

As of: 7/26/18 8:52 AM
Received: July 23, 2018
Status: Pending_Post
Tracking No. 1k2-94g3-x6lf
Comments Due: July 23, 2018
Submission Type: Web

PUBLIC SUBMISSION

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-0244

Comment on FR Doc # 2018-14121

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SUNSI Review Complete
Template = ADM-013
E-RIDS=ADM-03
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General Comment

COMMENT (254)
PUBLICATION DATE: 6/7/2018
CITATION # 83 FR 26503

Regulations Require TS Stipulation of Fuel Cladding

The new interpretation proffered in the draft NEI letter is contrary to the regulatory construct for the design features for fuel assemblies to be included in TSs in accordance with 10 CFR 50.36(c)(4). As noted in Generic Letter 90-02, The requirements included in Section 5 of the TS or "Design Features" address [in accordance with 10 CFR 50.36] those features of the facility such as materials of construction and geometric arrangements which, if altered or modified, would have a significant effect on safety and are not covered under other sections of the TS on "Safety Limits," "Limiting Conditions for Operation, or "Surveillance Requirements." In conformance with this regulation the technical specification Design Features section includes the number of fuel assemblies, the type of cladding of all fuel assemblies, and the fuel type.

It is of note that operational safety issues have resulted from the implementation of new fuel cladding including its use in LTAs. Two examples of this are the twisting of LTAs at Three Mile Island, Unit 1, resulting in impaired ability to fully insert and move some control rods and the inability to fully insert control rods at South Texas Nuclear Power Plant. This operating experience underscores the importance of having materials of construction for fission product barriers explicitly delineated in the Design Features section of the technical specifications in accordance with 10 CFR 50.36.

The 1968 version of 10 CFR 50.36 explicitly required the incorporation of fuel cladding into the technical specifications as delineated in appendix A. The language used in that version of the regulation was consistent

with that of the current version calling for materials of construction with a potential for a significant effect on safety.