PUBLIC SUBMISSION

As of: 7/20/18 7:07 AM
Received: July 19, 2018
Status: Pending_Post
Tracking No. 1k2-94d3-dwve
Comments Due: July 23, 2018
Submission Type: Web

Docket: NRC-2018-0109
Draft Letter to the Nuclear Energy Institute Regarding the Clarification of Regulatory Paths for Lead Test Assemblies

Comment On: NRC-2018-0109-0002
Draft Letter to Nuclear Energy Institute Regarding Clarification of Regulatory Paths for Lead Test Assemblies

Document: NRC-2018-0109-DRAFT-0137
Comment on FR Doc # 2018-14121

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

Submitter Information

COMMENT (145)
PUBLICATION DATE:
6/7/2018
CITATION # 83 FR 26503

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General Comment

The letter is fundamentally flawed and should not be issued. Rather than issue the letter, the NRC staff should be trained on rulemaking requirements, licensing processes, plain language, and the appropriate vehicles for issuing NRC guidance. The letter arbitrarily excludes LTAs from numerous requirements. However, if the NRC is insistent on issuing the letter then it should address the following comments.

The draft letter introduces a number of new terms when discussing the STS LTA provision that makes it confusing. The NRC should explain these terms and identify existing regulatory documents (e.g., guidance documents, license amendment requests, safety evaluations) that support the application of these terms to the STS LTA provision. The terms include, but are not limited to, the following: applicable and bounding, degree of characterization, and batch loading. In particular, the letter repeatedly refers to batch loading, but this term does not appear to have been in the historical documents for the STS provision, the COLR methodologies, or 50.46 (e.g., generic letter, STS, LARs, safety evaluations).

The letter focuses on lead test assemblies. However, a number of similar terms appear in regulatory documents, such as lead assemblies, lead use assemblies, prototype assemblies, demonstration assemblies, and lead use rods. The NRC should explain the differences between these terms and clarify how this guidance applies to these different terms.

The letter should explain whether or not LTAs need to be considered in the analysis for misloading of fuel assemblies. The STS LTA provision states LTAs may be placed in nonlimiting core regions. The NRC should clarify if this provision excludes consideration of misloading of an LTA in a limiting core region.

The letter indicates that only the first and last sentence of the STS LTA provision apply to LTAs. Thus, the STS LTA provision does not exclude the placement of LTAs in limiting core regions. In addition, the letter states that 50.46 is not applicable to LTAs. This leads to the conclusion that licensees can insert LTAs anywhere in the core, so long as the total number of assemblies is not exceeded. If the position in this letter is correct, the STS LTA provision is fundamentally flawed and the staff should require licensees to correct their TS to meet 50.36(c)(4).

The STS LTA provision is intended to meet the criteria in 50.36(c)(4) for design features. Rather than issue a letter to NEI, the NRC should update the STS to include a bases for this and other provisions in Section 4. In fact, 50.36 requires a summary statement of the bases or reasons for such specification, other than those covering administrative controls, to be included in applications. Therefore, licensees are required to provide the TS bases when they apply for amendments to revise the TS covering design features. License amendments to adopt the STS LTA provision appear to be deficient since the only bases provided was that they were consistent with the STS (or the generic letter).

The letter should not provide advice on how to perform a 50.59 evaluation. The NRC staff is not in a position to fully understand the plant-specific conditions that would need to be considered in such an evaluation.