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November 1, 1982

NOTE TO: Darrell G. Eisenhut, Director, D/DL
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FROM: Thomas F. Doriah, OELD *T*

RE: COMMISSION PAPER CONTAINING REGULATIONS TO IMPLEMENT LEGISLATION ON
1) TEMPORARY OPERATING LICENSING AUTHORITY AND (2) NO SIGNIFICANT
HAZARDS CONSIDERATION (THE "SHOLLY AMENDMENT")

The enclosed package, containing rules on (1) temporary operating licensing (Enclosure 2), (2) standards for making determinations on no significant hazards considerations (Enclosure 3), and (3) public notice and comment and State consultation procedures on these determinations (Enclosure 4), is in good shape, with one important exception: the rule on public notice and comment and State consultation will impact the way NRR now handles amendments to operating licenses. The rule needs more work on the following kinds of questions:

1. How can the public be given a reasonable opportunity to comment on a requested amendment?
 - (a) Will the present system work if the public were to comment after the staff has prepared the Safety Evaluation?
 - (b) Could the staff take a quick cut at a "proposed determination" as contemplated in the legislation?
 - (c) Could the staff avoid creating snags and delays in the amendment process by making quick preliminary Safety Evaluations before issuing monthly FR notices?
 - (d) Could the staff issue a hearing notice for both significant and no significant hazards determination (without taking a stand on significance), thereby avoiding back ups and last minute emergencies on amendments?
 - (e) Will a new system, which incorporates all notices (under 2.105, 2.106, and for public comment) into one monthly FR notice of all proposed determinations and issuances, be efficient and useful?
 - (f) How can the staff ensure, as the conferees contemplated, that the public around a plant will have notice of every amendment requested by the licensee?

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2. How will the regions' and headquarters' staff cooperate on handling the licensees, the notices, and the States?

(a) To whom will licensees send their requests and evaluations? The regions or headquarters?

(b) Who will make the decision to issue an amendment?

(c) Who will work with the requisite State officials?

(d) Who will issue the notices?

3. Would it be useful to have licensees provide the staff with their own safety evaluations to help the staff make its proposed evaluations?

We have taken positions on some, but not all of these issues and will have to review the rule with the above questions in mind.

NRR will have to review the Regulatory Analysis (Enclosure 5) once agreement has been reached on the rules.

Finally, NRR should review two new examples, added to the examples in Enclosure 4 (the Significant Hazards Consideration).

Considering the quick turn-around time for implementing regulations envisioned in the legislation and given the need for the Commission to review the package before the legislation is enacted, quick action is needed by both OELD and NRR.

We contemplate sending the package to the Commission within the next two weeks.