



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

HP 4

August 1, 1983

OFFICE OF THE
SECRETARY

MEMORANDUM FOR: William J. Dircks
Executive Director for Operations

FROM: Samuel J. Chilk, Secretary

SUBJECT: SECY 83-249 - OCONEE UNIT NO. 3 - SPENT
FUEL POOL EXPANSION

This is to advise you that the Commission is split by a 2-2 vote on the staff decision to issue a proposed no significant hazards consideration (NSHC) determination for expansion of the Oconee Unit 3 spent fuel pool. The Chairman and Commissioner Roberts approved the staff decision; Commissioners Gilinsky and Asselstine disapproved, believing that a no significant hazard consideration is not appropriate for a requested expansion (reracking) of a spent fuel pool.

Commissioners Gilinsky and Asselstine add: In the absence of a majority vote to the contrary, the Commission has disapproved the staff's recommendation. Chairman Palladino and Commissioner Roberts disagree: they agree with the General Counsel's July 27, 1983 memorandum (attached) which is described below.

In accordance with the General Counsel's July 27, 1983 memorandum, a 2-2 vote by the Commission on a matter which, as this, is within the staff's delegated authority leaves staff free to act within its authority. It may choose to follow through with its proposal, or it may choose to wait for more definitive Commission guidance. If the staff elects not to act at this time, it is requested that the matter be returned to the Commission when a need for decision is apparent after the appointment of a fifth Commissioner. This appointment could occur shortly. Commissioner Gilinsky disapproves this paragraph.

Attachment

cc: Chairman Palladino
Commissioner Gilinsky
Commissioner Roberts
Commissioner Asselstine
OGC
OPE
OIA

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