

Note to Denny Crutchfield  
Gus Lainas  
Tom Novak

7/25/85

From Joe Scinto

Re: Licensees' Incoming For Sholly

As a result of some of the recent discussion concerning Sholly problems, particularly discussions about the use of licensees' incoming, I have been looking specifically at the licensees' incoming NSHC determinations. The large majority of licensees appears to be filing submissions that do not comply with the requirements of 50.91(a)(1). They appear to be getting poor guidance from the staff. This is unfortunate since this section was put in to assist the staff

Specifically, 50.91(a)(1) requires the licensee requesting an amendment to provide an analysis "using the standards in 50.92" (the 3 factor test) about the issue of no significant hazards considerations. Staff final determinations must also use the 3 factor test of 50.92. Proposed staff determinations may use the examples of actions which are "likely" or "not likely" to involve significant hazards considerations.

While a licensee may offer his opinion to be helpful to the staff on which example is appropriate, that is not sufficient to satisfy 50.91(a)(1)-- a licensee is not merely to suggest that is "likely" or "unlikely" that his proposed amendment involves a significant hazards consideration-- he is required to give his analysis in terms of the 3 factors. The licensee should not need examples of what "likely" or "unlikely"; the licensee has completed its safety evaluation before he submits the package. Thus, he should know on the basis of his completed technical evaluation whether the proposed amendment increases probability or consequences, creates the possibility of a new accident or reduces a safety margin, and he should know how much so that he should be able to give a clear articulation for his reasons as to whether the change is significant. He may discuss examples to help the staff, but the discussion of examples does not relieve the licensee of the requirement to provide an analysis using the 3 factor test of 50.92. Many licensees offer nothing but an assertion about examples.

A second failure is the failure to provide an analysis using the 3 factor test. Often all the licensee provides is a simple bottom line assertion, copying the 3 factor, but offering NO analysis. [Most often the safety assessment is also so skimpy that the reader cannot conclude that the basis for the NSHC determination is in fact adequately provided in the description or in the safety assessment section.] A bottom line without analysis does not satisfy 50.91(a)(1).

The staff apparently got into the habit of doing NSHC determinations on its own without reference to the incoming in the first year or so of Sholly when we were processing backlog amendments- which came in before May 83, before licensees were required to do NSHC analyses. That's pretty well over; the staff should now be taking advantage of 50.91(a)(1).

I will start bringing incoming deficiencies to the attention of the PM.

If you think that it may desirable perhaps we could arrange a series of discussions with the branch chiefs (the series of discussions with the PMs at the outset of Sholly did not strike me as all that successful)

cc: W01mstead  
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