

March 17, 2009

Mr. Rick Libra
Exelon
Chairman, BWR Vessel and Internals Project
Electric Power Research Institute
3420 Hillview Avenue
Palo Alto, CA 94304-1395

Dear Mr. Libra:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your August 28, 2008, letter requesting a fee exemption under 10 CFR 170.11(a)(1)(iii) for all fees associated with NRC's review of "Boiling Water Reactors Vessel and Internals Project 189 (BWRVIP-189): BWR Vessel and Internals Project, Evaluation of RAMA Fluence Methodology Computational Uncertainty." Your request does not meet the fee exemption criteria; therefore, I have denied your request, as explained below.

Your fee exemption request states that BWRVIP-189 was submitted as a means of exchanging information for the purpose of supporting NRC's generic regulatory improvements. You further state that the report is provided in response to a request in the NRC's Safety Evaluation (SE) of the Radiation Analysis Modeling Application (RAMA) reports BWRVIP-114, BWRVIP-115, BWRVIP-117 and BWRVIP-121. The NRC staff has reviewed your submittal and concluded that BWRVIP-189 will not lend support to NRC's generic guidance nor will the NRC be the primary beneficiary of the NRC's review and approval of BWRVIP-189.

The response to the request in NRC's SE of the RAMA reports referenced above was for the purpose of removing limitations placed on the use of the RAMA methodology. However, the review and approval of BWRVIP-189 will not be used by the NRC for the development of its generic guidance or regulations. Thus, the members of the BWRVIP will be the primary beneficiaries of the review of this submittal. Hence, I am unable to grant you a fee exemption under the provisions of 10 CFR 170.11(a)(1)(iii).

To expedite review of future fee exemption requests, please submit these requests directly to the NRC's Office of the Chief Financial Officer with a copy furnished to the Office of Nuclear Reactor Regulation, in accordance with 10 CFR 170.5.

If you have any technical questions regarding this matter, please contact Joseph Williams at 301-415-1470. Please contact Rebecca Erickson of my staff at 301-415-7126, for any fee-related questions.

Sincerely,

/RA/

J. E. Dyer
Chief Financial Officer

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Adams ☒ Yes ☐ No

SUNSI Review By: rie

☒ Publicly Available ☐ Non-Publicly Available ☐ Sensitive ☒ Non-Sensitive

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