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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

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General Comment

In this draft letter, the NRC provides a new meaning for TS 4.2.1. This meaning is complicated, contrived and not consistent with the plain language of the TS. Further there is no evidence provided or referenced that the public Federal Register noticing "Sholly Notices" associated with implementing this TS language ever stated any similar meaning. That is to say, that cladding material different than that specified in a plant's specific TS 4.2.1 which is stated to apply to each fuel assembly equaling the total number of fuel assemblies that can be placed in the reactor. Quite the contrary the TS language is very clear and does not allow different cladding material.

Now, NRC at the request or urging of industry is stating that the words don't mean what they say. They mean something different and less restrictive (no control on cladding material for LTAs and no need for approved methodologies for LTAs) and NRC is choosing to ignore that there is no record in the Federal Register or elsewhere that supports this very convenient but completely unfounded reinterpretation.

This is exactly the type of after the fact reinterpretation of license requirements that could involve irreversible consequences (aka significant hazards considerations) that "Sholly Notices" were intended to eliminate. If the TS changes to TS 4.2.1 intended to allow cladding material changes for LTAs and eliminate the requirement to use NRC approved codes, the NRC was obligated to describe these things in the "Sholly Notice" allowing the public to request a hearing prior to NRC approval.

Since this clearly was not done, it is equally as clear that the changes to TS 4.2.1 were never intended to allow those actions. Irradiating new fuel types and new cladding, which is one of only three fission product barriers

involves irreversible consequences. There is no way to "unirradiate" these LTAs. These activities involve safety issues and require license amendments and NRC prior review and approval.