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 Draft Guidance Documents for Subsequent License Renewal

Comment On: NRC-2015-0251-0004
 Guidance: Subsequent License Renewal

Document: NRC-2015-0251-DRAFT-0008
 Comment on FR Doc # 2015-32368

Submitter Information

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General Comment

See Attached comments (2).

Attachments

Comments on Draft Report NUREG

12/23/2015
 80 FR 79956
 (5)

SUNSI Review Complete

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Add= B. Brady (bmb1)

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Comments on Draft Report NUREG-2192 (Docket NRC-2015-0251):

Comment 1:

Draft report states:

With regards to sections 4.2.2.1.3 (page 4.2-3), 4.2.1.1.5 (page 4.2-5), 4.2.1.1.6 (page 4.2-6), 4.2.3.1.5 (page 4.2-13) and 4.2.3.1.6 (page 4.2-13) the draft standard review plan for subsequent License renewal (NUREG-2192) cites phrases “ *Approved technical alternatives for SLR have yet to be developed. They will be evaluated on a case-by-case basis to ensure that the aging effects will be managed in accordance with 10 CFR 54.21(c) (1)*”

Action (1):

This sentence highlighted in italics appearing in the cited sections in Standard Review plan – Subsequent License renewal (SLR) (NUREG-2192, Docket ID: NRC-2015-0251) needs to be removed or rephrased to give the guidance some clarity and unambiguity.

Comment:

This carries from the original Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants (SRP-LR) (NUREG-1800) published in 2001. Specifically, in dispositioning licensee's renewal applications the staff generally accept applicant's plant specific analysis for TLAAs based on real-time fluence data from capsules removed from reactor and dosimetry measurements projected through effective full power years to satisfy licensing bases for the renewal periods or using EMAs and accepting other justification as to how they satisfy requirements of 10 CFR 10 CFR 54.21(c) (1)(i) thru (iii). This is a standard routine and a universally accepted procedure. So this being the current status of these reviews, unless staff have a specific reason, have other legal objections, or actually working on alternatives, it is suggested that it is time to remove the phrase from the SRP. The SRP is the agency's guidance to applicants, and as such should not appear ambiguous as implied by phrase “Approved technical alternatives for SLR have yet to be developed.”

Action (2):

It is suggested that agency initiate action to make an exception to the provisions of the Administrative Procedures Act, Section 558 under 10 CFR 54 especially for Subsequent License Renewal (SLR) applicants. We understand that this being an act of congress, it cannot be rescinded except by another act of congress; but, allowing a plant operator however, to continue to operate under the provisions of timeliness, when the staff review and other process gets protracted beyond the normal limit of 5 years to accord approval (example Indian Point). It is not in the best interest of public safety for reason explained below. In the alternative, pending a formal renewal accord for the SLR period, add a license condition(s) to require licensees entering "timely renewal" period past 5 years after application submission under 10 CFR 2.109, "Effect of Timely Renewal Application," such that licensee had implemented upfront, all aging-management activities, TLAA provisions and other agreements reached and as documented in the safety evaluation reports with staff, into plant's Updated Final Safety Analysis Report (UFSAR). And that the plant technical specification reflects these changes as appropriate. This of course, if the licensee wishes to operate the plant(s) on or after the expiration of its current license term and plan to enter into the provisions of timeliness rule time domain.

Comment:

The timeliness rule under the current provisions of the Administrative Procedures Act, Section 558 allows "when the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency". At the same time aging-management activities necessary for the period of extended operation (60 plus years) are required to be implemented only after a power reactor license is renewed. Therefore, these provisions can result in a situation in which a licensee may enter the period of extended operation without a renewed license and without having implemented aging-management activities as discussed in the license renewal application and as relied on by the staff during review of the application. Especially when the units are past their 60-years of operations, the passive components are much more vulnerable to catastrophic failures and operating in undetermined safety conditions. Thus continued operations may place public safety in some jeopardy. The agency is well advised to consider seeking exemption to remove the provisions of this act that allows a blanket guarantee to continued operation without imposing conditions that aging management provisions are implemented prior to entering the SLR period. Leaving it as a license commitment to be implemented is not acceptable. Much less, leaving this responsibility to regional inspection staff, without appropriate resources to complete the verification on a complex subject such as this is not prudent.