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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-0039
Comment on FR Doc # 2017-06162

Submitter Information

Name: Daniel Cronin

General Comment

The attached file corrects errors in, and is intended to replace, my earlier comment submission on 6/13/2017. Thank you.

Attachments

CroninCommentsCorrectedSigned

June 13, 2017

Secretary, U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
ATTN: Rulemakings and Adjudications Staff

Re: Personal Comments of Daniel Cronin on NPUF License Renewal Proposed Rule (correction of my comments provided earlier today), Docket NRC-2011-0087

Thank you again for the opportunity to comment on this proposed rulemaking. I offer the following corrected comments for your consideration:

Proposed Elimination of Financial Information Requirement

The proposed revision of §50.33 to eliminate the additional financial information requirements imposed on NPUFs will reduce unnecessary administrative burden on both licensees and the NRC staff. I fully support this proposed change to §50.33.

Proposed Elimination of Operating License Expiration

The proposed revision of §50.51 to eliminate the fixed license term has the potential to result in a reduction of unnecessary administrative burden on both licensees and the NRC staff. I fully support this proposed change to §50.51.

Proposed Timing of Group 1 Initial FSAR Updates

The staff should stagger the UFSAR due dates for Group 1 licensees who've been renewed in the last five years. Group 1 licensees have been defined as those who had their operating licenses renewed since implementation of the ISG in October of 2009. This amounts to over half of the currently operating NPUFs. Over half of these renewals occurred within the last five years. Eight renewals were approved within the last year alone. Ideally, licensees renewed within the previous five years should have five years from the renewal date to provide updated FSARs or one year from the date of the order, whichever period is longer. This would better stagger the initial large wave of updated FSARs as well as lessen the total administrative burden.

Proposed Revision to §2.109

The proposed revision is vague, unnecessary, and it alters the intended purpose of the timely renewal provision. The proposed revision imposes significant new regulatory burden on testing and commercial NPUFs with no corresponding connection to safety. In lieu of revising §2.109, the staff should consider creating an internal checklist listing the document titles and sections required of the licensee for a sufficient renewal application submittal.

The initial check of whether or not a renewal application is acceptable or "sufficient" for further review should be narrowly focused on whether or not the appropriate documentation was submitted. Thirty days should be sufficient for this initial documentation check.

The proposed rule change will result in the informal re-classification of detailed review questions into "application deficiencies" thereby changing the intended purpose of the timely

renewal provision. It will eliminate the requirement to perform initial renewal application checks in a timely manner while simultaneously placing substantial additional burden on both licensees and NRC staff / contractors in the form of RAIs and action items and “Class 0” type meetings for two full years. This combination of negative factors will likely lead to unplanned and premature facility shutdowns. Had the staff proposed a rule change to something reasonable like 45-days instead of two years it would have greatly reduced the likelihood of occurrence of these negative unintended consequences while only slightly increasing the regulatory burden.

Additionally, requiring FSAR updates every five years and eliminating fixed license terms eliminates the rationale behind the proposed rule change. Concerns about the technical adequacy of renewal documents should be mostly eliminated by the new five-year review of the updated FSAR (i.e. the principal renewal reference document). Simultaneously eliminating the overwhelming majority of NPUF fixed license terms will eliminate the overwhelming majority of license renewal applications. This combination of factors will minimize the staffs aggregate license renewal burden allowing for a streamlined focus on testing or commercial NPUFs who submit a license renewal application.

Proposed New Rule on Accident Dose in §50.34

The new rule wording is vague and it creates additional regulatory burden on the licensees beyond the originally stated intention to simply “...add an accident dose criterion...”. The proposed new rule should be modified to stay within the scope of the original intent and to correct the issues noted below to eliminate additional unnecessary regulatory burden.

The new rule adds a new requirement to “...provide an evaluation of the applicable radiological consequences... of a postulated accidental release of licensed material”. However, unlike for testing facilities and power reactors subject to Part 100, this new rule makes no reference to whether or not the postulated accident is “credible”. Subsequently, this new rule could be interpreted as effectively codifying any maximum hypothetical accident evaluation requirement the staff might desire well beyond what is required by regulation of test reactors and power reactors. Additionally, use of the term “licensed material” rather than “fission product” expands the evaluation source term beyond what is currently required by regulation of either power or test reactors.

The new rule adds a new and vague “reasonable assurance” requirement. I’m concerned an unintended consequence of this new “reasonable assurance” requirement would be its use as justification to reclassify detailed review questions into application deficiencies as described earlier in the discussion on timely renewal. This could also lead to unplanned and premature facility shutdowns.

The new rule also adds a “for the duration of the accident” requirement for unknown reasons. What is the purpose of this new requirement? Is this new requirement intended to limit the assumptions that may be made in a postulated accident dose evaluation?

Finally, I’m concerned the new rule will lead to expansion of Emergency Planning requirements for NPUFs. A statement should be made documenting that the intention of this

new accident limit is not for use as justification for a future increase in Emergency Planning requirements for NPUFs. Emergency Planning details for NPUFs should continue to be based on site-specific criteria and the results of credible event analyses in conjunction with the application of consensus standards guidance.

Proposed Draft Regulatory Guide DG-2006

The value and understanding of the proposed RG would benefit greatly by incorporating additional portions of the guidance provided in Reference 13 (NEI 98-03). For example, the proposed RG should make clear that the intent of the proposed change is not to require that licensees review all information contained in the FSAR for periodic update but rather to update only those portions of the FSAR that have been affected by licensee activities since the last update. The proposed RG should make clear that submittal of updated FSAR pages “does not constitute a licensing action” nor is it “intended for the purpose of re-reviewing” the facilities. The proposed Regulatory Guide should also make clear that it is not intended to alter the basic types of information or level of detail required in existing FSARs.

The first three sentences in the “Role of the FSAR” section are background information that should either be moved to the “Background” section or deleted. The “Role of the FSAR” section should be expanded to note that the FSAR is also a reference for evaluating changes, tests, and experiments under §50.59. In general, however, discussion of the requirements of §50.59 and §50.90 should be avoided since this document is not intended to provide guidance for either of these regulations.

The examples provided in Section C.1.a.ii.1 should be removed. They create a potential conflict with the proposed rule language as well as with §50.59 and §50.90. Additionally, the discussion of maintenance activities in this section is inappropriate for the intended use when considered within the context of §50.59. All references to the term “safety-related” should be removed from this document. The information required and contained in the FSAR that may require updating applies to items that are not “safety-related” as well as those that are.

Thank you again for the opportunity to provide comments on the proposed rule documents. I’m hopeful you’ll give my comments and suggestions your thoughtful consideration.

Sincerely,



Daniel J. Cronin
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