

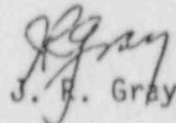
Note to: John Suermann

From: J. R. Gray

SUBJECT: PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION FINDING FOR  
OCONEE-3 SFP CAPACITY EXPANSION

OELD has been asked to concur in the proposed notice and NSHC finding for a license amendment on expansion of the storage capacity for the SFP at Oconee-3. R. Rawson has concurred in the notice on the basis that it provides an adequate description of the proposed amendment, an adequate description of the basis on which the Staff proposes to make a NSHC finding, and an adequate description of what must be done to request a hearing.

Our review, however, was not a review for the substantive adequacy of the basis for the proposed NSHC finding and our concurrence is not concurrence in the substantive adequacy of that basis. I do note that I am not aware that we have ever based a finding of no significant hazards consideration on the fact that a license amendment similar or identical to the one in question was previously reviewed and approved for another plant. In fact, a petition for rulemaking that would have established as one basis for finding NSHC that a similar amendment had previously been approved for another facility was specifically rejected by the Commission. While the proposed NSHC finding for the Oconee-3 SFP amendment is not entirely grounded upon the fact that a similar amendment was previously approved for Oconee-1/2, there is an element of that in the basis provided in this notice. I only want to caution you that the mere fact that a similar amendment was previously approved for Oconee-1/2 may not necessarily, standing alone, justify a NSHC finding for Oconee-3. Rather, other facts establishing that the amendment does not (1) involve a significant increase in the probability or consequences of accidents previously considered or (2) create the possibility of a new or different kind of accident from any previously evaluated or (3) involve a significant reduction in a safety margin (10 CFR § 50.92) should show that NSHC is involved. As reflected in the proposed notice, licensee has presented a detailed analysis arguably indicating this to be the case. This is simply to forewarn you that, should there be a request for hearing, the final NSHC finding that must be made must concentrate on the criteria of 10 CFR 50.92, rather than being limited to arguments that similar reracks were approved for Oconee-1/2. A solid, detailed and correct analysis will be required in view of the questions that have been raised generically over whether SFP reracking amendments involve significant hazards considerations.

  
J. R. Gray

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