

# PUBLIC SUBMISSION

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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-0218

Comment on FR Doc # 2018-14121

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## Submitter Information

**Name:** Anonymous Anonymous

**Submitter's Representative:** Sara Barczak

**Organization:** Southern Alliance for Clean Energy

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

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## General Comment

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July 23, 2018

Comments on Draft Letter to the Nuclear Energy Institute Regarding the Clarification of Regulatory Paths for Lead Test Assemblies, [NRC-2018-0109] as published June 7, 2018, in the Federal Register, pp. 26503-26505

On behalf of the Southern Alliance for Clean Energy (SACE), a regional non-profit organization with members across the Southeast concerned about the impacts energy choices have on our health, economy and environment, we endorse the comments made by the Union of Concerned Scientists on June 27, 2018, support the views put forward by the NRCs Harold Chernoff in the non-concurrence package, and submit the following comments.

The draft letter must not be finalized and issued. It is not appropriate to clarify regulatory expectations for the use of Lead Test Assemblies through the draft letter, and the proper, already established regulatory review process should be used.

While clarifying regulatory expectations is an important goal, the draft letter is not the appropriate way to address making these changes because, in part, it removes the opportunity for public intervention. The importance of notice and comment and giving the public the ability to provide feedback is important to the administrative process to ensure the important voices in the community are heard. Clarifying regulatory

expectations through this draft letter is enacting change through the guise of an interpretative letter, and SACE strongly disfavors this action.

SACE agrees and endorses the comments made by Union of Concerned Scientists for more than the procedural reasons listed above. We are also greatly appreciative of the serious concerns explained by the NRCs Harold Chernoff, among other NRC staff, in the non-concurrence package. SACE is also concerned about the impact that this change will have on the safety of communities around the country. Developing new fuel designs, as advocated in this draft letter, is not a new process. For decades, the industry has developed new fuel designs through a tried and true process. The owners would submit a license amendment request to the NRC seeking approval to load a small number of Lead Test Assemblies into the reactor cores. If these small, NRC-approved tests proved successful, the tested fuel designs could be used more broadly. Sometimes, the new fuel designs required exemptions from certain federal regulations, in which case, the owners would apply to the NRC for those exemptions. This draft letter suggests a drastic change, by proposing to turn all of this power over to the industry, requiring no license amendment requests, no opportunity for public intervention, and no exemption requests.

While the cost savings these unapproved backyard experiments could provide the nuclear power industry could be significant, ensuring public safety should be of far greater importance to the NRC. Further, where does this unregulated nuclear experimentation end?

For the reasons listed above, SACE endorses the comments made by the Union of Concerned Scientists and those of NRC staffers who have formally opposed this scheme.

Sincerely,

Sara Barczak, Regional Advocacy Director  
Southern Alliance for Clean Energy  
P.O. Box 1842  
Knoxville, TN 37901

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## **Attachments**

F\_SACE\_comments\_NRC-2018-  
0109\_DraftLtrtoNEIRegardingtheClarificationofRegulatoryPathsforLeadTestAssemblies\_072318

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