for a public hearing should be afforded; (NRR) (SECY Suspense: as required)
- d. NRR procedures (DOR #5 and PMOP 219) be revised to conform with the examples in the Federal Register; (NRR)(SECY Suspense: 3/18/80)
- e. the appropriate Congressional Committees be informed of this action; (SD/OCA) (SECY Suspense: 3/17/80)
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- f. the proposed press release (Enclosure I to SECY-79-660) be revised by adding the following sentence to the end of the first paragraph of page 2: "The proposed changes, if adopted as a rule, would essentially formalize and clarify the criteria the staff has been using for the past few years." The revised press release should be issued when the Federal Register Notice is filed with the Office of the Federal Register; (SD/OPA) (SECY Suspense: 3/17/80)
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- g. the examples associated with the criteria should be codified in a Regulatory Guide subsequent to resolution of comments in the proposed rule (see 1(c) above); (SD) (SECY Suspense: 12/15/80)
- h. the staff present the rule in its final form to the Commission, with an analysis of the comments received, for their consideration prior to publication. (SD) (SECY Suspense: 12/15/80)

II. SECY-A-70-10 - Duke Power Company (Transportation of Spent Fuel From Oconee to McGuire) -- Proposed Decision Dismissing the Petition for Review and Releasing the Routing Information

- 1. The Commission by a vote of 4-0*, approved, subject to revisions on pages 2 & 3, a proposed Order denying the staff's petition for review of a Licensing Board decision requiring that the routes approved by the staff for transportation of spent fuel between Oconee and McGuire be made public, and terminating the interim protective Order issued on September 7, 1979. (OGC)

(Subsequently, the Secretary signed the revised Order on February 29, 1980).

- 2. The Commission also requested that the staff be prepared to discuss its general position on protecting routing information at an early date. (NMSS) (SECY Suspense: 3/25/80)

*Commissioner Gilinsky was not present, but had previously indicated his approval of the Order.

III. SECY-80-44 - Performance Testing for Personnel Dosimetry

1. The Commission, by a vote of 4-0*, approved an advance notice of rulemaking on the subject of improving the quality and consistency of personnel dosimetry services. The notice would solicit comments on alternatives presented and invite suggestions for additional alternatives. (SD) (SECY Suspend: 3/10/80)
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2. The Commission also requested that:
 - a. the advance notice of rulemaking be published for a 60-day public comment period; (SD) (SECY Suspend: 3/10/80)
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 - b. the appropriate Congressional Committees be informed of this action; (SD/OCA) (SECY Suspend: 3/10/80)
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 - c. an appropriate press release be issued after the advance notice has been filed with the Federal Register; (SD/OPA) (SECY Suspend: 3/10/80)
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 - d. copies of the advance notice be sent to all known personnel dosimetry processors in the United States and to other known interested persons. (SD) (SECY Suspend: ~~3/20/80~~) After rule is published

IV. SECY-80-77 - Surry Steam Generator Repair - Order

The Commission, by a vote of 2-1**, approved, as revised, a proposed Order which would direct the staff to expeditiously prepare and issue an environmental impact statement on the proposed repair of the Surry Unit 1 steam generator. (NRR) (SECY Suspend: 4/22/80)

(Subsequently, the Secretary signed the Order on 3/4/80)

* Commissioner Gilinsky was not present, but had previously indicated his approval of this action. Chairman Ahearne, in approving this item, had commented that "unless the 'laboratory' is a part of an existing lab, it will not be possible to run it on \$160K per year -- that would barely cover 2-3 people." Commissioner Kennedy, although approving this action as the appropriate next step in attaining a long-term solution to the problem of assuring adequate estimates of personnel doses, requested in his February 13, 1980 memorandum to the Acting EDO a staff briefing on alternatives for effecting improvements in this area in the interim.

** Section 201 of the Energy Reorganization Act, 42 U.S.C. §5841 provides that action of the Commission shall be determined by a "majority vote of the members present." Had Commissioner Gilinsky been present at the meeting he would have voted with the majority. To enable the Commission to proceed with this case without delay, Chairman Ahearne, who was a member of the minority on the question up for decision, did not participate in the formal vote. Accordingly, the formal vote of the Commission was two to one in favor of the decision.

V. SECY-80-61 - License Fees for Review of Part 71 Quality Assurance (QA) Programs for Shipping Packages for Radioactive Material

1. The Commission, by a vote of 4-0*, approved publication of a Notice of Proposed Rule Making to revise 10 CFR Part 170 to include fees for the review of quality assurance programs for shipping packages.

~~(SD)~~ (SECY Suspense: 3/10/80)
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2. The Commission also requested that:

- a. the amendment be published in the Federal Register for a 30-day public comment period; ~~(SD)~~ (SECY Suspense: 3/10/80)
HDM .20

- b. the Office of Management & Budget be provided a copy of the Notice; ~~(SD)~~ (SECY Suspense: 3/10/80) 3/20/80
and HDM

- c. the appropriate Congressional Committees be informed of this action. (SD/OCA) (SECY Suspense: 3/10/80)
HDM .20

cc:
Commissioners
Commission Staff Offices

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to "major credible reactor accidents" and their failure to include accidents of a type different from those previously evaluated.

During the past several years, the Staff has been guided in reaching its findings with respect to "no significant hazards consideration" by staff criteria and examples of amendments likely to involve, and not likely to involve, significant hazards considerations. These criteria and examples have been promulgated within the Staff and have proven useful to the Staff. The Commission believes that it would be useful to consider incorporating these criteria into the Commission's regulations for use in determining whether a proposed amendment to an operating license or to a construction permit of any production or utilization facility involves "no significant hazards consideration."

Examples of amendments that are considered likely to involve significant hazards consideration are listed below.

(i) A significant relaxation of the criteria used to establish safety limits.

(ii) A significant relaxation of the bases for limiting safety system settings or limiting conditions for operation.

(iii) A significant relaxation in limiting conditions for operation not accompanied by compensatory changes, conditions, or actions that maintain a commensurate level of safety.



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cc 3/11/80

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Rec'd EDO
3/6/80

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