

**From:** Cupidon, Les  
**Sent:** Monday, March 06, 2017 11:07 AM  
**To:** 'sm0973@gmail.com'  
**Cc:** McCree, Victor; Difrancesco, Nicholas; West, Steven; Hackett, Edwin; Weber, Michael; Boland, Anne; Dickson, Billy; Holahan, Gary; Johnson, Michael; Clark, Theresa; Brown, Frederick  
**Subject:** RE: Comments for the Public Meeting on Backfitting Led by CRGR

Mr. Miranda,

Thank you very much for your comments. I will forward your comments to the CRGR for further consideration. Although, the meeting was planned to run from 1-4 PM, the agenda was completed and the meeting concluded shortly after 2:00 PM. For your information, I am providing the link to the NRC webpage where you can find the recording of the February 28, 2017 CRGR public meetings: <https://video.nrc.gov/>.

Please feel free to contact me if you have any further questions or comments regarding any CRGR related activities.

Les Cupidon (301-415-0956)  
CRGR Technical Assistant

**From:** Samuel Miranda [<mailto:sm0973@gmail.com>]  
**Sent:** Monday, March 06, 2017 10:15 AM  
**To:** Difrancesco, Nicholas <[Nicholas.DiFrancesco@nrc.gov](mailto:Nicholas.DiFrancesco@nrc.gov)>  
**Cc:** Cupidon, Les <[Les.Cupidon@nrc.gov](mailto:Les.Cupidon@nrc.gov)>; McCree, Victor <[Victor.McCree@nrc.gov](mailto:Victor.McCree@nrc.gov)>  
**Subject:** [External\_Sender] Comments for the Public Meeting on Backfitting Led by CRGR

Hello Nick,

This is Sam Miranda. I retired in August, 2014. I called into the public meeting of February 28th, shortly after 2 PM, and found no one on the line. I was literally in the air at 1 PM, between DC and Jacksonville. The agenda allowed for public comments between 2:15 and 3:45; but the meeting was apparently already over by the time I landed. I couldn't submit my comments during this lightning meeting, so I am providing them here.

Before I retired, I began a backfit regarding Exelon's Byron and Braidwood units. Jen Whitman guided it to completion, through two years of meetings, revisions, comments, and edits. I couldn't have done it better, myself. There is nothing wrong with that backfit. Exelon appealed the backfit, based upon NUREG-1409, the Backfit Rule's Statement of Considerations, which restrains the NRC staff's implementation of the Rule's compliance exception to situations in which there are identified errors and omissions in the licensee's submittal, or errors in the NRC staff's review and approval. As an NRC employee, and later, as a member of the public, I pointed out more than a dozen serious errors and omissions in the Byron and Braidwood licensing basis. You can see

these in ML17010A051. The NRR appeal panel denied Exelon's appeal. (I agree with the NRR appeal panel's decision.)

Exelon appealed again, this time directly to the EDO. The EDO overruled the NRR appeal panel, and granted Exelon's appeal. He then asked Gary Holahan to write a report to document a technical basis for his decision. This 60-page report labored mightily to show that Byron and Braidwood's pressurizer safety valves (PSVs) are qualified for water relief. It failed. At best, the report indicates that the PSVs could (sometimes) reseal, after relieving water: but will leak up to about 200 gpm. This is about equal to the ECCS delivery rate at 2500 psia. (The PSVs are not isolable.) This report also recommends suspension of GDC 21 for the PSVs. Many of these points can be found in a 10CFR2.206 enforcement petition I submitted last November (ML17010A051). Inter alia, ML7010A051 indicates that water qualification of the PSVs has nothing to do, whatsoever, with demonstrating compliance with the design requirement that prohibits an anticipated operational occurrence (AOO) from developing into a more serious event. By the time the PSVs can open, at 2500 psia, the AOO will have already become a more serious event.

Comments:

1. One of the CRGR meeting's NRC participants, Steven West, was also an author of the aforementioned report, which implied that, somehow, the NRC staff incorrectly applied the compliance exception of the backfit rule. Now he is judging the staff's implementation of the backfit rule on a generic basis. This is a conflict of interest! He should recuse himself.
2. As an expert in incident response, Steven West should know, very well, that PSVs are not designed to respond to AOOs. Qualifying the PSVs for water relief is meaningless. This is not evident in the report he authored.
3. I believe that the NRC staff correctly applied the compliance exception of the backfit rule, even according to all the constraints of the Statement of Consideration. The NRC staff does not need any CRGR-defined training. It is the EDO and his staff that need training.
4. Please enter my 10CFR2.206 enforcement petition (ML17010A051) for CRGR review, as a public comment.

FYI, I will be in the office, on March 14th, to discuss my 10CFR2.206 enforcement petition (ML17010A051) with the petition review board.

Sincerely,

Sam Miranda, PE