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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

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Comment on FR Doc # 2018-12276

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General Comment

Although the NRC is soliciting public comments on the draft letter to the Nuclear Energy Institute (NEI), titled Clarification of Regulatory Paths for Lead Test Assemblies, it appears the NRC has already made a decision on this matter. Specifically, a public Conversation Record between the NRC and Southern Nuclear Operating Company (SNC), dated 11/1/17 (ML18039A979), indicates that Hatch Unit 1 was going forward with the loading of lead test assemblies (LTAs) without a license amendment or an exemption. The document states that In the NRC staff's view, based on our understanding of SNC's plans, no exemption from NRC regulations would be needed for these LTAs; NRC's interpretation of Hatch TS 4.2.1 allows for the use of LTAs, as specified, so no license amendment is required to revise that TS...

Hatch Unit 1 Technical Specification 4.2.1 (ML052930172), is identical to the Standard Technical Specifications. So how could have the NRC determined on a plant-specific basis that no amendment was needed, when it is still trying to figure out generic guidance?

The LTAs at Hatch are of a different cladding material than the cladding material specified in 10 CFR 50.46. Again, what is different about Hatch that makes an exemption not needed when the NRC is still trying to figure this out?

The NRC's website says The U.S. Nuclear Regulatory Commission (NRC) considers public involvement in, and information about, our activities to be a cornerstone of strong, fair regulation of the nuclear industry. We recognize the public's interest in the proper regulation of nuclear activities and provide opportunities for citizens to be heard. Is the NRC honestly and fairly going to consider public comment or is the decision

regarding the need for amendments and exemptions for LTAs already been made?