



NUCLEAR ENERGY INSTITUTE

James H. Riley
PRINCIPAL ENGINEER
NUCLEAR GENERATION DIVISION

April 5, 2010

Mr. William H. Ruland
Director, Division of Safety Systems
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: NRC Endorsement of NEI 09-10, "Guidelines for Effective Prevention and Management of System Gas Accumulation".

Project Number: 689

Dear Mr. Ruland:

In October 2009 NEI issued Revision 0 of NEI 09-10, *Guidelines for Effective Prevention and Management of System Gas Accumulation*. This document was prepared as part of the industry's response to Generic Letter 2008-01, *Managing Gas Accumulation in Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems*. The industry is currently preparing Revision 1 to this document in order to include the latest test information and operability guidance. Revision 1 should be issued by the end of 2010. The purpose of this letter is to communicate our intent to seek NRC endorsement of Revision 1 and to request a waiver of the associated NRC review fees.

Implementation of NEI 09-10 by licensees is an important part of the long term resolution of the gas accumulation issue. Revision 0 of NEI 09-10 received extensive input from industry experts and NRC during its development. In recent meetings, the NRC indicated that it was generally pleased with the content of Revision 0 and is interested in endorsing Revision 1 in order to provide a single guidance document that is accepted by both the industry and NRC. Industry supports this approach.

We believe NRC review of NEI 09-10 is exempt from the fee recovery provision contained in 10 CFR Part 170. Generic approval of gas accumulation management guidance by NRC for industry-wide use will ensure that both the industry and NRC have consistent expectations for system gas management. Furthermore, NEI 09-10 is directly related to long term resolution of the concerns raised by Generic Letter 2008-01. Review fees in such cases are exempted under §170.11, Exemptions, Subpart (a) (1) (iii). This provision states, (a) "No application fees, license fees, renewal fees, inspection fees, or special project fees shall be required for...(1) A special project that

Mr. William H. Ruland

April 5, 2010

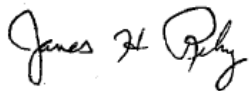
Page 2

is a request/report submitted to the NRC--(iii) As a means of exchanging information between industry organizations and the NRC for the specific purpose of supporting the NRC's generic regulatory improvements or efforts."

We request that the NRC communicate its decision regarding the fee waiver prior to our submittal of NEI 09-10 Revision 1.

If you have any questions on these matters, please feel free to contact me at 202-739-8137 or forward your response to jhr@nei.org.

Sincerely,

A handwritten signature in cursive script that reads "James H. Riley".

James H. Riley

c: Mr. David P. Beaulieu, NRR/DPR/PGCB, NRC
Mr. Warren C. Lyon, NRR/DSS/SRSB, NRC

Mr. Mel Arey, Duke Energy
Mr. Ted Schiffley, Exelon
Mr. Chris Brennan, Exelon
Mr. Anderson Lin, PGE