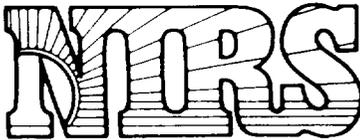


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Nuclear Information and Resource Service

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October 16, 2000

David Meyers
Chief of Rules and Directives
Division of Administrative Services
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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Division of Administrative Services

By FAX 301-415-5144

Dear Mr. Meyers:

On behalf of Nuclear Information and Resource Service (NIRS), I am filing comments as solicited per the Federal Register notice of August 31, 2000 (Vol. 65, No 170) that regard the Draft Regulatory Guide, Draft Standard Review Plan, and Draft Generic Aging Lessons Learned (GALL) Report for Nuclear Power Plant Licensing Renewal.

While reading over the transcript of the License Renewal Workshop Public Meeting dated September 28, 2000, I noted with concern that Mr. Yung Liu of the Argonne National Laboratory indicates that his lab has been contracted by the U.S. Nuclear Regulatory Commission (NRC) to reformat the Draft GALL Report. ANL is proposing to accomplish this task by modifying, compressing and eliminating existing columns and information from various tables. This raises a significant concern that the public is being asked to provide comments on material that is already dated by NRC for which the agency has no intention of issuing. NIRS concurs with the comments of David Lochbaum, Union of Concerned Scientists, as noted in the transcript that the general public doesn't have the benefit of knowing the "bait and switch approach" being employed by NRC.

Considering the density and complexity of the material presented by the GALL Report, it is grossly unfair to ask the public to comment on a roughly hewn document for the sake of meeting NRC timelines, knowing that agency does not intend on issuing the document in this format. As Mr. Grimes states in the transcript, "I had originally envisioned that the reformatting would be intended to make it easier for people to follow the material rather than to confuse them." However, it is not reasonable for NRC to solicit public comments on a document that it already views as confusing and in need of reformatting. If NRC were sincere in this endeavor, it clearly would have waited to provide the public with final draft of the report for comment.

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Unfortunately, it is our observation and experience that the NRC is not sincere in its approach to effectively involve the public in the licensing renewal process. The NRC has demonstrated that it does not seek to provide a process that is easily accessible, transparent nor inclusive of the affected public concerns and effective interaction regarding the license renewal process with particular emphasis on age-related degradation as embodied by the Draft GALL Report.

The agency's stated goal is to make the re-licensing process more predictable and streamlined. This is, without mistake, a process that is designed to facilitate a more predictable for re-licensing applicants.

Central to making the re-licensing process predictable to licensees is the need to remove what is viewed by industry and regulator as time and cost consuming impediments or licensing burdens raised through site specific re-licensing proceedings brought forward by the affected public regarding age-related degradation of systems, structures and components (SSC). The re-categorization of site-specific contestable issues to generic non-contestable issues is the central advantage gained by the agency and the licensees to make the re-licensing process predictable through the Generic Aging Lessons Learned or GALL approach.

NIRS rejects the generic approach to age-related degradation issues for reactor licensing extension as a construct to solely benefit the nuclear industry economically while undermining public health and safety. This approach effectively eliminates site-specific public participation and intervention in the re-licensing proceedings on aging issues. In turn, this approach eliminates independent experts and public review of the potential impact of age-related degradation issues from the license extension process. It is fundamentally undemocratic to remove the affected public's discovery process and their ability to scrutinize and cross-exam industry and regulatory assumptions pertaining to aging safety components and public safety within the context of an adjudicatory proceeding. By removing age-related degradation issues from the independent scrutiny of a site-specific proceeding, the GALL approach strengthens and perpetuates the historically cozy industry/regulatory relationship and systematically obfuscates safety issues through a host of mechanisms including corporate proprietary non-disclosures tactics.

The GALL approach provides for far too much credit and confidence to be given to the regulator and industry towards the "generic" nature of age-related degradation on the licensing basis. In fact, U.S. reactors have incorporated many design and component features that are unique within their pressurized and boiling water reactor licensing basis. As one NRC official told the McGraw Hill publication, Inside NRC (October 9, 2000, p.10), "You are talking about a licensing basis as if it were one thing," said David Weiss, "when, in fact, nuclear power plants are like snowflakes. Each one is different. It makes the job very difficult. If you pick on one particular issue at a plant and you throw enough resources at it you can figure out what the licensing basis is."

It is the NIRS contention that the GALL approach significantly limits the overall effort to ascertain the real effects of aging on the over all licensing basis as it pertains to license extension. As a consequent, this generic approach constitutes a non-conservative approach to the re-licensing process and further undermines public health and safety.

Additionally, the NRC and industry have provided no “lessons learned” in their GALL approach for assessing demonstrated short falls, failures and differing professional opinions in the current process to evaluate aging for the current licensing basis. These failures and shortfalls can compound to adversely impact the scope and accuracy of generic evaluations within the context of license renewal when overlooked in the evaluation program of the adequacy of generic age management programs.

The GALL process is therefore fundamentally flawed in assuming that the NRC staff and industry have assembled and are practicing from an adequate and accurate body of knowledge and experience to evaluate the adequacy of each generic aging management program from aging effects for SSC. NIRS cites several of the “10 program attributes,” used to generically categorize the SSC for GALL as fundamentally flawed. These program attributes include but are not limited to:

#5 Monitoring and Trending.

There is a distinct lack of assessment within the context of GALL for “lessons learned” from the apparent and significant degree of uncertainty for predicting degradation mechanisms (i.e. crack growth rates, embrittlement) over operational cycles of 15, 18 and 24 month operational cycles, let alone 20 year license extensions. For example, it is generally recognized that within a single operational cycle, steam generator tube cracking can increase from tens to hundreds to thousands of cracks as a result of intergranular stress corrosion cracking without any degree of certainty that can predict this jump in crack growth. With regard to age-related degradation, NIRS contends that the industry and regulatory are placing an undue amount of confidence and credit in unproven and theoretical assumptions espousing that you can know where you are going by looking at where you have been. This is a lot like driving your car through the rear view mirror which does not instill confidence for either the passengers of the vehicle or communities living downwind of nuclear power stations. Those of us who are being taken for a ride with the industry and regulator are increasingly alarmed by this practice as a continued justification for operational exemptions, as most recently exemplified by reduced inspection schedules leading up to Indian Point Unit 2 steam generator tube accident in February, 2000. NIRS now sees this same practice to be used generically applied to justify 20-year license extension without an avenue for public challenge.

Additionally, NIRS notes with alarm that the NRC and industry are interested in expanding the number of SSC that would be approved for “one time inspections” as an acceptable alternate to periodic inspections to assess age-related degradation. NIRS is astounded by the NRC premise that a one time inspection will be sufficient to verify that age-related degradation of various SSC is sufficient to satisfy the license renewal basis, particularly when these inspection verifications are to occur a decade or more in advance of the license renewal date.

#6 Corrective Actions

The existing 40% plugging criteria (40% PC) for steam generators in pressurized water reactors has imposed a heavy financial burden on the industry much to their dissatisfaction. In view of this dissatisfaction, NRC has made many attempts over the past decade and failed to formulate a meaningful alternative to the 40%PC. Despite this effort, the industry does not want to be constrained by the 40% PC and is requiring unlimited flexibility in making decisions regarding steam generator fitness for service. As a result, despite a lack of technical justification, the industry insisted and the regulator acquiesced to a position that it is safe to operate steam generators with defective tubes. This flawed policy effectively allowed the steam generator tube rupture to occur at Indian Point Unit 2. The affected public views this as one of many examples of a collapsed and ineffective corrective action program. Again, NIRS sees this same practice to be incorporated generically to justify 20-year license extensions without an avenue for public challenge.

#9 Administrative Controls

There is a demonstrated lack of adherence to administrative controls on the part of the industry and enforcement by NRC with regard to age-related degradation issues. One recent example is contained within the NRC Office of the Inspector General Event Inquiry "NRC's Response to the February 15, 2000, Steam Generator Tube Rupture At Indian Point Unit 2 Power Plant," August 29, 2000. Despite long standing industry and regulatory concerns regarding the loss of steam generator tube integrity, the report identified a number of missed opportunities by NRC to catch degradation of a steam generator tube. The report concluded that NRC staff could have flagged the problem tube if it had conducted a technical review of Consolidated Edison's 1997 inspection report and that staff missed another opportunity when it reviewed Con Ed license amendment request for a one-year extension of the steam generator inspection which was deferred in the summer of 1999. Additional, NRC engineering staff were hampered by senior management in following up with additional questions to Con Ed regarding the inspection extension which resulted in the February, 2000 tube rupture. NIRS has no confidence that current administrative controls in industry nor NRC enforcement of administrative controls are adequate and can be generically categorized to place age management issues beyond public scrutiny and intervention within the context of license extension.

Sincerely,



Paul Gunter, Director
Reactor Watchdog Project
NIRS