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# PUBLIC SUBMISSION

**Docket:** NRC-2018-0109

Draft Letter to the Nuclear Energy Institute Regarding the Clarification of Regulatory Paths for Lead Test Assemblies

**Comment On:** NRC-2018-0109-0001

Draft Letter to the Nuclear Energy Institute Regarding the Clarification of Regulatory Paths for Lead Test Assemblies

**Document:** NRC-2018-0109-DRAFT-0002

Comment on FR Doc # 2018-12276

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## Submitter Information

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SUNSI Review Complete  
Template = ADM-013  
E-RIDS=ADM-03  
ADD= Sihan Ding, Kimberly  
Green & Jan Burkhardt

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## General Comment

COMMENT (2)  
PUBLICATION DATE:  
6/7/2018  
CITATION # 83 FR 26503

On behalf of the Union of Concerned Scientists, I request at least a 10-day extension to the original 20-day public comment period for this document. The NRC typically affords its licensees up to 30 days to review and respond to requests for additional information, generic letter, bulletins, etc. While it is on one hand a compliment for the NRC to recognize that the public is more capable than its licensees and can review and comment on a draft document in merely 20 days, it puts an undue burden on the public to perform at levels superior to NRC's licenses. The NRC should treat the public like it treats its licensees and provide us at least 30 days to review and comment in this matter. Furthermore, the NRC had not provided all information relevant to the issues discussed in the draft letter. For example, there is a DPO on the matter that the NRC has not closed. It is our understanding that the DPO initiator requested that the DPO package be made publicly available. By stonewalling closure of that DPO, the NRC is depriving the public of this information and acting contrary to the initiator's express desire. In addition, UCS submitted a request under the Freedom of Information Act (FOIA) for records relating to the subject of this draft letter. Ironically, the May 23, 2018, acknowledgement from the NRC to our FOIA request stated "...we estimate completion of your request will be on or before June 7, 2018." That was the same date that the NRC published this draft letter in the Federal Register, opening the 20-day public comment period. Today is June 22, 2018, more than two weeks AFTER the target completion date for my FOIA request. I have yet to receive a single document requested under the FOIA law. Not a single one. Nada. So, the NRC is withholding both the DPO package and records responsive

to my legally submitted FOIA request, apparently until after the comment period closes on the draft letter. That is truly shameful regulatory behavior. The NRC should keep the public comment period open until all relevant records are pried from its tight fists. We request at least a 10-day extension to at least comport with how this agency treats its licensees. The public are people, too.

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## **Attachments**

20180523-nrc-ucs-foia-2018-000515-acknowledgement



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

May 23, 2018

NRC-2018-000515

David Lochbaum  
Union of Concerned Scientists  
P.O. Box 15316  
Chattanooga, TN 37415

Dear Mr. Lochbaum:

We received your Freedom of Information Act (FOIA) request on April 25, 2018.

Your request seeks access to records (not already publicly available) that are related to Lead Test Assemblies and Accident Tolerant Fuel (either topic, not just records covering both) dated January 1, 2017 and later.

Your request stated that records included within the scope of the request include Commission and ACRS records. Your request also stated that records that can be excluded from the scope are of a purely administrative nature (e.g., emails setting up times/locations for meetings about LTAs), as well as records associated with open allegations and Differing Professional Opinions that are either still open or which have been closed but the originator elected not to make the information publicly available.

Your request has been assigned the following reference number that you should use in any future communications with us about your request: **NRC-2018-000515**.

To ensure the most equitable treatment possible of all requesters, the NRC processes requests on a first-in, first-out basis, using a multiple track system based upon the estimated time it will take to process a request. Based on your description of the records you are seeking, we estimate completion of your request will be on or before June 7, 2018. Please note that we are estimating that completion will take more than 20 working days because we must consult with multiple program and/or regional offices within the NRC, and may need to consult with other Federal agencies having equities in the records.

Please know that this date roughly estimates how long it will take us to close requests ahead of yours in the respective track and complete work on your request. The actual date of completion might be before or after this estimate based on the complexity of all of the requests in the complex track. We will advise you of any change in the estimated time to complete your request. In an effort to process your request promptly, you may wish to narrow the scope of your request to limit the volume of potentially responsive records.

For purposes of assessing fees in accordance with our regulations (10 CFR 9.33), we have placed your request in the following category: Media/Educational. As you have requested records electronically, there are no applicable fees. Your fee waiver has been determined to be not applicable as the request is not billable.

The following person is the Government Information Specialist who has been assigned responsibility for your request: Karen Danoff at 301-415-5072 or [karen.danoff@nrc.gov](mailto:karen.danoff@nrc.gov).

If you have questions on any matters concerning your FOIA request, please feel free to contact the assigned Government Information Specialist or me at (301) 415-7169.

Sincerely,

*Stephanie A. Blaney /s/*

Stephanie A. Blaney  
FOIA Officer  
Office of the Chief Information Officer