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Draft Letter to the Nuclear Energy Institute Regarding the Clarification of Regulatory Paths for Lead Test Assemblies

Comment On: NRC-2018-0109-0002

Draft Letter to Nuclear Energy Institute Regarding Clarification of Regulatory Paths for Lead Test Assemblies

Document: NRC-2018-0109-DRAFT-0017

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Submitter Information

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General Comment

See attached file(s)

Attachments

PW COMMENT NRC-2018-0109 July 5, 2018

Docket: NRC-2018-0109

Pilgrim Watch/Town of Duxbury Nuclear Advisory Committee Comments on “Draft Letter to the Nuclear Energy Institute Regarding the Clarification of Regulatory Paths for Lead Test Assemblies,” [NRC-2018-0109] as published June 7, 2018, in the Federal Register, pp. 26503-26505

Pilgrim Watch (“PW”) is a non-profit citizen’ organization that serves the public interest on issues regarding the Pilgrim Nuclear Power Station and on nuclear power in general. The organization is located at 148 Washington Street, Duxbury, Massachusetts, 02332. Its membership extends throughout the Commonwealth. The Board of Selectmen appoint the Town of Duxbury Nuclear Advisory Committee to advise the town on radiological emergency response and all other matters pertaining to the potential impact on the town from the Pilgrim Nuclear Power Station, located near Duxbury within its EPZ.

First, we fully endorse and incorporate herein the comments submitted by the Union of Concerned Scientists on June 27, 2018; and the views expressed by NRC Staffer Harold Chernoff who formally opposed this plan in his draft letter to NEI. We fully expect that there are many more NRC Staffers that oppose the plan; but they remain silent due to NRC’s chilled work environment - shown by NRC’s own reprisal study.¹

Second, the draft letter should neither be finalized nor issued. It should not replace legally promulgated regulations. A letter to NEI cannot replace regulations. Instead, the NRC should stick with the three established NRC processes to send clarifications to the industry. The NRC established processes include:

1. The NUREG series of Standard Technical Specifications,
2. The series of Regulatory Guides, and
3. The Regulatory Issue Summaries within the agency’s generic correspondence program.

¹ NRC’s Reprisal Study Reveals Safety Agency Has a Chilled Work Environment, Dave Lochbaum, July 2, 2018 at <https://allthingsnuclear.org/dlochbaum/nrc-reprisal-study>

Review of established procedures show that when industry developed new fuel designs, the owners submitted license amendment requests to the NRC asking for approval to load a small number of Lead Test Assemblies (LTAs) into the reactor cores. If these small, NRC-approved tests proved successful, the tested fuel designs could be used more broadly. If the new fuel designs required exemptions from certain federal regulations, owners would apply to the NRC for the exemptions. This allowed public input.

The Draft's proposed changed procedure is to simply turn it all over to the industry - no license amendment requests - no exemption requests- no opportunity for the public to intervene.

Public Safety takes a backseat to saving NRC and industry money. This draft initiative is all about saving industry and NRC money; and not about, as it should be, either protecting public health and safety or allowing an opportunity for meaningful public participation. NRC is *statutorily required* to adequately protect public health and safety. This proposal does not.

In summary the draft letter should not be finalized and issued. Instead, one or a combination of the established procedures should be used. In a word, we oppose unreviewed and unapproved fuel tests in nuclear plants in our community or in any other community. Potential consequences of a fuel accident are too high.

Pilgrim, as you might remember, opened in 1972 with bad fuel and without its off- gas treatment system. This was a terrible mistake and resulted in serious offsite health consequences. If NRC had not allowed this to happen- enforced its regulations and guidance and exercised its statutory requirement to protect public health and safety- the community would not have suffered. NRC's draft shows that NRC forgot this important lesson.

We hope our comment, comments submitted by the Union of Concerned Scientists and NRC Staffer Harold Chernoff will lead the agency to do its job --- enforce regulations, guidance and follow the AEC requirement to protect public safety and not simply industry's pocketbook. When NRC does not like its established regulations and procedures, go through the proper procedures to change them.

Respectfully submitted,
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