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TITLE: PR-050,115 - 38FR22796 - AMENDMENTS AND CHANGE
PROCEDURES FOR FACILITY LICENSES AND
AUTHORIZATIONS

CASE REFERENCE: PR-050,115
38FR22796

KEY WORD: RULEMAKING COMMENTS

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DOCKET NO. PR-50, 115
(38 FR 22796)

DOCKET FILE INVENTORY

In the Matter of: Amendments and Change Procedures for Facility Licenses and Authorizations

Docket Date	Docket Entries Volume 1
	FR Notice published in FR 8/24/73 - 38 FR 22796 (filed on left side of folder)
9/19/73	Comments fm LeBoeuf, Lamb, Leiby & MacRae(Voigt) dtd 9/18/73
9/24/73	Comments fm EPA (Meyers) dtd 9/19/73
9/25/73	Comments fm Union of Concerned Scientists (Roisman) dtd 9/25/73
9/26/73	Comments fm State of NY - Atomic Energy Council (Moyan) dtd 9/21/73
9/26/73	Comments fm Berlin, Roisman & Kessler (Roisman) dtd 9/24/73
10/19/73	Comments fm Ala. Power Co. (Vogtle) dtd 10/17/73
11/2/73	Comments fm USEPA (Meyers) dtd 10/29/73



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DOCKETED
PROPOSED RULE

PR-50,115
38FR22796

OCT 29 1973

ACKNOWLEDGED

Secretary of the Commission
U.S. Atomic Energy Commission
Washington, D.C. 20545
Attention: Chief, Public Proceedings
Staff



OFFICE OF THE
ADMINISTRATOR

Dear Sir:

Pursuant to our responsibilities under section 309 of the Clean Air Act, the Environmental Protection Agency has completed its review of your proposed rulemaking (10 CFR Parts 50, 115) entitled, "Licensing of Production and Utilization Facilities; Procedure for Review of Certain Nuclear Reactors Exempted from Licensing Requirements," as contained in the Federal Register dated August 24, 1973. As a result of this review, we have the following comments to offer.

We are concerned whether procedures and determinations surrounding material alterations or changes in operating practices in facilities covered by these proposed regulations include environmental considerations. In particular, at several points in this notice the phrase "significant hazards consideration" occurs. For example, in §50.91 (Issuance of amendment) it is specified that, "If the application involves the material alteration of a licensed facility, a construction permit will be issued prior to the issuance of the amendment to the license. If the amendment involves a significant hazards consideration, the Commission will give notice of its proposed action...." In our opinion, it is not clear that such hazards considerations involve environmental factors in addition to the obvious questions of nuclear safety. We believe that the procedures should better indicate what is involved in these determinations, and that the determinations should include explicit consideration of significant environmental hazards and adherence to applicable environmental quality standards. A similar provision is incorporated in the proposed §115.61, and our recommendation also applies to that section.

A problem analogous to the above occurs in §50.59 (Changes, tests, and experiments) subdivision (a)(1)(iii) where the holder of a license authorizing operation of a production or utilization facility may "...conduct tests or experiments not described in the safety analysis report, without prior Commission approval, unless the proposed change, test or experiment involves a change in the technical specifications incorporated in the license or an unreviewed safety question...." §50.59(a)(2) immediately following discusses certain categories or conditions which characterize an "unreviewed safety question." We assume that such questions, like the hazards considerations cited above, may not involve environmental factors. In our opinion, environmental impact factors should be included and this part of the proposed regulations should specifically reference this fact. Our recommendation also applies to a comparable provision in §115.47 regarding changes, tests, and experiments by holders of an operating authorization for power reactors subject to that part.

Should you have any questions concerning our comments, please contact Mr. Jackson Anderson (755-0770) of my staff.

Sincerely yours,

Rebecca W. Hammer

for Sheldon Meyers
Director
Office of Federal Activities

DOCKET NUMBER
PROPOSED RULE
PR-50,115 (38 FR 22796)
Procedures for Review


ALABAMA POWER COMPANY
600 NORTH 18TH STREET — P. O. Box 2641
BIRMINGHAM, ALABAMA 35291 — (205) 323-5341

October 17, 1973

JESSE S. VOGTLE
Vice President-Public Affairs

Secretary of the Commission
United States Atomic Energy Commission
Washington, D. C. 20545

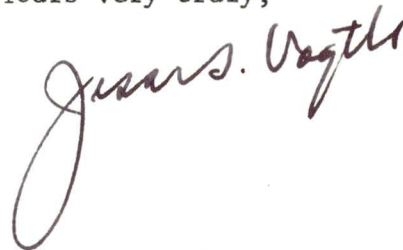
Attention: Chief, Public Proceedings Staff

Dear Sir:

We request the Commission to accept the following comments regarding the Commission's consideration of certain amendments to its regulations, published in the Federal Register, Friday, August 24, 1973, which would purport to simplify the procedural process for Commission authorization of changes in production and utilization facilities and technical specifications relating to such facilities. We note that the proposed amendment to 10 CFR Part 50 would continue to permit facility licensees to make changes and perform tests and experiments not described in the safety analysis report without Commission approval unless these activities involve an unreviewed safety question or a change in the technical specifications; however, in the latter instances, we now understand that the proposed changes will require an amendment to the operating licensee. We are extremely concerned that this procedural change can be unduly time consuming and, when compared to the existing procedures, offer no greater assurance that the health and safety of the public will not be endangered.

We recognize that these comments are filed untimely. We, however, request the Commission to take our concerns into consideration in its decision with respect to the issuance of any final change in procedures.

Yours very truly,



JSV:ny

Acknowledged

10-19-73, crq



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September 24, 1973



Secretary
Atomic Energy Commission
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Att: Chief Public Proceedings Staff

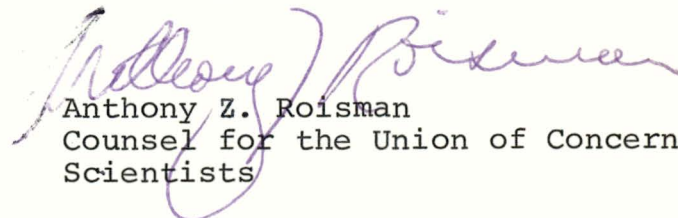
re: proposed amendments to
sections 50.58, 50.59 et al

Dear Sir:

A request is hereby filed for an extension of one week to file comments on these proposed amendments. The extension is needed because due to the press of other business in the office of Counsel for the Union of Concerned Scientist it has not been possible to prepare meaningful comment within the time allowed.

The proposed amendments do appear to make substantial changes in the present procedures regarding post-licensing changes by licensees. This is a matter of vital interest to the Union of Concerned Scientists and the general public.

Sincerely,


Anthony Z. Roisman
Counsel for the Union of Concerned
Scientists

AZR/cd

cc: Henry Kendle

Acknowledged

9-26-73, ora



State of New York

ATOMIC ENERGY COUNCIL

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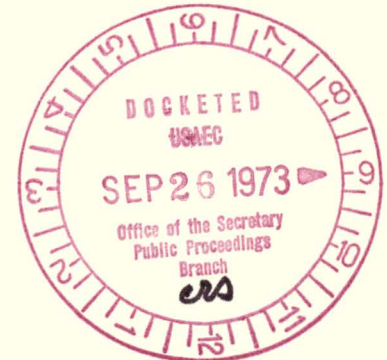
CHAIRMAN
NEAL L. MOYLAN
COMMISSIONER OF COMMERCE

September 21, 1973

Mr. Paul C. Bender
Secretary of the Commission
U. S. Atomic Energy Commission
Washington, D. C. 20545

Attention: Chief, Public Proceedings Branch

Dear Mr. Bender:



Members of the New York State Atomic Energy Council have reviewed the proposed amendments to 10 CFR Parts 50 and 115, "Amendments for Facility Licenses and Authorizations", which were published in the Federal Register on August 24, 1973. Based on this review, the Council supports the inclusion of the proposed amendments into Title 10 of the Code of Federal Regulations. The Council concurs with the Commission's belief that the separate procedures now in effect for "amendments" and "changes" for modification of licenses would be simplified, while still maintaining existing safety related administrative procedures, by the establishment of the proposed uniform system for authorization of such actions. We do, however, offer the following comment for the Commission's consideration:

The proposed amendments to Sections 50.91 and 115.61 note that if an amendment involves a "significant hazards consideration", the Commission will act thereon only after giving at least 30 days advance notice of its proposed action in the Federal Register. It is recommended that Sections 50.2 and 115.3 of 10 CFR Parts 50 and 115, respectively, be amended to include or appropriately reference a definition of "significant hazards consideration".

We appreciate the opportunity to participate with the U. S. Atomic Energy Commission in this matter.

Cordially,

Neal L. Moylan
Chairman

cc: Members of the Atomic
Energy Council
J. Bruce MacDonald, Esq.

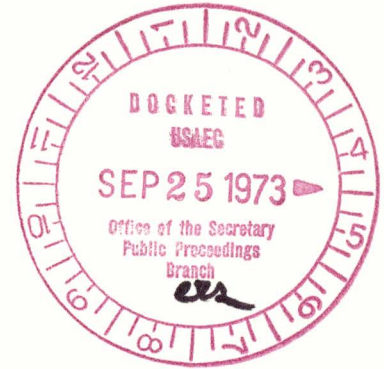
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9-26-73, crs

BEFORE THE
ATOMIC ENERGY COMMISSION

Proposed Amendments to
10 CFR Parts 50 and 115

COMMENTS OF
UNION OF CONCERNED SCIENTISTS



Section 50.58

This Section would make referral of matters to the ACRS even more discretionary than now and without any standard to test the discretionary act. The ACRS was intended to fulfill a valuable over-view function. It should have the broadest access to Commission decisions. If the matter is clearly insignificant (which is doubtful where an amendment to a license or its Technical Specifications are involved), the ACRS can dispose of it in summary fashion and could set up a mechanism for screening referrals. Any further limitation on the ACRS review of safety matters would further lessen public confidence in the AEC and would be contrary to the Congressional intent in statutorily confirming the status of the ACRS.

Section 50.59

On the surface the changes proposed appear to be essentially editorial. Some of the detail of the original is now missing but is presumably covered by other sections whose requirements were redundantly treated in the original. If this is the intent and no

substantive significance is attributable to the deletion of Sub-section (e) and (f) this should clearly be stated in the final statement of consideration. If this interpretation is incorrect a new proposed rule making notice should be filed to permit comments on the further expressed intent of the amendments.

The regulations provide for two tests relevant to 50.59 actions. Unreviewable safety questions require prior Commission approval. Those unreviewable safety questions and changes in licenses and technical specifications require hearings at least ^{1/} whenever there are significant hazards considerations not previously reviewed. The test for an unreviewed safety question covers several items each one of which would in our opinion qualify as a significant hazards consideration. Thus, the present dichotomy creates a meaningless distinction. If the significant hazards consideration is intended to require more than the unreviewed safety question the Commission should promptly issue proposed rule making to set forth relevant criteria. Without those criteria Commission action under 2.105 will become more and more the subject of litigation and substantial uncertainty will be created where none should exist.

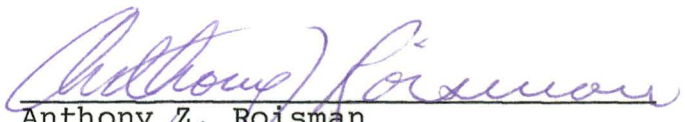
^{1/} In Brooks v. AEC, ___ U.S. App. D.C. ___, ___ F.2d ___ (CA No. 72-2177, decided March 8, 1973) the Court held that Congress intended all license and technical specification amendments to be preceded by a notice of opportunity for hearing.

The proposed amendment would retain the substance of Subsection (g). We are troubled by the present practice under that Subsection and urge that it be amended. Under current practice all post-licensing communications between the Staff and Applicant are placed in the Public Document Room in Washington, D. C .and usually no other public service is made. Where a contested proceeding has resulted in the issuance of a permit or license the contesting party retains a keen interest in the plant. Often the authorization involves some future action such as environmental or radiation monitoring reports, installation of improved safety equipment, etc. The contesting party has a legitimate and understandable interest in these matters. They may not and often do not have the resources to retain a Washington representative to monitor PDRX filings (which in post-licensing may lag behind actualy dispatch by several days or weeks). This problem relates not only to tests,experiments and amendments but also to routine reports and communications as well as inspection reports, abnormal occurence reports and special Regulatory Staff reports relating to generic safety items.

In the context of Sections 2.105 and 50.59 the Commission must make determinations prior to a publicnotice of proposed action. Public participation in the form of written comments should be encouraged to enable the Commission to hear more than one side of the issue prior to its decision and to alert it to public concerns.

The only way to to ensure that the public will be fully informed is to provide for broader and prompt distribution of relevant communications. Thus we recommend further amendment to Sections 50.59 and 115.47 to require that all the data required to be submitted pursuant to those sections be served on the local PDR and on any party to the previous licensing proceeding who requests such service. The minor costs incurred will be more than offset by the substantial benefits gained -- particularly in public understanding of post-licensing actions which are now shrouded in confusion.

Respectfully submitted,



Anthony Z. Roisman
Counsel for Union of
Concerned Scientists

September 25, 1973

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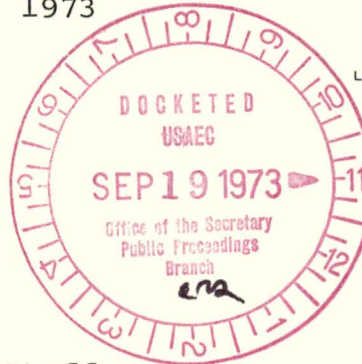
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September 18, 1973



Secretary
U.S. Atomic Energy Commission
Washington, D.C. 20545

Attn: Chief, Public Proceedings Staff

Dear Sir:

This letter contains our comments on the proposed amendments to 10 C.F.R. Parts 50 and 115 which were published in the Federal Register on August 24, 1973 (38 Fed. Reg. 22796).

The stated purpose of the proposed changes is to "simplify the procedural process for AEC authorization of changes in production and utilization facilities and technical specifications relating to such facilities." The method proposed to achieve that purpose is to shift the review of those changes in facilities involving "unreviewed safety questions" and all changes in technical specifications from the present Section 50.59 procedure to the new, more formal and possibly more rigorous procedures required by Sections 50.90 and 50.91. It seems obvious that the proposed procedures will complicate, rather than simplify, the consideration of such changes. We perceive no legal or practical necessity for such complication.

We recommend the retention of a simplified and more appropriate procedure under Section 50.59 for changes to most matters currently covered in the technical specifications and for unreviewed safety questions that do not involve a material alteration of the facility or a significant hazards consideration. Only changes that constitute material alterations or present a

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significant hazards consideration should be treated under a license amendment procedure. The current review structure for changes under Section 50.59 correctly relates the requirements for formality, prior review, and approval to the practical significance of the change. The proposed revision would destroy that sense of proportion.

To be sure, Section 50.59 may be in need of revision. Such revision should be accomplished with a recognition of the principle that where the change is not of the highest order, it need not be treated with the formality of a license amendment.

Perhaps the proposed regulations have been prompted by the reasoning in Brooks v. AEC, 476 F.2d 924 (D.C. Cir., 1973); that is, some may feel that a logical extension of Brooks requires that any change involving an unreviewed safety question and all changes in the technical specifications are changes in the license and, as such, must be treated as amendments under Section 189 of the Act and Sections 50.90 and 50.91 of the Regulations.

If this rationale underlies the proposed regulations, the real problem is the current administrative definitions of "license" and "technical specifications." What is needed then are new definitions. If the license were separated from the details of instrumentation, monitoring and reporting - including ever-increasing requirements under non-radiological technical specifications - the proposed amendments would not be out of order, for then only those aspects of the construction and operation of the facility that are of material significance would be part of the license. Certainly only such basic aspects of a facility should require formal treatment as an amendment. Relevant but subsidiary details of the radiological and environmental aspects of the plant could be set out in a subsidiary but binding document that could be modified in an appropriate but less formal manner akin to the current procedure under Section 50.59.

Two examples of questions raised by the proposed regulations may illustrate the undesirability of the proposed change. First, the licensee's organization chart (including titles and areas of responsibility) is currently incorporated

in the technical specifications. Thus, under the proposed regulations, each change in title or administrative responsibility within the licensee's organization would call for an application for an amendment to be filed with the Commission "fully describing the changes desired, and following as far as applicable the form prescribed for original applications." It seems inappropriate to commit such details to the form prescribed for an original license application. Secondly, there is the question of the need for an environmental report from the applicant. Appendix D to Part 50 of the Regulations does not seem to cover the question explicitly. Would an amendment to revise the environmental monitoring program set forth in the technical specifications require an environmental impact statement? Action by the Commission to remove such minutiae from the rubric "amendment of license" would help to avoid claims that approval of each change requested is a "major federal action."

We also note that the possibility of a two-hearing procedure for a "material alteration" of the facility is continued in proposed Section 50.91. We believe that this concept should be modified. If the amendment sought is to a construction permit, the operating license review of that amendment clearly should be made a part of the overall operating license review. On the other hand, if the proposed amendment is to an operating license, we believe that the changes in the facility should be reviewed and approved in a single proceeding.

Proposed parallel changes in the Regulations would affect the authorizing procedures for the Commission's exercise of a proprietary function under Part 115 of the Regulations. Our comments apply equally to those changes.

We concur with the Commission's desire to clarify its Regulations. For the reasons outlined above, however, we urge that the simplified procedure currently offered under Section 50.59(d)-(g) be retained, with such modifications as the Commission deems appropriate.

Respectfully submitted,

LeBOEUF, LAMB, LEIBY & MacRAE

By Harry H. Voigt

Procedures for Review

ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

SEP 19 1973

Secretary of the Commission
United States Atomic Energy Commission
Washington, D.C. 20545

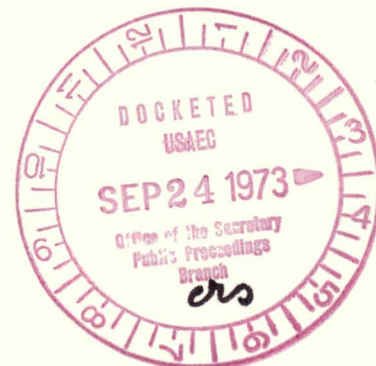
Attention: Chief, Public Proceedings Staff

Dear Sir:

The Environmental Protection Agency plans to comment on your Proposed Rules or Regulations entitled 10 CFR Parts 50, 115--Licensing of Production and Utilization Facilities; Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements, as contained in the Federal Register, Vol. 38, No. 164, August 24, 1973. For further information, please contact Mr. Jackson Anderson on 755-0770.

Sincerely yours,

Rebecca W. Hammer
for
Sheldon Meyers
Director
Office of Federal Activities



ACKNOWLEDGED

9-24-73,ers

ATOMIC ENERGY COMMISSION

[10 CFR Parts 50 and 115]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES;

PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS

EXEMPTED FROM LICENSING REQUIREMENTS

Amendments and Change Procedures

For

Facility Licenses and Authorizations

The Atomic Energy Commission has under consideration certain amendments to its regulations, 10 CFR Part 50, Licensing of Production and Utilization Facilities, and 10 CFR Part 115, Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements, which would simplify the procedural process for AEC authorization of changes in production and utilization facilities and technical specifications relating to such facilities.

Section 189 of the Atomic Energy Act of 1954, as amended (the Act), provides that in cases where a construction permit for a facility under sections 103 or 104 b. of the Act, or a testing facility under section 104c. of the Act, has been issued following a hearing, the Commission may, in the absence of a request therefor by any person whose interest may be affected, issue an amendment to the operating license without a hearing, upon thirty days' notice and publication of its intent to do so in the FEDERAL REGISTER.

Such notice may be dispensed with, however, upon a determination that the amendment does not involve a significant hazards consideration.

Under existing provisions of § 50.59 of Part 50, changes may be made in a facility and in the procedures described in the safety analysis report, and tests and experiments not described in the safety analysis report may be conducted, without prior Commission approval, unless the proposed change, test or experiment involves a change in the technical specifications or an unreviewed safety question. A change which involves a change in technical specifications or an unreviewed safety question must be authorized by the Commission, and the Commission may authorize such a change, test or experiment, upon finding that there is reasonable assurance that the health and safety of the public will not be endangered. If a proposed change in a facility of a type described in §§ 50.21(b) or 50.22 or a testing facility (i.e., a power or test reactor or a fuel reprocessing plant), presents a significant hazards consideration, the Commission may refer the request to the Advisory Committee on Reactor Safeguards. Part 115 contains similar provisions with respect to operating authorizations for power reactors subject to that part.

Part 2 contains provisions which state that a notice of proposed action on an amendment to a facility license which "involves a significant hazards consideration" will be published in the FEDERAL REGISTER, and will provide

that, within thirty days from date of publication of the notice, or such lesser period authorized by law as the Commission may specify, the applicant may request a hearing or any person whose interest may be affected by the proceeding may file a petition for leave to intervene (§ 2.105). Section 2.106 provides for FEDERAL REGISTER notice, after issuance, of amendments to facility licenses.

The Commission believes that the separate procedures now in effect for "amendments" and "changes" can be simplified by the establishment of a uniform system for authorization of such actions.

The proposed amendments to Part 50 which follow would continue to permit facility licensees to make changes and perform tests and experiments not described in the safety analysis report without prior Commission approval unless the change, test or experiment involves an unreviewed safety question or a change in the technical specifications. For proposed changes, tests or experiments which involve an unreviewed safety question or a change in technical specifications, an amendment to the operating license would be required, pursuant to § 50.90. With respect to an application for amendment of a license which involves a significant hazards consideration, the Commission would act upon the application for the amendment after giving notice of its proposed action, pursuant to the applicable provisions of 10 CFR Part 2. Similar changes would be made in the pertinent provisions of Part 115.

Section 50.58 would be amended to reflect the discretion given the Commission in section 182 of the Atomic Energy Act to refer applications for license amendments to the Advisory Committee on Reactor Safeguards.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 50 and 115 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D. C. 20545, Attention: Chief, Public Proceedings Staff, by September 24, 1973.

Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C.

1. Paragraph (a) of § 50.58 of 10 CFR Part 50 is revised to read as follows:

§ 50.58 Hearings and report of the Advisory Committee on Reactor Safeguards.

(a) Each application for a construction permit or an operating license for a facility which is of a type described in § 50.21(b) or § 50.22, or for a testing facility, shall be referred to the Advisory Committee on Reactor Safeguards for a review and report. An application for an amendment to such a construction permit or operating license may be referred to the Advisory Committee on Reactor Safeguards for review and report.

Any report shall be made part of the record of the application and available to

the public, except to the extent that security classification prevents disclosure.

2. Section 50.59 of 10 CFR Part 50 is revised to read as follows:

§ 50.59 Changes, tests and experiments.

(a) The holder of a license authorizing operation of a production or utilization facility may (1) make changes in the facility as described in the safety analysis report, (2) make changes in the procedures as described in the safety analysis report, and (3) conduct tests or experiments not described in the safety analysis report, without prior Commission approval, unless the proposed change, test or experiment involves a change in the technical specifications incorporated in the license or an unreviewed safety question. A proposed change, test, or experiment shall be deemed to involve an unreviewed safety question (1) if the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the safety analysis report may be increased; or (2) if a possibility for an accident or malfunction of a different type than any evaluated previously in the safety analysis report may be created; or (3) if the margin of safety as defined in the basis for any technical specification is reduced.

(b) The licensee shall maintain records of changes in the facility and of changes in procedures made pursuant to this section, to the extent that such changes constitute changes in the facility as described in the safety analysis report or constitute changes in procedures as described in the safety analysis report. The licensee shall also maintain records of tests and experiments carried out pursuant to paragraph (a) of this section. These records shall include a written safety evaluation which provides the bases for the determination that the change, test or experiment does not involve an unreviewed safety question. The licensee shall furnish to the Commission, annually or at such shorter intervals as may be specified in the license, a report containing a brief description of such changes, tests and experiments, including a summary of the safety evaluation of each. Any report submitted by a licensee pursuant to this paragraph will be made a part of the public record of the licensing proceeding. In addition to a signed original, 39 copies of each report of changes in a facility of the type described in §§ 50.21(b) or 50.22 or a testing facility, and 12 copies of each report of changes in any other facility, shall be filed.

(c) The holder of a license authorizing operation of a production or utilization facility who desires (1) a change in technical specifications or (2) to make a change in the facility or the procedures described in the safety analysis report or to conduct tests or experiments not described in the safety analysis report, which involve an unreviewed safety question or a change in technical specifications, shall submit an application for amendment of his license pursuant to § 50.90.

3. A sentence is added at the end of § 50.91 of 10 CFR Part 50 to read as follows:

§ 50.91 Issuance of Amendment.

In determining whether an amendment to a license or construction permit will be issued to the applicant, the Commission will be guided by the considerations which govern the issuance of initial licenses or construction permits, to the extent applicable and appropriate. If the application involves the material alteration of a licensed facility, a construction permit will be issued prior to the issuance of the amendment to the license. If the amendment involves a significant hazards consideration, the Commission will give notice of its proposed action pursuant to § 2.105 of this chapter before acting thereon. The notice will be issued as soon as practicable after the application has been docketed.

4. Paragraph (a) of § 115.46 of 10 CFR Part 115 is amended to read as follows:

§ 115.46 Hearings and report of the Advisory Committee on Reactor Safeguards.

(a) Each application for an authorization to construct or operate a nuclear reactor subject to this part shall be referred to the Advisory Committee on Reactor Safeguards for a review and report. An application for an amendment to such a construction authorization or operating authorization may be referred to the Advisory Committee on Reactor Safeguards for review and report.

Any report shall be made part of the record of the application and available to the public, except to the extent that security classification prevents disclosure.

5. Section 115.47 of 10 CFR Part 115 is revised to read as follows:

§ 115.47 Changes, tests and experiments.

(a) The holder of an operating authorization may (1) make changes in the facility as described in the safety analysis report, (2) make changes in the procedures as described in the safety analysis report, and (3) conduct tests and experiments not described in the safety analysis report, without prior Commission approval, unless the proposed change, test or experiment involves a change in the technical specifications incorporated in the license or an unreviewed safety question.

A proposed change, test, or experiment shall be deemed to involve an unreviewed safety question (1) if the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the safety analysis report may be increased; or (2) if a possibility for an accident or malfunction of a different type than any evaluated previously in the safety analysis report may be created; or (3) if the margin of safety as defined in the basis for any technical specification is reduced.

(b) The holder of the authorization shall maintain records of changes in the facility and of changes in procedures made pursuant to paragraph (a) of this section, to the extent that such changes constitute changes in the facility as described in the safety analysis report or constitute changes in procedures described in the safety analysis report. The holder of the authorization shall also maintain records of tests and experiments carried out pursuant to paragraph (a) of this section. These records shall include a written safety evaluation which provides the bases for the determination that the change, test or experiment does not involve an unreviewed safety question. The holder of the authorization shall furnish to the Commission, annually or at such shorter intervals as may be specified in the authorization, a report containing a brief description of such changes, tests and experiments, including a summary of the safety evaluation of each. Any report submitted by a holder of an authorization pursuant to this paragraph will be made a part of the public record of the authorization proceeding. In addition to a signed original 39 copies of each report shall be filed.

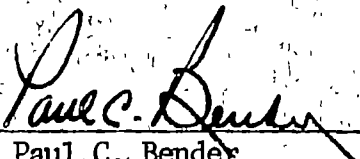
(c) The holder of an authorization who desires a change in technical specifications or who desires to make a change in the facility or the procedures described in the safety analysis report, or conduct tests or experiments not described in the safety analysis report, which involve an unreviewed safety question or a change in technical specifications, shall submit an application for amendment of his authorization pursuant to § 115.60. 6. Section 115.61 is revised to read as follows:

§ 115.61 Issuance of amendment.

In determining whether an amendment to an authorization will be issued to the applicant, the Commission will be guided by the considerations which govern the issuance of authorizations, to the extent applicable and appropriate. If the application involves the material alteration of a nuclear reactor, a construction authorization will be issued prior to issuance of the amendment to the authorization. If the amendment involves a significant hazards consideration, the Commission will give notice of its proposed action pursuant to § 2.105 of this chapter before acting thereon. The notice will be issued as soon as practicable after the application has been docketed.

(Sec. 161, Pub. Law 83-703, 68 Stat. 948; (42 U.S.C. 2201). Interpret or apply Secs. 2, 3, Pub. Law 87-615, 79 Stat. 409; (42 U.S.C. 2232, 2239.))

FOR THE ATOMIC ENERGY COMMISSION


Paul C. Bender
Secretary of the Commission

Dated at Germantown, Maryland
this 16th day of August

1973