

PUBLIC SUBMISSION

As of: 7/9/15 1:45 PM Received: July 08, 2015 Status: Pending_Post Tracking No. 1jz-8jv9-3iv7 Comments Due: August 03, 2015 Submission Type: Web

Docket: NRC-2014-0161
Financial Qualifications for Reactor Licensing

Comment On: NRC-2014-0161-0001
Financial Qualifications for Reactor Licensing

Document: NRC-2014-0161-DRAFT-0002
Comment on FR Doc # 2015-14907

Submitter Information

Name: Daniel Cronin
Address: United States,
Email: dcronin@ufl.edu

General Comment

See attached file(s)

Attachments

CroninCommentsNRC2014_0161



College of Engineering
UF Training Reactor Facility
Licensing Engineer

PO Box 116134
Gainesville, FL 32611
352-294-2103
dcronin@ufl.edu

July 8, 2015

Secretary, U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
ATTN: Rulemakings and Adjudications Staff

Docket NRC-2014-0161

**Subject: Initial Comments on the Draft Regulatory Basis for Financial
Qualifications for Reactor Licensing Rulemaking**

Thank you for the opportunity to provide some initial comments on this draft regulatory basis document (DRB) as described in today's meeting slides (Ref. ML15187A240).

To provide the background for my comments, it's important to note this regulatory effort had not come to my attention until earlier today when I saw the public meeting notice on the NRC website. There had been no discussion of this effort in any of my previous interactions with NRC staff or with other Research and Test Reactor (RTR or non-power) licensees. The public meeting ran for approximately one-hour and there appeared to be no attendees from the RTR community other than myself. Based on this, I think it's reasonable to assume the vast majority of the RTR community is completely unaware of this regulatory effort.

In my quick review of the DRB, I note several statements in Section 7.2.3 that deserve further examination.

DRB Statement Example 1:

So far, no one has raised a concern with the NRC regarding the FQ requirements for non-power production and utilization facilities.

Based on the NRC response to a question on this statement during this public meeting, it appears no one has actually reached out to current RTR licensees to see what FQ concerns there may be.

Recommendation 1 – Reach out to the RTR branch of the NRC and ensure this effort and DRB are communicated directly to current RTR licensees.

Recommendation 2 – Extend the comment period to October 3, 2015 to better facilitate RTR stakeholder participation. Most RTR facilities are University operated with very limited resources, sometimes as little as one FTE. Additionally, the summer timeframe is typically when University faculty do the bulk of their conference and foreign travel further necessitating the need for an extended comment period until later in the fall.

DRB Statement Example 2:

It does not appear that applicants for this type of facility have had the same difficulty meeting current requirements for initial licensing that current merchant plant applicants are experiencing.

Again, based on NRC comments made during this public meeting, it appears no one has actually reached out to RTR license applicants to see what FQ concerns there may be. Additionally, I'm concerned there may be a disconnect within NRC with respect to FQ requirements for RTR initial licensing versus RTR license renewal. Many of the current RTR licensees are either in, or have completed, their second round of license renewal (beyond the first 40 years). The RTR branch of the NRC has stated on several occasions that it treats this second round of license renewal as a new or initial license (Ref. NRC-2011-0087-0009).

Recommendation 3 – Reach out to the RTR branch of the NRC and ensure this effort and draft regulatory basis are communicated directly to RTR license applicants.

Recommendation 4 – Reach out to the RTR branch of the NRC to verify whether current FQ regulations are being applied consistent with the assertions made in Section 7.2.3 and clarify Section 7.2.3 if needed (Ref. NRC-2011-0087-0009).

DRB Statement Example 3:

Some of the considerations discussed in Section 6 do not apply to non-power production and utilization facilities (e.g., resident inspector program). Moreover, there is precedent for requiring more extensive FQ review for this class of applicants. In 2004, while eliminating FQ requirements for license renewal of power reactors, the NRC made a decision to continue to apply FQ requirements for license renewal of non-power reactors while it was eliminating FQ for license renewal of power reactors.

Unlike power reactor regulation, RTR regulation is constrained by Section 104(c) of the Atomic Energy Act of 1954 which reads as follows (in part):

The Commission is directed to impose only such minimum amount of regulation of the licensee as the Commission finds will permit the Commission to fulfill its obligations under this Act to promote the common defense and security and to protect the health and safety of the public and will permit the conduct of widespread and diverse research and development.

Because of the unique constraints imposed by AEA 104(c), the minimal resources of the RTR licensees, and the lack of any nexus to safety, a high priority should be placed on correcting the 2004 decision regarding FQ requirements for RTR licensees. Note, the lack of safety correlation was highlighted by the NRC itself on slide 5 in today's public meeting: (There is) *No identified direct correlation between initial financial qualifications review and later safe operating performance*

Recommendation 5 – Eliminate FQ requirements for license renewal on non-power reactors to bring this aspect of the regulatory scheme back in compliance with AEA 104c.

Thank you again for the opportunity to provide initial comments on this draft regulatory basis. I appreciate your thoughtful consideration of these comments and recommendations.

Sincerely,
Daniel J. Cronin

