

**As of:** 7/25/18 10:21 AM  
**Received:** July 23, 2018  
**Status:** Pending\_Post  
**Tracking No.** 1k2-94fp-jj5y  
**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-0208

Comment on FR Doc # 2018-14121

---

## Submitter Information

**Name:** Anonymous Anonymous

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

---

## General Comment

COMMENT (218)  
PUBLICATION DATE: 6/7/2018  
CITATION # 83 FR 26503

Pages 7 and 8 of the NRCs draft letter to NEI discusses whether exemptions from 10 CFR 50.46 are needed for fuel

systems that do not use uranium oxide fuel within zircaloy or ZIRLO cladding (i.e., the materials currently specified in

10 CFR 50.46). The letter argues that exemptions are not needed for LTAs that use other pellet or cladding materials.

This is a new interpretation of the rule as is evidenced by the long history of exemptions issued for LTAs.

Table 2 of Enclosure 2 of the March 22, 2018, memo to the General Counsel lists examples of exemptions for use of

LTAs from 1991 through 2017. The new interpretation of the rule, as described in the draft letter to NEI, appears to have

been initiated by NRC technical staff members (e.g., during the 2017 Regulatory Information Conference (RIC)), contrary to

the understanding of the relevant regulations and history by NRC staff in the licensing organization.

Statements by staff outside the licensing organization have created the confusion in the industry that didnt exist previously.

Hence, the need for a clarification letter. The draft letter tries to downplay the regulatory history by indicating that [i]n the

\past some licensees have requested exemptions to expand the applicability of 50.46 to other zirconium alloys.

The NRC staff has granted these exemptions. In other words, the NRC letter is implying that the licensees didnt realize exemptions werent needed, but since the licensees submitted applications, the NRC staff just went ahead and processed the requests. Given that the NRC staff performs acceptance reviews on applications for items needed prior NRC approval, the staff should have told the licensees to withdraw the LTA exemption requests if they werent necessary. However, the evidence shows the NRC has routinely accepted exemption requests for review for LTA cladding materials different than those listed in 10 CFR 50.46.

This NRC draft letter should not be sent to NEI.