

NEI Feedback on Specific Request for Comments

- 1) *Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?*

NEI provided detailed comments to the NRC in response to the request for public comments on the draft Generic Letter on May 12, 2014 (ML14134A010). This letter provided several comments where the industry illustrated that aspects of the Generic Letter could be eliminated as the information requested did not serve any practical purposes for determining the safety of spent fuel storage racks and neutron absorbers.

Outside of the information mentioned in the above referenced letter, the information collection has practical utility. It includes information that is typically provided as part of the original plant licensing, or as part of a license amendment request that was required to install new racks. With this information collection, the NRC staff will have the most recent data provided by the industry to inform technical and regulatory analyses.

- 2) *Is the estimate of the burden of the information collection accurate?*

The estimate of the burden does provide an upper bound for those licensees that fall into Category 1, 2 or 3, since these licensees would have the ability to provide a short confirmatory letter to the NRC that either no neutron absorbers are credited or by providing references to material already provided as part of a license amendment request or license renewal request. However, the estimate is still a significant underestimation of the burden associated with licensees that fall into Category 4, which requires information to be provided that is detailed in the Appendix to the Generic Letter. NEI estimates that the following percentages of licensees will fall into the four categories: Category 1: 20%; Category 2: < 5%; Category 3: 10%, Category 4: 65-70%. A lower-bound estimate for the amount of time needed to respond to the Generic Letter for Category 4 licensees is 600 hours, *per unique neutron absorber type*.

Based on the results of a survey NEI conducted in 2013, there are at least 14 licensees that use and credit more than one neutron absorber in their spent fuel pool. Additional evidence is provided in the NRC's 2014 Spent Fuel Pool Criticality Management Database (ML14024A142), which identifies at least 12 licensees that use and credit more than one neutron absorber in their spent fuel pool. For these licensees, the estimated time needed to respond could exceed 600 hours. Furthermore, some licensees have installed a given neutron absorber material on multiple occasions at different times—meaning that various installations of the same absorber type would need to be treated as separate absorbers since they may have had different manufacturing processes, material qualification reports, and unique records that need to be reviewed (this is especially pertinent for Boral). Licensees in this category could also require more than 600 hours. The total estimated time in the Background Section (Item #9) of the *Federal Register* notice should be updated to reflect the

significant number of licensees that credit more than one neutron absorber type or have installed the same absorber type on multiple occasions.

3) *Is there a way to enhance the quality, utility, and clarity of the information to be collected?*

NEI provided detailed comments to the NRC in response to the request for public comments on the draft Generic Letter on May 12, 2014 (ML14134A010). The attachment to this previous NEI letter provided comments on ways to both clarify and focus the request for information contained in the Appendix to the Generic Letter. In most cases, these comments were not incorporated into the final version of the Generic Letter as indicated by the NRC's response to the public comments received (ML14181B130). Additional enhancement to the clarity of the information to be collected could be achieved by incorporating these comments more fully. In this regard, a public meeting between industry and the NRC prior to issuance of the Generic Letter would assist the industry in more clearly understanding the level of detail necessary in responding to the Generic Letter.

4) *How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?*

A subset of the information requested by the NRC is part of the licensing basis of the spent fuel storage racks and was submitted to the NRC for review and approval. However, the Generic Letter should explicitly recognize that the NRC does not expect licensees to provide information that goes beyond what their current licensing bases require them to maintain. Information requested in areas outside of the licensing basis will most likely be difficult and time consuming for licensees to obtain. A substantial burden reduction would be achieved if licensees avoid such costly documentation searches. Also, any use of such information that would potentially extend the reactor's licensing basis should be subject to a thorough back-fit analysis.

Finally, the Generic Letter requests information that will be common to multiple licensees, such as the technical details of specific neutron absorber types. This information could be more effectively gathered from the neutron absorber vendors themselves (i.e. material qualification reports), rather than requiring all licensees to acquire, review and disseminate this information individually for the NRC.