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Bellefonte Nuclear Plant; Consideration of Approval of Transfer of Construction Permits and Conforming Amendment

Comment On: NRC-2019-0228-0001

Bellefonte Nuclear Plant; Consideration of Approval of Transfer of Construction Permits and Conforming Amendment

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General Comment

Dear Nuclear Regulatory Commission Decision Makers,

The Nuclear Regulatory Commission (NRC) must not approve the transfer of the deferred construction permits currently held by the Tennessee Valley Authority (TVA) of the Bellefonte Nuclear Power Facility, Units 1 and 2, Docket Nos. 50-438 and 50-439, to Nuclear Development, LLC (ND) per their request for the following reasons noted below.

The Cannibalization and stripping of the Bellefonte Nuclear Power Facility, Units 1 and 2, owned by the TVA during the time frame of the cancellation of the Nuclear Construction Permit, September 16, 2006 until March 9, 2009; cannibalization was extensive and there was no quality assurance program in place during the period of cannibalization of the nuclear facility's parts, components and systems. TVA stated this activity was "Investment Recovery." How much destruction of the nuclear systems were involved, with NO Quality Assurance Program in place for TVA's "Investment Recovery?" Quote: "Following the termination of TVA's permits, TVA undertook what it describes as "investment recovery" activities. Fundamentally, the plant was cannibalized. In a letter to the NRC in August 2008, TVA described these activities, including transferring

approximately \$49 million in equipment and materials for use at other power plants, selling approximately \$16 million worth of materials to scrap vendors, and removing steam generator tubing and sections of reactor coolant system piping. However, because TVA was not under NRC oversight at the time, no detailed records of what occurred during this period were kept, meaning no one knows exactly what took place or who was allowed access to the site." Reference: Report prepared for Southern Alliance for Clean Energy by Fairewinds Associates, Chief Engineer Arnold Gundersen, "The Risks of Reviving TVA's Bellefonte Project," August 5, 2011 Link: https://www.cleanenergy.org/wp-content/uploads/F_SACE_Bellefonte_Rpt_080911.pdf The Gundersen Report on the condition of Bellefonte expresses many other concerns other than the collapse of the required Quality Assurance Program and its inspections, diagrams and documentation.

NRC's own expert, Senior Project Manager Joseph F. Williams, in November of 2008, commented regarding the loss of the Quality Assurance Program regarding the cannibalization of the nuclear facility: "TVA has not provided information that demonstrates conformance with the Commission Policy Statement on deferred plants, or regulatory requirements for quality assurance." Reference: <https://www.nrc.gov/docs/ML0834/ML083470901.pdf> Mr. Williams describes many other problems, systemic and legal, regarding reinstatement of the Bellefonte Construction License in his dissenting document for the construction permit reinstatement. The same applies to the transfer of the construction permit to ND.

Nuclear Development (ND) in their application to transfer the construction license fails to describe or state in any form or fashion the facts regarding the non-existent quality assurance program during the time of TVA's "Investment Recovery," the cannibalization of the Bellefonte Nuclear Facility and selling of the crucial parts, components and systems, September of 2006 to March of 2009.

Appendix B to Part 50 Quality Assurance Criteria for Nuclear Power Plants, quote: "Every applicant for a construction permit is required by the provisions of 50.34 to include in its preliminary safety analysis report a description of the quality assurance program to be applied to the design, fabrication, construction, and testing of the structures, systems, and components of the facility." . . . (In the NRC's own words) ". . . "quality assurance" comprises all those planned and systematic actions necessary to provide adequate confidence that a structure, system, or component will perform satisfactorily in service. Quality assurance includes quality control, which comprises those quality assurance actions related to the physical characteristics of a material, structure, component, or system which provide a means to control the quality of the material, structure, component, or system to predetermined requirements."

The lack of any quality assurance program during the period September 2006 to March 2009, ladies and gentleman decision makers of the NRC, is the 15 billion ton elephant in the room that TVA and Nuclear Development refuse to look at, although it has the high probability of crushing both TVA and Nuclear Development. You cannot approve the license transfer with such a critical failure to meet the legal requirements of a Nuclear Facilities Quality Assurance Program for more than 2 years during the period of cannibalization/Investment Recovery by TVA. To approve the license transfer would violate law and jeopardize public safety.

Regards,
Garry Morgan, Scottsboro, Alabama
Residing 4 1/2 miles from the proposed Bellefonte Nuclear Facility