Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

July 11, 2007

Elmo Collins, Regional Administrator-to-be
U.S. Nuclear Regulatory Commission Region IV
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011-4005

SUBJECT: COLUMBIA GENERATION STATION – GUMPTION DEFICIENCY

Dear Mr. Collins:

Congratulations on becoming the Regional Administrator for Region IV. Dr. Mallett left behind big shoes to fill, but fortunately he also left a capable staff with a commendable attitude so you should encounter no footwear problems.

By letter dated May 31, 2007, Energy Northwest submitted Licensee Event Report No. 2007-002-00 to the Nuclear Regulatory Commission (NRC). Summarizing their report:

> On April 4, 2007, workers identified that two pieces of an irradiated fuel rod were missing from or in the spent fuel pool at Columbia Generation Station. This identification came as the station prepared for an NRC inspection of the special nuclear material control and accounting program. The fuel pieces were created during an examination of a leaking fuel bundle during the 1990 refueling outage. At that time, the pieces were placed in a bucket that was then suspended from the spent fuel pool wall. In 1991, workers noticed that the bucket was lying upside down on the floor of the spent fuel pool sans pieces.

That's what Energy Northwest reported explicitly reported. They implicitly reported a serious gumption deficiency that may need NRC Region IV attention to remedy.[1]

As defined at www.answers.com, gumption is "*boldness of enterprise; initiative or aggressiveness*" – traits not evident at Columbia Generating Station in this LER. Energy Northwest has zero excuse for waiting less than two weeks before NRC's SNM MC&A auditors arrived onsite before lifting a finger to look for missing fuel. Among the abundant clues available to Energy Northwest but apparently totally ignored are:

- Licensee Event Report No. 2002-02-00 for Millstone Unit 1 was submitted to NRC by letter dated January 11, 2001. Millstone Unit 1 reported the loss of two complete irradiated fuel rods from the spent fuel pool. The missing rods were last reported seen circa 1980. This LER was placed in the NRC's publicly available ADAMS.

[1] Note: This is not a 2.206 petition issue. There's no need to involve NRC headquarters via the 2.206 petition process. It would likely be a conflict-of-interest, or at least a copyright infringement case, to involve NRC headquarters in this gumption deficiency matter.

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- SECY-01-0175 dated September 20, 2001, informed the NRC Commissioners about the irradiated fuel rods missing from the Millstone Unit 1 spent fuel pool. This SECY was placed in the NRC's publicly available ADAMS and even posted on the NRC's website.
- By letter dated October 29, 2001, Dominion Nuclear Connecticut submitted its root cause investigation report for the irradiated fuel rods missing from the Millstone Unit 1 spent fuel pool to the NRC. This report was placed in NRC's publicly available ADAMS.
- By letter dated October 31, 2001, the NRC notified Dominion Nuclear Connecticut of the results from an Office of Investigations inquiry into whether the irradiated fuel rods missing from the Millstone Unit 1 spent fuel pool were reported to the NRC in a timely manner. This report was placed in NRC's publicly available ADAMS.
- Special Inspection report 05000245/2001013 dated February 27, 2002, documented the NRC's investigation into the causes and corrective actions for the irradiated fuel rods missing from the Millstone Unit 1 spent fuel pool. This report was placed in NRC's publicly available ADAMS.
- On June 25, 2002, the NRC issued a notice of violation and proposed civil penalty of $288,000 related to the irradiated fuel rods missing from the Millstone Unit 1 spent fuel pool. This enforcement action letter was placed in the NRC's publicly available ADAMs, is posted on the NRC's website, and is reported in the NRC's Office of Enforcement annual report.
- By letter dated October 31, 2002, the NRC's Inspector General sent the NRC Chairman an event inquiry report on the NRC's oversight of special nuclear material at Millstone Unit 1. This report was placed in NRC's publicly available ADAMS.
- By press release dated Aprul 21, 2004, the owner of the Vermont Yankee nuclear plant reported that a recent NRC inspection identified two pieces of an irradiated fuel rod missing from the spent fuel pool. The press release reported that the pieces had been placed inside the containment in 1979. This press release was placed in NRC's publicly available ADAMS.
- By press release dated April 29, 2004, the owner of the Vermont Yankee nuclear plant reported on the status of its search of the spent fuel pool for missing pieces of an irradiated fuel rod. This press release was placed in NRC's publicly available ADAMS.
- By press release dated May 13, 2004, the owner of the Vermont Yankee nuclear plant reported on the status of its search of the spent fuel pool for missing pieces of an irradiated fuel rod. This press release was placed in NRC's publicly available ADAMS.
- By call to the NRC's Incident Response Center and documented in an NRC daily event report (DER), the owner of the Vermont Yankee nuclear plant reported that two pieces of an irradiated fuel rods were missing from the spent fuel pool. This DER was placed in NRC's publicly available ADAMS and posted on the NRC's website.
- By press release dated May 27, 2004, the owner of the Vermont Yankee nuclear plant reported on the status of its search of the spent fuel pool for missing pieces of an irradiated fuel rod. This press release was placed in NRC's publicly available ADAMS.
- Licensee Event Report No. 2004-02-00 for Vermont Yankee was submitted to NRC by letter dated June 14, 2004. Vermont Yankee reported the loss of two pieces of an irradiated fuel rod from the spent fuel pool. The missing rods were last reported seen circa 1979. This LER was placed in the NRC's publicly available ADAMS.
- The NRC issued Preliminary Notication of Event or Unusual Occurrence PNO-IV-04-017 on July 16, 2004, following a report by the owner of the Humboldt bay nuclear plant that three pieces of an irradiated fuel rod were missing from the spent fuel pool. This PNO was placed in the NRC's publicly available ADAM and was posted to the NRC's website.
- By e-mail dated August 6, 2004, an NRC staffer informed many other NRC staffers that the licensee for Millstone Unit 2 had reported to Region I that a 14-inch segment of an irradiated fuel assembly had broken off and was being stored in a container within the spent fuel pool. This e-mail was placed in the NRC's publicly available ADAMS.
- Licensee Event Report No. 2004-02-01 for Vermont Yankee was submitted to NRC by letter dated September 29, 2004. Vermont Yankee reported finding two pieces of an irradiated fuel rod from the spent fuel pool. This LER was placed in the NRC's publicly available ADAMS.

- On January 19, 2005, the owner of the Humboldt Bay nuclear plant and the NRC conducted a public meeting on the pieces of an irradiated fuel rod missing from the spent fuel pool. The slides from that public meeting are publicly available in the NRC's ADAMS.
- Special Inspection report 050-00133/05-01 dated April 6, 2005, documented the NRC's investigation into the causes and corrective actions for the irradiated fuel rod pieces missing from the Humboldt Bay spent fuel pool. This report was placed in NRC's publicly available ADAMS.
- On May 18, 2005, PG&E issued a 180-page report documenting its investigation into the causes and corrective actions for pieces of an irradiated fuel rod missing from the Humboldt Bay spent fuel pool. This report was placed in the NRC's publicly available ADAMS.
- On June 13, 2005, the owner of the Humboldt Bay nuclear plant and the NRC conducted a public meeting on the pieces of an irradiated fuel rod missing from the spent fuel pool. The slides from that public meeting are publicly available in the NRC's ADAMS.
- On June 22, 2005, the NRC issued a notice of violation related to the irradiated fuel rods missing temporarily from the Vermont Yankee spent fuel pool. This enforcement action letter was placed in the NRC's publicly available ADAMs, is posted on the NRC's website, and is reported in the NRC's Office of Enforcement annual report.
- On August 19, 2005, the NRC issued a notice of violation related to the irradiated fuel rods missing temporarily from the Vermont Yankee spent fuel pool. This enforcement action letter was placed in the NRC's publicly available ADAMs, is posted on the NRC's website, and is reported in the NRC's Office of Enforcement annual report.
- On December 21, 2005, the NRC issued a notice of violation and proposed civil penalty of $96,000 related to the irradiated fuel rods missing from the Humboldt Bay spent fuel pool. This enforcement action letter was placed in the NRC's publicly available ADAMS, is posted on the NRC's website, and is reported in the NRC's Office of Enforcement annual report.
- Licensee Event Report No. 2005-03-02 for Hatch Unit 1 was submitted to NRC by letter dated September 19, 2006. Hatch Unit 1 reported a piece of an irradiated fuel rod missing from the spent fuel pool. This LER was placed in the NRC's publicly available ADAMS.
- Licensee Event Report No. 2005-03-01 for Hatch Unit 1 was submitted to NRC by letter dated April 14, 2006. Hatch Unit 1 reported a piece of an irradiated fuel rod missing from the spent fuel pool. This LER was placed in the NRC's publicly available ADAMS.
- On December 29, 2006, the NRC issued a notice of violation and proposed civil penalty of $104,000 related to the irradiated fuel rods missing from the Hatch Unit 1 spent fuel pool. This enforcement action letter was placed in the NRC's publicly available ADAMS, is posted on the NRC's website, and is reported in the NRC's Office of Enforcement annual report.
- By letter dated January 24, 2007, the NRC acknowledged receiving payment of the $104,000 civil penalty related to the irradiated fuel rods missing from the Hatch Unit 1 spent fuel pool. This letter was placed in the NRC's publicly available ADAMS.

There were at least 27 publicly available warnings about deficient special nuclear material accounting practices involving broken segments of irradiated fuel rods in spent fuel pools. But most of these warnings were in NRC's ADAMS, an information repository notoriously difficult to navigate. So maybe Energy Northwest had a common excuse for being unaware of the many warnings. **No they did not.**

By letter dated June 25, 2004, the NRC sent Energy Northwest it own copy of Information Notice 2004-12, "Spent Fuel Rod Accountability." This NRC Information Notice chronicled the problems at Millstone Unit 1 and Vermont Yankee and explicitly described the very same conditions and problems that Energy Northwest detailed in its May 31, 2007, LER to the NRC about the irradiated fuel missing from the Columbia Generating Station.

Ample warnings did not prompt Energy Northwest to question whether the very same problem might exist at the Columbia Generation Station. The NRC's explicit warning snail-mailed to the company about the problem also elicited the same non-response. It took the very real and very direct threat of NRC inspectors about to show up at the site for this company to give a hoot and take steps to see if it had the

same problem afflicting so many sister plants. And when it finally looked, it finally confirmed that it too had the same dog-gone problem.

Energy Northwest is not clueless. Dozens of public available warnings and one direct, specific NRC warning remove that lame excuse.

Energy Northwest is careless. They intentionally chose to ignore warning after warning after warning ... after warning year after year ... after year. These Davis-Besse wanna-be's would likely still be ignoring the warnings for years to come had it not been for the threat of NRC inspectors showing up to perform the audit.

When the NRC issues the notice of violation and proposes the civil penalty to Energy Northwest related to inadequate control of special nuclear material in the spent fuel pool at the Columbia Generating Station, it would be nice to ask this gang to explain why they dared ignore so many warnings and why they essentially thumbed their noses at NRC Information Notice 2004-12. Better still, the NRC might ask this company why any one on the planet should trust this gang to do right with its demonstrated track record of doing wrong, up until two week prior to the NRC arriving onsite.

NRC fined Dominion $288,000, in June 2002, fined Pacific Gas & Electric $96,000 in December 2005, and fined Southern Company $104,000 in December 2006, all for the very same crime Energy Northwest confessed to have committed. All are sins of the past with all losses occurring towards the end of the last century. But Energy Northwest added to its sin of the past by ignoring the lessons from Dominion, PG&E, and Southern Company. It'd would be righteous to fine this gang $488,000 – the sum of all three prior fines. Unless, of course, they would commit to buying $488,000 of gumption from eBay or wherever so the public doesn't have to rely only on this gang fixing problems during the two weeks prior to NRC inspectors arriving onsite. It'd be swell to transform the Columbia Generating Station into a place that complies with federal safety regulations all 52 weeks rather than shortly before periodic NRC visits.

In summary, you are filling some big shoes. I look forward to your applying those big shoes to the backside of this wayward company. They have lost their way and are in dire need of a "course correction."

Sincerely,

David Lochbaum
Director, Nuclear Safety Project