

November 7, 1983

Note to: J. Scinto
From: R. Rawson
SUBJECT: McGUIRE AMENDMENT PACKAGE CHANGING TECH SPECS RELATING
TO THE CONTAINMENT LOWER COMPARTMENT TEMPERATURE

This is the amendment we discussed last week which was granted by telephone by T. Novak on October 26, 1983 based on an emergency need for the amendment. I am unable to recommend concurrence in this package in its present form.

Because the amendment was issued after the original notice but before the notice period had run, this package contains a final determination that no significant hazards consideration is presented. However, the discussion of the basis for that determination in the SER (and, therefore, in the FRN) is not legally sufficient. Unlike the original notice (48 FR 49394), there is no discussion in the SER of the criteria of 10 CFR § 50.92 or of any Commission examples. The fact that no comments were received is not an adequate basis for a no SHC finding. In short, no basis is provided for the final determination.

In addition, it is not clear from the SER whether the confirmatory information "requested" by the Staff is considered an essential part of the Staff's approval of this amendment. Whether this is voluntary information not affecting the Staff's approval or, on the other hand, whether this is a condition on which the Staff bases its approval should be made clear.

I recommend that ELD not concur in this amendment until these deficiencies are cured.

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I agree. There must be some national basis for the "final" NSHC determination and it must be provided in the SER. In addition, the approval of the amendment really appears to be based on qualitative arguments that peak clad temperatures from a LOCA will not be significantly affected by the higher containment temperature. If we need the calculations, then I question whether we should have granted the amendment in the first place. On the other hand, if we were sure enough that the temp. change will not be significant so that we can grant the amendment why do we want confirmatory calculations? (Is it because we need approval, up-to-date calculations for ECCS in order to comply with 10 CFR Part 50, App. K? If that's the case, doesn't one need an exemption to operate until it completed the ELD's calculations?) J Gray