

**U.S. Nuclear Regulatory Commission Response to
Public Comments on Proposed Information Collection
NRC Generic Letter, “Monitoring of Neutron-Absorbing Materials in Spent Fuel Pools”**

This document presents the U.S. Nuclear Regulatory Commission’s (NRC’s) responses to public comments received on the information collection and reporting burden associated with a proposed generic letter (GL) on monitoring the degradation of neutron-absorbing materials in spent fuel pools and other wet storage locations. The NRC published the proposed generic letter in the *Federal Register* (80 FR 31930; June 4, 2015) for public comment on the burden to respond. This opportunity for comment was provided in accordance with the procedures for obtaining a Paperwork Reduction Act clearance from the Office of Management and Budget (OMB).

Comments on this generic letter are available electronically at the NRC’s electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into the Agencywide Documents Access and Management System (ADAMS), which provides text and image files of the NRC’s public documents. The agency received comments from the following individuals and organizations:

Letter No.	ADAMS Accession No.	Commenter	Comment Submitter (if commenter is an organization or governmental entity)	Abbreviation
1	ML15211A558	South Carolina Electric & Gas/V.C. Summer Nuclear Station	Damon Bryson	SCEG
2	ML15211A568	Matthew Kirkland	N/A	KIRK
3	ML15223A936	Entergy Operations, Inc.	Bryan S. Ford	ENT
4	ML15223A991 (package) ML15223A992 (letter) ML15223A993 (enclosure)	Nuclear Energy Institute	Kristopher Cummings	NEI
5	ML15219A328	Duke Energy	M. Christopher Nolan	DUKE

The NRC has either repeated comments as written by the commenter, or summarized the comments for conciseness and clarity. At the end of the comment or comment summary, the NRC references the specific public comments and the letters by which they were provided to the NRC. Specific comments are referred to in the form [XXX]-[YYY], where: [XXX] represents the commenter abbreviation from the table on page 1 of this document and [YYY] represents the identifying question, number, or section indicated by that commenter, or the section of the document where the comment may be found.

ML15222A005

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Comment: Most of the NRC-requested information is publicly available (e.g., in plant FSAR and correspondence docket), and the rest can be obtained by the NRC more efficiently through other means. [SCEG-1, SCEG-4]

NRC Response: The NRC disagrees with the comment. Previous efforts by the staff to obtain the requested information from information available to the NRC (e.g., plant FSARs and docketed documents) culminated in several databases of information, such as the Spent Fuel Pool Criticality Management database (ADAMS Accession No. ML13212A064). The staff identified many gaps, and determined that, in many cases, the information that was previously submitted on the docket was outdated. Some examples include legacy information that could not be located, information that is typically not required to be submitted to the NRC as part of licensing reviews, or information that was found to have been changed via the Title 10 of the *Code of Federal Regulations* (10 CFR) 50.59 process. The NRC identified the generic letter process as the most efficient and least burdensome approach for the NRC to obtain the needed data, given the burden that an audit or inspection would impose upon a licensee and the NRC.

Comment: The responses to the generic letter will not provide a significant safety benefit commensurate with the burden being imposed on licensees. [SCEG-1, SCEG-3, SCEG-Summary]

NRC Response: This concern was discussed in the public comments submitted in response to the draft generic letter posted in the *Federal Register* on March 11, 2014 (79 FR 13685). Nuclear Energy Institute was provided with an opportunity to elaborate upon this concern during public meetings of the Advisory Committee on Reactor Safeguards related to this generic letter. The NRC staff has stated that the regulations require that adequate subcriticality margin be maintained, and adequate monitoring of neutron-absorbing materials in spent fuel pools is an essential part of ensuring that this regulatory requirement is met. The multiple instances of operating experience identified in recent years related to previously unidentified degradation of neutron-absorbing materials in spent fuel pools (as discussed in the **Operating Experience** section of the generic letter) leads the NRC to be concerned about the potential for more compliance problems. A more detailed NRC staff response can be found in Section III of the public comment response document for the aforementioned solicitation for public comments on the draft generic letter, filed under ADAMS Accession No. ML14181B130. Consequently, the staff has already addressed this concern.

Comment: Some of the information being requested in Appendix A will impose a significant burden on some licensees to gather for the NRC, with little safety benefit or reason. (SCEG 1a-b, 2, 2a, 2b.ii)

NRC Response: The NRC agrees that unnecessary burden should be minimized. The NRC staff previously developed a tiered approach to better define the applicability of Appendix A to specific categories of neutron-absorbing materials. An additional public meeting has been held to discuss options for streamlining the response process, including refining how Appendix A should be interpreted for specific licensees. Further meetings will be held to support reductions in unnecessary burden to specific licensees. While the comments regarding the technical merit of some of the items in Appendix A are not directly related to the burden imposed on licensees, they will also be considered as part of the discussion during the aforementioned public meetings.

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No change was made to the generic letter or Appendix A to the generic letter as a result of these comments.

Comment: Some of the specific information requests lack technical merit for some or all licensees, or are too vague to be of technical value. (SCEG 1c-e, 2b.i, 2b.iii-iv, 3, 4, 5)

The NRC issued a request for public comment on the GL on March 11, 2014 in the *Federal Register* (79 FR 13682). Several of the comments received during this earlier public comment solicitation period were similar in nature to these comments. The NRC made changes to the GL based on the prior comments, and documented the staff considerations in the corresponding public comment response document (ADAMS Accession No. ML14181B130). The Advisory Committee on Reactor Safeguards evaluated the technical basis for the GL and endorsed the final document as published in the June 4, 2015 solicitation for public comments (80 FR 31930). In addition, the staff interprets some of the comments to indicate that some of the Appendix A items are not appropriate for specific licensees. The staff is working with NEI and the industry to develop some templates and guidance that will better clarify how specific licensees would be expected to respond to this GL. These NRC-industry deliberations are occurring via a series of public meetings, the first of which was held on September 10, 2015 (ADAMS Accession No. ML15239A029), with more planned to follow. The outcome of these meetings will be a template that provides a level of detail that will clarify the applicability of each Appendix A item to specific licensees.

Since the staff had previously addressed questions regarding the technical basis, usefulness, and the NRC's authority to issue this GL, and clarification is being provided on licensee-specific application of the Appendix A items via separate template documents being developed by NEI, no change was made to the generic letter or Appendix A items as a result of these comments.

Comment: The generic letter greatly underestimates the number of man-hours required to respond. [SCEG-2, NEI-2, DUKE-2, ENT-Letter]

NRC Response: The NRC disagrees with the comment. The public comments provided by the four commenters appear to assume that respondents to this generic letter will need to expend significant effort to search for information that is not readily available, to generate new information, or to verify that information does not exist. Appendix A of the generic letter states that:

- (1) In all cases, the NRC is asking licensees to provide information available, based on a reasonable search of plant records, docketed information, and licensing bases.
- (2) The NRC is not requiring any new analyses, new programs, or new research to be developed or implemented in response to this GL.
- (3) If a specific section or item of the appendix is neither applicable nor part of the licensee's licensing basis, a response to that effect is sufficient.

As stated in the first paragraph of Appendix A, the list of information is provided as guidance on responding to the generic letter, insofar as the level of detail is concerned, not as a requirement. As a result, the estimates being provided by the commenters appear to foresee the need for a much larger level of effort than the generic letter is requesting. The staff estimates are based on the assumption that all information being requested that is applicable to regulatory

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compliance and is part of the licensee's licensing basis will be readily available in accordance with provisions found in Appendix B to 10 CFR Part 50, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," requiring the existence of a quality assurance program that appropriately characterizes each component (Criterion VII, "Control of Purchased Material, Equipment and Services," and Criterion VIII, "Identification and Control of Materials, Parts, and Components"), that provides for appropriate testing to demonstrate satisfactory inservice performance of components (Criterion XI, "Test Control"), and that ensures that sufficient records will be maintained to furnish evidence of such activities in an identifiable and retrievable form (Criterion XVII, "Quality Assurance Records").

Comment: More of the previously-submitted comments on Appendix A could be incorporated, in order to reduce licensee burden. [NEI-1, NEI-3, DUKE-1, DUKE-3]

NRC Response: Many comments were provided on Appendix A during the prior public comment period, and the NRC resolution of these comments can be found under ADAMS Accession No. ML14181B130. A series of public meetings is being conducted between the NRC and the industry to help better define the applicability of specific items in Appendix A to specific licensees.

Comment: Some flexibility should be provided for licensees to respond to the GL in order to allow the industry to efficiently manage resources. In addition, licensees will be very busy with other activities (fall refueling outages, start-up activities, and end-of-year activities/vacations). As a result, it would help reduce the burden on licensees if the issuance date were to be delayed to January 2016, and/or if a tiered response scheme was adopted. [KIRK, NEI-Letter]

NRC Response: The NRC agrees with the comment that some additional time be provided for licensees to provide the information requested by the generic letter. The staff also considers the fact that while some licensees may be preoccupied with fall refueling outages in 2015, other licensees may be preoccupied with spring refueling outages in 2016. Therefore, the staff has extended the response timeframe by an additional 90 days, from 120 days to 210 days, in order to provide licensees with more flexibility to accommodate the resources required to respond to this generic letter. This extension of time is greater than the maximum proposed number of days proposed in the tiered approach proposed by the commenter, precluding the need for such an approach.

Comment: The NRC should undertake additional action to further minimize the burden on licensees, including holding a public meeting, providing further clarity on what would be necessary to constitute an adequate response, and the possibility of gathering information common to multiple licensees through a single mechanism. [NEI-3, NEI-4, DUKE-3, DUKE-4]

NRC Response: The NRC agrees in part with the comment. A public meeting has been held to discuss options for streamlining the response process, including defining the applicability of Appendix A to specific situations and obtaining some information applicable to multiple licensees through a single submittal. Further meetings will be held to support reductions in unnecessary burden to specific licensees. No change was made to the generic letter and Appendix A to the generic letter as a result of this comment.

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Comment: The generic letter should explicitly recognize that the NRC does not expect licensees to provide information that goes beyond what their current licensing bases require them to maintain. [NEI-4]

NRC Response: The NRC agrees that the generic letter does not require licensees to provide information beyond that currently maintained, or required to be maintained in the licensing basis. The first paragraph of Appendix A to the generic letter states that if a specific section or item of this appendix is not part of the licensee's licensing basis, a response to that effect is sufficient. Therefore, language of the first paragraph of Appendix A already states, in express terms, the position which the comment requests be reflected in the generic letter. No change was made to the generic letter and Appendix A to the generic letter as a result of this comment.