



June 25, 2024
NRC:24:013

Ms. Jennifer M. Golder
Chief Financial Officer
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Ref. 1: Letter, Gayle Elliott (Framatome Inc.) to Document Control Desk (NRC), "Request for Review and Approval of ANP-10356NP, 'Licensing Guidance for Lead Test Assemblies'," NRC:24:012, June 25, 2024.

Ref. 2: Letter, H. Nieh (NRC) to J. Uhle (NEI), "Clarification of Regulatory Path for Lead Test Assemblies," June 24, 2019.

Request for Fee Waiver of NRC Review Fees for Topical Report ANP-10356NP, "Licensing Guidance for Lead Test Assemblies"

The purpose of this letter is to request that topical report ANP-10356NP, "Licensing Guidance for Lead Test Assemblies" (Reference 1), be exempt from the Nuclear Regulatory Commission (NRC) review fees in accordance with Title 10 of the Code of Federal Regulations (10 CFR) 170.11(a)(1)(ii). This regulation states that no review fees shall be required for a special project that is a report submitted to the NRC when the NRC, at the time the report is submitted, plans to use the information to assist the NRC in generic regulatory improvement or efforts. The subject report provides licensing guidance for lead test assemblies (LTAs) which will reduce regulatory uncertainty, streamline the licensing process, and promote technological innovation.

LTAs provide vital information to characterize irradiated properties and performance that is necessary for the development and licensing of new technologies. Due to the lack of regulatory guidance and industry standards, the licensing approach for many past LTA programs has diverged significantly. There are differing interpretations and opinions among NRC and industry staff regarding the Technical Specification (TS) LTA provision, constraints within 10 CFR 50.59, Tests, changes, and experiments, and the correct licensing approach for LTA programs. Given this regulatory uncertainty, many licensees have opted to submit a License Amendment Request (LAR) in accordance with 10 CFR 50.90, Application for amendment of license, construction permit, or early site permit. These past LARs have reinforced certain long-held positions among both NRC and industry staff that the TS LTA provision provides little opportunity and flexibility and §50.59 constraints direct licensees to submit LARs.

Building upon recent NRC staff interpretations, positions, and informal guidance, this report provides licensees with the formal regulatory guidance needed to interpret and implement the TS LTA provision, and a clear licensing framework for different types of LTA programs. Approval of this report, backed by a final safety evaluation with limitations and conditions, as necessary, will provide regulatory certainty and predictability. This will encourage licensees to conduct further LTA programs necessary for the development and licensing of new technologies.

Most commercial nuclear power plants include a provision within TS 4.2.1, Fuel Assemblies, which allows for the restricted use of LTAs. However, no TS Bases section exists for TS 4.2.1 which could provide useful background and guidance for interpreting and implementing the TS LTA provision. Furthermore, there are no Regulatory Guides (RGs), or NRC-endorsed industry guidance, defining an acceptable means of irradiating LTAs within the bounds of the TS LTA provision. In 2019, the NRC issued a letter to the Nuclear Energy Institute (NEI), Clarification of Regulatory Path for Lead Test Assemblies (Reference 2), providing clarification on earlier informal guidance related to the TS LTA provision, 10 CFR 50.59, and 10 CFR 50.46. The introduction paragraph of this letter ends with the following sentence:

As the NRC and industry gain more experience with the regulatory approaches, the NRC will continue its engagement with stakeholders to determine whether further guidance is necessary.

While the clarification letter was a good step forward, further guidance is needed to reduce regulatory uncertainty and ensure predictability for LTA licensing. The licensing guidance in the report meets the definition of “information to assist the NRC in generic regulatory improvement or efforts” (e.g., further guidance relative to NEI letter) as defined in 10 CFR 170.11(a)(1)(ii). The licensing guidance is applicable to both Pressurized Water Reactors and Boiling Water Reactors and covers a wide array of LTA types (e.g., accident tolerant fuels, high burnup fuel, demonstration assemblies). Furthermore, the report was purposely crafted and written to be non-proprietary so that the entire industry could benefit from the guidance.

It is requested that, if this fee exemption is approved, any fees billed to Framatome associated with the report pre-submittal meeting(s) be refunded.

There are no regulatory commitments within this letter or its enclosures.

If you have any questions related to this submittal please contact Mr. Jerald Holm, Licensing Manager, Licensing & Regulatory Affairs. He may be reached by telephone at 509-554-6938 or by e-mail at Jerald.Holm.ext@framatome.com.

Sincerely,

ELLIOTT
Gayle

Gayle Elliott, Director
Licensing & Regulatory Affairs
Framatome Inc.

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cc: N. Otto
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