

## Commissioner McGaffigan's Comments on SECY-99-099

I applaud the staff for the timely review of the Department of Energy's (DOE ~~EXIT~~) topical report on the tritium production core (TPC). Given the national importance of the tritium production mission, I believe it would be prudent to notify the Secretary of Energy and the appropriate Congressional Committees of the SER's availability and general findings. A proposed draft is attached for the staff's consideration. I would also suggest that OPA prepare a press release for issuance to follow Congressional notification.

Before the SER is issued, the Background discussion on page 1-2 of the SER should be revised to acknowledge the Congressional direction to DOE, NRC, and others regarding policy issue identification and resolution. The Conference Report on H.R. 1119, National Defense Authorization Act for FY 1998 (House Rpt. 105-340), effectively negated some provisions of the NRC/DOE MOU by stating:

"The conferees believe that it is essential for DOE to identify and assess any policy issues associated with the various reactor sub-options in conjunction with other federal agencies including the Nuclear Regulatory Commission, the Department of Defense, and the Department of State arms control offices. The conferees direct the Secretary of Energy to utilize a senior level, interagency process to review and assess the issues associated with the commercial reactor option. This assessment should be completed before DOE identifies a preferred reactor sub-option."

DOE followed this Congressional direction in producing a July 1998 report to the Congress entitled, "Interagency Review of the Non-proliferation Implications of Alternative Tritium Production Technologies under Consideration by the Department of Energy." As stated in the July report, DOE in the first phase of its review "developed findings and issues that were presented for discussion within the broader interagency context during the second phase of the review, which consisted of a series of meetings and discussions with senior officials of other agencies," including the NRC.

All of this might be boiled down to the following insert at the end of the first paragraph of page 1-2 of the SER.

"However, it should be noted that consistent with Congressional direction in the Conference Report on H. R. 1119, the National Defense Authorization Act for Fiscal Year 1998 (House Report 105-340), the Department of Energy involved NRC in the interagency policy discussions which led to the July 1998 report to Congress on the non-proliferation implications of alternative tritium production technologies."

I also recommend that two edits be made to better convey how this SER will impact a no significant hazards consideration determination on a specific license amendment:

On page 1-3, end of the first full paragraph add:

.... before the conclusion of a hearing). (See Section 4.2, Determination of No Significant Hazards Consideration)

On pages 4-1 and 4-2, amend the last paragraph of Chapter 4 to read as follows:

Before the Commission can reach a final determination regarding a no significant hazards consideration on any license amendment request, the staff must complete its plant-specific review. Accordingly, a generic no significant hazards determination cannot be made at this time, based wholly on the TPC topical report. However, any licensee who submits a plant specific application for an amendment to use tritium-producing burnable absorber rods may meet the no significant hazards consideration determination (which would allow the amendment to become effective before the conclusion of a hearing), providing that no additional significant issues beyond the scope of the topical report are identified in the license amendment request.

---

Dear Mr. Secretary/Member of Congress :

I am pleased to inform you that the Nuclear Regulatory Commission (NRC) staff has completed another milestone in its interaction with the Department of Energy's program to produce tritium in a commercial light water reactor. The staff has issued its safety evaluation report (SER) on the Department of Energy's topical report on the tritium production core.

Many technical issues have been satisfactorily addressed in the DOE topical report, according to the staff review. The topical report and the staff's SER should prove to be useful reference documents for a licensee preparing a specific license amendment request for authorization to irradiate a full-core load of tritium-producing burnable absorber rods in a particular reactor facility. In addition, the NRC staff review has identified several plant-specific interface issues and potential technical specification changes to be addressed in the license amendment application.

The NRC intends to continue to provide focused attention to DOE's tritium production needs and intends to carry out an expeditious and thorough review of any license amendments submitted by the Tennessee Valley Authority for production of tritium in the Watts Bar and Sequoyah plants.

---