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**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-0160

Comment on FR Doc # 2018-14121

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## Submitter Information

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## General Comment

The draft letter states that 50.46 does not apply to LTAs. This is inconsistent with past precedent, and the NRC had not provided any supporting evidence for its claim. The NRC conducted an extensive amount of work to develop 50.46 in the 1970s. The NRC should make the hearing records, including transcripts and written testimony, from the hearings associated with the 50.46 rulemaking publicly available in ADAMS. In addition, the NRC should review these records, provide a summary of the review, and determine if its current position on 50.46 is supported by the record.

Although the criteria in 50.46 may not be appropriate for certain LTA designs, it is still a requirement. Rather than have no requirements for ECCS for other fuel designs, it is likely that the NRC intended for licensees to submit amendments and exemptions to ensure these different fuel designs were appropriately reviewed by the NRC. However, instead of speculating, it is appropriate for the NRC staff to review its own records on the matter and provide its findings. This should be a complete review, not one where the NRC identifies records that support its new position and ignores records that do not support its position.

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ADD= Sihan Ding, Kimberly Green & Janet Burkhardt

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