

As of: 6/9/17 11:37 AM
Received: June 09, 2017
Status: Pending_Post
Tracking No. 1k1-8wv0-h4pn
Comments Due: June 13, 2017
Submission Type: Web

PUBLIC SUBMISSION

Docket: NRC-2011-0087
Non-power Production or Utilization Facility License Renewal

Comment On: NRC-2011-0087-0023
Non-Power Production or Utilization Facility License Renewal

Document: NRC-2011-0087-DRAFT-0032
Comment on FR Doc # 2017-06162

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General Comment

As stated in the Background section of the Federal Register Notice (FRN), "Sections 104a and c of the AEA require that the Commission impose only the minimum amount of regulation needed to promote the common defense and security, protect the health and safety of the public, and permit, under Section 104a, the widest amount of effective medical therapy possible and, under Section 104c, the conduct of widespread and diverse research and development," [emphasis added]. It would appear that the Agency could argue, under the quoted sections, that imposing the burden of an environmental impact statement or an environmental assessment for a small research reactor that has already been operating for 40+ years, meets the 51.22(a) criterion for categorical exclusion.

Rewriting a 40+ year old Safety Analysis Report to meet a format/content document that is based on power reactors is an exercise, by the licensee, for the convenience of the regulator and redirects already limited resources from the daily task of safe facility operation. Keep in mind that every change in the facility FSAR has downstream effects in requiring changes to procedures, facility training programs, etc. With limited resources at most of these facilities, this activity could result in negative safety consequences by redirecting resources from more safety significant activities.

It was noted in the Federal Register Notice that some license renewal applications following NUREG-1537

had varying levels of consistency with the guidance and "licensees did not propose an acceptable alternative to the guidance". That is likely due to the inability of an already lean staff to provide comments when NUREG-1537 was first proposed and, during the process of license renewal, not wanting to risk delay or complication of that process. As directed by the Commission to "implement a graded approach commensurate with the risk posed by each facility," it is recommended that the staff revisit the SAR format/content guidance and assess what is truly important to safety, especially for the lower power facilities.

The FRN states that "recurring FSAR reviews by the NRC would ... provide reasonable assurance that a facility would continue to operate without undue risk ...". Each facility undergoes periodic inspections by NRC inspectors, knowledgeable of the facility and utilizing the existing licensing basis, operating procedures, review of facility changes, etc. It is unlikely that a 5-year recurring review of the FSAR would surface anything that knowledgeable and competent inspection staff would not identify in a more timely manner.

Cumulative Effects of Regulation

Per FRN guidance, all the above comments align with questions 4 and 5 (unintended consequences and costs).

A copy of these comments is also attached.

Attachments

GEH Comments for NRC-2011-0087

GE Hitachi Nuclear Energy Comments on Non-Power Production or Utilization Facility License Renewal

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