



Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

March 7, 2005

Chief, Rules and Directives Branch
Division of Administrative Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: COMMENTS ON NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO SALEM UNITS 1 AND 2 FACILITY OPERATING LICENSES, *FEDERAL REGISTER* NOTICE DATED MARCH 1, 2005, PAGES 9983-9985

Good Day:

At the request of Norm Cohen, Executive Director for the UNPLUG Salem Campaign, UCS reviewed the subject *Federal Register* notice and the license amendment request dated July 23, 2004, by the licensee for Salem Generating Stations, Units 1 and 2, that prompted the staff's action. The licensee seeks to amend the Technical Specifications for Salem Units 1 and 2 to allegedly conform with the Improved Technical Specifications definition of OPERABLE. As the licensee explained in the license amendment request, this change is desired so irradiated fuel can be moved when either normal power or emergency power is unavailable. Currently, defense-in-depth requires fuel movements to stop until both power sources are again available. This requirement seems to be inconvenient for the Salem licensee, particularly when it seeks really short refueling outages.

On behalf of the UNPLUG Salem Campaign and UCS, I respectfully request the NRC not approve this license amendment request. This licensee is "cherry-picking" the pieces of the Improved Technical Specifications that allow it to maximize its profits. The proper thing for this licensee to do would be to completely convert over to the Improved Technical Specifications as so many other licensees have already done. This piecemeal implementation of the cost-beneficial portions of the Improved Technical Specifications is wrong for many reasons. It imposes undue burdens on the NRC staff and creates the very real potential for reducing safety margins at Salem.

I joined UCS in 1996. Prior to joining UCS, I worked for many years as a consultant in the nuclear power industry. One of my consulting assignments was to the licensee who served as the lead plant for the BWR/6 Improved Technical Specifications project. In a later assignment, I developed and taught a lesson plan on current licensing basis for another licensee that had recently converted to the Improved Technical Specifications.¹ Thus, I have a strong background on the Improved Technical Specifications (ITS).

¹ NOTE: Neither of these two licensees "cherry-picked" the Improved Technical Specifications. They converted to the Improved Technical Specifications *en masse* as the NRC intended when it worked with industry on this burden reduction initiative.

That this license amendment request places an undue burden on the NRC staff is evident in the request itself. Specifically, the following paragraph appears at the bottom of page 1 in Attachment 1:

On November 1, 2001, PSEG Nuclear LLC submitted License Change Request (CLR) S01-02 (LR-N01-0200) to incorporate ITS provisions regarding operability of normal and emergency power during Modes 1-4. LCR S01-02 was supplemented by letter dated October 1, 2002 (LR-N02-0332). LCR S01-02 was approved by License Amendments 253 and 234 for Units 1 and Unit 2, respectively. The above amendments did not change the definition of OPERABLE and did not address Modes 5 and 6. The changes proposed by this request extend flexibility to cover Modes 5 & 6 and revise the definition of OPERABLE to coordinate with the LCOs of TS section 3/4. 3.8. The proposed changes are intended to provide outage scheduling flexibility and avoid unnecessary disruption of refueling activities while still providing for appropriate actions to assure nuclear safety.

Thus, PSEG adopted part of the ITS in 2001. The little bit it chose back then was not enough to give it the schedule flexibility now, so it's back before the NRC wanting another bite at the apple, or cherry. Had PSEG completely converted to ITS, it would not subject the NRC staff to wasteful, iterative reviews and approvals as it "cherry picks" its way through the ITS. The PSEG approach imposes an undue burden on NRC staff resources.

The PSEG approach is also contrary to standard industry practice (hardly surprising considering the poor safety culture and underperforming results produced by this licensee in recent years). For example:

- By letter dated September 8, 2004 (ML042530368), the licensee for the Monticello nuclear plant informed the NRC of its intent to convert to ITS.
- By letter dated June 7, 2004 (ML041610082), the licensee for Beaver Valley Units 1 and 2 informed the NRC of its intent to convert to ITS.
- By letter dated April 6, 2004 (ML041200298), the licensee for D C Cook Units 1 and 2 submitted a license amendment request to convert to the Improved Technical Specifications.
- By letter dated December 5, 2003, the NRC issued the Improved Technical Specifications (ML033070060) for Catawba Units 1 and 2.
- By letter dated December 5, 2003, the NRC issued the Improved Technical Specifications (ML033070046) for McGuire Units 1 and 2.
- By letter dated November 21, 2003, the NRC approved and issued the Improved Technical Specifications (ML033160528 and ML033210260) for Indian Point Unit 2.
- By letter dated July 26, 2002, the NRC approved and issued the Improved Technical Specifications (ML022070658, ML022070654, and ML022070613) for Prairie Island Units 1 and 2.
- By letter dated April 5, 2002, the NRC approved and issued the Improved Technical Specifications (ML021200265) for North Anna Units 1 and 2.
- By letter dated February 6, 2002 (ML020420241), the licensee for the FitzPatrick nuclear power plant submitted its request for conversion to the Improved Technical Specifications (subsequently approved by NRC).

- By letter dated November 26, 2001 (ML020160187), the licensee for Point Beach Units 1 and 2 notified the NRC that it had implemented the change to the Improved Technical Specifications approved on August 8, 2001.
- By letter dated March 19, 2001 (ML010930225), the licensee for Indian Point Unit 3 notified the NRC that the Updated Final Safety Analysis Report had been revised to reflect changes resulting from the NRC's approval of the Improved Technical Specifications on February 27, 2001.
- By letter dated June 30, 2000 (ML003729396), the licensee for Diablo Canyon Units 1 and 2 informed the NRC that the NRC-approved Improved Technical Specifications had been implemented.
- By letter dated April 13, 2000 (ML003704298), the licensee for the Callaway nuclear plant informed the NRC that the NRC-approved Improved Technical Specifications had been implemented.
- By letter dated February 15, 2000 (ML003685211 and ML00368855), the NRC approved and issued the Improved Technical Specifications for Nine Mile Point Unit 2.
- On February 7, 2000, the NRC staff met with the licensee for Dresden Units 2 and 3, Quad Cities Units 1 and 2, and LaSalle County Units 1 and 2 to discuss license applications for conversion to Improved Technical Specifications (ML003687159). The NRC approved and issued the ITS for these reactors.
- By letter dated December 20, 1999 (ML993630428), the licensee for Wolf Creek notified the NRC that the NRC-approved Improved Technical Specifications had been implemented.
- By letter dated November 30, 1999 (ML993510317), the NRC approved and issued the Improved Technical Specifications for Palisades.
- By letter dated July 14, 1998 (ML020040291), the licensee for Browns Ferry Units 1, 2, and 3 submitted a license amendment request for conversion to the Improved Technical Specifications.

This is an abridged listing of licensees who have already obtained and who plan to convert to Improved Technical Specifications. Clearly, the generally accepted practice is to fully convert to the Improved Technical Specifications and not to "cherry pick" pages or portions of pages.

The Improved Technical Specifications were developed to be a cohesive set of requirements to manage the risk at nuclear power plants. Licensees who have converted to ITS must comply with all of the limiting conditions for operation, actions statements, and surveillance requirements in the Improved Technical Specifications, not just those they find convenient or cost-beneficial. But the Salem licensee seeks to "cherry pick" from among the ITS set of requirements and selectively adopt those that it finds profitable. The licensees who have converted to ITS do not have the luxury of picking which parts they chose to meet. Neither should the Salem licensee.

Salem's attempted short-cut insults the licensees who have converted to ITS. It insults those who live downwind and downriver of the Salem nuclear plant. It insults the NRC staff who must expend needless resources reviewing Salem's iterative "cherry pickin'" requests.

The NRC and the industry expended considerable effort developing the Improved Technical Specifications. Much of that effort was devoted to ensuring there were no seams between requirements that resulted in real or potential safety shortfalls. The Salem licensee must not be permitted to shortcut the process and selectively pick and chose which of the ITS parts it wants to follow. The Salem licensee must

not be allowed to burden the NRC staff with needless repetition of seam-checking effort expended during ITS development.

The NRC must deny this license amendment request. If the Salem licensee wants the cost savings associated with this ITS section, it is welcome to convert to the ITS as so many other licensees have already done. That is the established, proper way of acquiring the refueling outage accelerator that this licensee seeks. The pathway is abundantly clear, to even this wayward licensee, via the numerous documents publicly available in ADAMS. Absent conversion, selection adoption of this ITS section may not have the associated protections of ITS sections to ensure that safety margins are not compromised.

Sincerely,

A handwritten signature in black ink that reads "David O. Lochbaum". The signature is written in a cursive, flowing style.

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