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

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

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Comment on FR Doc # 2018-14121

Submitter Information

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Submitter's Representative: David Weisman

Organization: Alliance for Nuclear Responsibility

General Comment

Please see formal letter in attached PDF

Attachments

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ADD= Sihan Ding, Kimberly Green & Janet

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July 9, 2018

TO: U.S. Nuclear Regulatory Commission

RE: Docket ID NRC-2018-0109
Draft Letter to the Nuclear Energy Institute Regarding the Clarification of Regulatory Paths for Lead Test Assemblies

To whom it may concern:

The Alliance for Nuclear Responsibility wishes to formally oppose issuance of, and the content within, a draft letter to the Nuclear Energy Institute (NEI) seeking to clarify regulatory expectations for nuclear plant owners to follow before placing Lead Test Assemblies (LTAs) in the reactor cores of their facilities.

While the technical considerations and concerns of this specific issue regarding the LTAs may (or may not) be applicable to the one remaining nuclear power reactor in California (Diablo Canyon Units 1 and 2), the implications of the NRC setting a precedent of circumventing the 50.59 process for reviewing license amendment requests is immensely troubling.

With the issuance of this letter to the NEI, the NRC once again seems to be shirking public scrutiny and reducing transparency in the process.

For decades, LTAs have been placed in reactor cores following a tried and true process. When LTAs differ from “off the shelf” fuel assembly designs in minor ways (i.e., a new physical configuration like outlined above), owners could evaluate the LTAs under 10 CFR 50.59. When proper 50.59 evaluations conclude the LTAs remained bounded by prior NRC safety decisions, the LTAs could be loaded without prior NRC review and approval. But when a 50.59 evaluation concluded that the LTAs did or may involve safety issues not previously considered and approved by the NRC, owners had to obtain NRC approval to load the LTAs through license amendment requests.

As ratepayer advocates and intervenors in California, we have paid a heavy price when the NRC and the utilities skirt the proper 50.59 process. The failure of the Replacement Steam Generators (RSGs) at the San Onofre Nuclear Generating Station (SONGS) is an example of the most egregious abuse of the process. In short, the RSGs were not “like for like” and the miscalculations by the vendors and the utility never received the scrutiny they deserved—nor the

public questioning they would have received—had a proper license amendment request been put forth. As reported in the San Diego Union Tribune in January 2016,

Elmo Collins, the former federal administrator who oversaw San Onofre until March 2013, told the NRC's inspector general for an October 2014 report **that if the license amendment review had been conducted, it is unlikely the steam generators would have been approved.** [emphasis added]

"The steam generators as designed were basically unlicensable," he said. "We wouldn't approve them."

He said inspectors conducting a review would have noticed, in particular, the high "void fraction" of 95 percent when no other plant in the industry was above 90 percent.

"Some reviewer would have said this as an outlier," Collins told investigators, "and we need to understand that."

The consequences of this failure by the NRC and the utility: SONGS shuts down prematurely—and luckily before any further tubes could rupture; over a thousand jobs were lost; greenhouse gasses spiked in the short term because of power shortages; and ratepayers, after protracted negotiations, are still liable for hundreds of millions of dollars arising from this failure.

None of this should have happened, nor should it be repeated at any reactor site for any reason whatsoever.

In the current matter, license amendment requests also provide the public with the opportunity to challenge LTAs viewed as potentially compromising safety margins. The NRC publishes notice of public comment periods about license amendment requests, affording the public a legal right to contest LTAs deemed too risky.

The NRC must NOT issue a letter to NEI on this matter. To leave existing regulations in place and conspire with the nuclear industry about the most expeditious means of violating regulatory requirements is entirely unacceptable. It means the SONGS debacle could happen again.

Harold Chernoff, a longtime NRC staffer, formally disagreed with this NRC draft letter to NEI. Mr. Chernoff outlined numerous legal and safety reasons for NOT issuing the letter. The NRC must NOT issue the letter.

The NRC's draft letter to NEI could derail safety both at an individual plant and across the fleet by enabling a less robust, less reliable, and less legal process to be used when loading unreviewed and untested fuel designs in nuclear plants in communities. The NRC must NOT issue the letter to NEI.

Yours truly,

Rochelle Becker
Executive Director