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

Comment On: NRC-2018-0109-0002

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

Document: NRC-2018-0109-DRAFT-0016

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General Comment

See attached file(s)

Attachments

COMMENTS ON NRC Letter regarding LTAs 6-27-2018 (1)

**COMMENTS ON NRC-2018-0109, "DRAFT LETTER TO NEI
REGARDING CLARIFICATION OF REGULATORY PATH FOR LEAD TEST ASSEMBLIES"**

1. The NRC staff's overall view and positions regarding technical specification (TS) 4.2.1 contradicts the long-standing NRC position that all TS must be met, as written, in plain language.
2. The NRC staff view and position that, "the first two sentences provide a high-level description of the reactor core," contradicts the requirements of technical specifications as Appendix A to the operating license and the fact that these sentences limit explicitly the number and composition of fuel assemblies licensed to be placed in the reactor core.
3. The NRC staff view and position that the fourth sentence, regarding fuel assemblies be limited to those fuel designs that have been analyzed with applicable NRC approved codes and methods and shown to comply with all fuel safety design bases, has no technical basis or precedent that enables the provisions of the fourth sentence to apply only to the "the use of fuel assemblies for batch loading and reconstituted fuel," as asserted by the NRC staff. Batch loading is not a unique part of any technical basis for TS 4.2.1.
4. The NRC staff position has taken a non-conservative position concerning "representative testing" in the final provision of technical specification (TS) 4.2.1, regarding the lead test assemblies (LTAs). This provision of the TS was intended to allow fuel reconstitution without an amendment, but does not allow for cladding and materials that are not specified earlier provisions of TS 4.2.1.
5. The NRC staff's view and position on the final sentence of technical specification 4.2.1, concerning the lead test assemblies (LTAs), indicates NRC would have no limits on any material to be used for cladding or fuel (e.g., enrichment percentage) as LTAs. This is an irresponsible regulatory position for the NRC to take concerning materials never before put in a reactor.
6. The NRC staff view and position on allowing lead test assemblies (LTAs) that "will not invalidate either the final safety analysis report (as updated)(UFSAR) Chapter 15 transient analysis and accident analysis or the core operating limits report (COLR) limits," indicates an inadequate understanding of plant design bases as described in 10 CFR 50.2. Licensees must operate the plant in accordance with its design bases.
7. The NRC staff view and positions on technical specification (TS) 4.2.1 indicates that the NRC staff does not understand that TS 5.6.3 also requires that "The analytical methods used to determine the core operating limits shall be those previously reviewed and approved by the NRC." As such, lead test assemblies (LTAs) have to be supported by NRC approved analytical methods (e.g., NRC approved topical reports). Licensees cannot simply rely on "bounding analysis" for LTAs.
8. The NRC staff does not appear to understand that use of "NRC staff approved codes and methods" in technical specification (TS) 4.2.1 and "the analytical methods used to determine the core operating limits shall be those reviewed and approved previously by the NRC" in TS 5.6.3 are requirements of Appendix A to the license and not "methods to be used "whenever possible."

9. The NRC view and positions on "bounding analysis" is inconsistent with the technical specification (TS) 5.6.3 requirement that the core be analyzed with NRC approved methods (i.e., NRC approved topical reports with revision numbers, dates, identification of referenced materials, and any approved supplements). This excludes the use of vendor or Department of Energy codes and methods for which NRC has not yet issued final NRC safety evaluation on the associated topical report (NRC approved "A" version).
10. In developing its views and positions on technical specification (TS) 4.2.1, the NRC staff has not done due diligence in investigating the original regulatory basis for amendments adopting the subject TS under Supplement 1 to Generic Letter 90-02. In particular, the safety evaluations for:
 - a. Amendment No. 51 for Seabrook Station states that, "The NRC staff considers an NRC-approved methodology to be any methodology that NRC staff has explicitly approved in a written safety evaluation, or a plant-specific technical specification basis." and that "The definition of an NRC-approved methodology assures that the proposed reconstitution has been adequately reviewed by the NRC staff prior to implementation."
 - b. Amendment No. 110 for Wolf Creek Generating Station states that, "As required by the TS, lead test assemblies that are inserted in the reactor core must have been analyzed using NRC approved codes and methods to show that all fuel safety design bases will be met."
11. The NRC staff's evaluation of prior amendments was inadequate in evaluating the licensing history for amendments for lead test assemblies (LTAs). In particular, some licensees modified the core operating limits report in order to adopt new codes and methods supporting LTA initiatives. In amendment Nos. 222 and 215 for San Onofre Nuclear Generating Station, the NRC approved modification to technical specification 5.7.1.5, Core Operating Limits Report (COLR) to approve use of a new methodology for analyzing the core for use of "lead fuel assemblies."
12. The NRC staff evaluation and positions appears to neglect the importance of analyzing fuel handling accidents involving lead test assemblies (LTAs), which may, in fact, be more limiting in radiological dose to workers and the public than operational failure of LTAs in the core.
13. The NRC staff does not appear to have evaluated the complete range of regulatory requirements that apply to lead test assemblies (LTAs). The NRC's proposed position only addresses 10 CFR 50, General Design Criterion (GDC) 35, Emergency core cooling. GDC 10, Reactor design, GDC11, Reactor inherent protection, and GDC 12, Suppression of power oscillations, appear to have direct applicability.
14. The public comment period appears to be overly restrictive for gathering public feedback. The NRC views and positions in NRC-2018-0109 are substantially new regulatory positions, as compared to past licensing practices, and warrant an extended period of evaluation. Major portions of the NRC non-concurrence is withheld from public disclosure. Additionally, the differing professional opinion is not yet available for public disclosure. Therefore, the submitter of these comments request the comment period be extended to August 31, 2018, or after a public meeting whichever is later.