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Proposed Generic Communication - Draft Generic Letter on Seismic Risk Evaluations for Operating Reactors

Comment On: NRC-2011-0204-0002

Proposed Generic Communication; Draft NRC Generic Letter 2011-XX: Seismic Risk Evaluations for Operating Reactors

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RULES / PROCEDURES
FEDERAL
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General Comment

See attached file(s)

Attachments

20110928-ucs-comments-draft-generic-letter-seismic-stonewalling

*SUNSI Review Complete
Template = ADM-013*

*E-REDS = ADM-03
Call = K. Mansley (Kam)*



Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

September 28, 2011

Cindy Bladey, Chief
Rules, Announcements, and Directives Branch
Office of Administration, Mail Stop TWB-05-B01M
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

**Subject: NRC-2011-0204 – COMMENTS ON PROPOSED GENERIC
COMMUNICATION; DRAFT NRC GENERIC LETTER 2011-XX:
SEISMIC RISK EVALUATIONS FOR OPERATING REACTORS**

Submitted via www.regulations.gov

Dear Ms. Bladey:

On behalf of the Union of Concerned Scientists, I submit these comments on the proposed generic communication:

1. There is absolutely no legitimate need or justification for this draft generic letter. As the NRC's Near Term Task Force report (ML111861807) stated in the last paragraph on page 26, "*In 1996, the NRC established two new seismic regulations for applications submitted on or after January 10, 1997. These regulations were not applied to existing reactors.*" This report explains that the first regulation (10 CFR 100.23) "*sets forth the principal geologic and seismic considerations that guide the Commission in its evaluation of the suitability of a proposed site...*" and that the second regulation (Appendix S to 10 CFR Part 50) "*requires that nuclear power plants be designed so that certain SSCs remain functional if the safe shutdown earthquake (SSE) ground motion occurs.*" The NRC has issued Early Site Permits (see <http://www.nrc.gov/reactors/new-reactors/csp.html>) that clearly demonstrate the NRC's ability to implement 10 CFR 100.23. For example, the Southern Nuclear Operating Company submitted an Early Site Permit for Vogtle to the NRC on August 15, 2006. The NRC issued the Early Site Permit on August 26, 2009. Likewise, the NRC has issued design certifications for new reactors (see <http://www.nrc.gov/reactors/new-reactors/design-cert.html>) that clearly demonstrate the NRC's ability to implement Appendix S to 10 CFR Part 50. For example, Westinghouse submitted an application for the certification of the AP1000 design to the

NRC on March 28, 2002. The NRC issued a final rule certifying the design on January 27, 2006.

These actions eliminate any doubt that the NRC currently possesses sufficient information and knowledge to deal with the seismic hazards at operating nuclear power reactors. After all, the overwhelming majority of proposed new reactors (see <http://www.nrc.gov/reactors/new-reactors/col/new-reactor-map.html>) are adjacent to existing nuclear reactors (e.g., V.C. Summer, Vogtle, North Anna, South Texas, Comanche Peak, Turkey Point, Calvert Cliffs, Nine Mile Point, Callaway, Grand Gulf, Fermi, and Harris). If the NRC truly lacked sufficient information on, for example, seismic hazards, seismic accident scenarios, limiting or critical structures, systems, and components during seismic events, the agency could not responsibly issue Early Site Permits and design certifications. Can the NRC honestly defend a timeline where a new reactor is built and placed into operation conforming to the new seismic criteria while a decades-old reactor next door conforms to seismic criteria known to be obsolete and inadequate? The glacial pace of GI-199 resolution just might yield that totally unwarranted outcome.

The NRC does not need to drag its feet any longer to protect Americans around existing nuclear power reactors from the known seismic hazards. This draft generic letter (a.k.a. bureaucratic stonewalling tactic) cannot possibly fill any gaps in the NRC's understanding of seismic hazards and how to properly manage them. Again, the NRC has demonstrated sufficient understanding of both such hazards and how to manage them by issuing Early Site Permits and design certifications.

In other words, if the NRC truly lacks sufficient information about seismic hazards and how safety at nuclear power reactors is affected, then the agency cannot responsibly have issued early site permits and certified new reactor designs. It is impossible for information and knowledge to be sufficient with regard to new reactors and yet insufficient with regard to existing reactors, and it is immoral for the NRC to act as if this is the case. The NRC simply has to stop delaying the inevitable and finally take action to address the known seismic hazards at operating U.S. reactors.

2. The pace of GI-199 resolution, if motion can even be conferred upon virtual inaction, is unacceptably slow. As the NRC's Near Term Task Force report chronicled, the NRC established upgraded seismic regulations for new reactors back in 1996. Nearly a decade later, the NRC initiated GI-199 in June 2005 to look at how the heightened seismic hazard might affect safety of operating U.S. reactors. More than 5 years after that, the NRC seeks answers to some questions, allowing plant owners up to 2 years to respond. That will likely be followed by years of continued bureaucratic foot shuffling.

Throughout all these years, the Americans living around operating U.S. reactors with known seismic protection shortcomings will be at undue and elevated risk. The NRC should be ashamed of itself for letting these people down. They do not deserve this mistreatment and the regulatory malpractice must stop.

3. The draft generic letter would rely on the results from the Individual Plant Examinations of External Events (IPEEEs) if that evaluation method was chosen. UCS agrees with the sentiments expressed by Advisory Committee on Reactor Safeguards member Joseph W. Stetkar during the August 16, 2011, subcommittee meeting on the task force's report:

...it's probably worthwhile taking a quick look at those studies [IPEEEs] for insights, but I certainly wouldn't rely on that as much fundamental information base for a variety of reasons. Number one, there was wide variability in the quality of those studies. They were all performed, regardless of their scope and level of detail, they were all performed before there were any kind of standards published about how to do risk assessment.so I'm not sure looking for further insights from those studies, given their limitations, is necessarily a very productive effort going forward. [Transcript, page 44 line 15 through page 45 line 15, ML11229A243]

Even if it were not an unjustified waste of time and resources, it is wrong to base regulatory decisions in 2011 on information widely known to be substandard, or at best pre-standard. UCS agrees with ACRS Member Stetkar that the information in the IPEEEs is too flimsy and unreliable to be mined for any probative value for GI-199. As we have explained in Comment #1, the NRC has more recent, applicable, reliable information with which to make regulatory decisions for GI-199. There is no justification for the time and expense needed to dredge up useless and outdated information from the substandard IPEEEs.

Sincerely,



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