

October 15, 2010

Mr. Mark J. Ajluni
Director, Nuclear Licensing
40 Inverness Center Parkway
P.O. Box 1295
Birmingham, AL 35201

Dear Mr. Ajluni:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your July 14, 2010, letter requesting an exemption of licensing fees under 10 CFR 170.11(a)(1)(iii) for Vogtle Electric Generating Plant (VEGP) participating as a Improved Standard Technical Specifications (ISTS) pilot plant for the implementation of Risk Informed Technical Specification Task Force (RITSTF) Initiative 4B, "Risk Informed Completion Times with Configuration Risk Management Program or Maintenance Rule Backstop." As explained below, while I am unable to grant a fee waiver under that part of our regulations since your request does not qualify as a "special project," I am granting the fee waiver request in accordance with 10 CFR 170.11(b).

Your fee exemption request states that as part of the pilot program, Southern Nuclear Operating Company (SNC) will submit a license amendment request for VEGP Units 1 and 2 requesting NRC approval to implement this risk informed technical specification change. Furthermore, SNC states that the evaluation of this license amendment request is to assist in developing NRC regulatory guidance to endorse implementation of RITSTF Initiative 4B. The NRC staff has reviewed your request and concluded that your request meets the pilot program requirements. Hence, I am able to grant you a fee exemption under the provisions of 10 CFR 170.11(b), which states that the Commission may, "grant such exemptions from the requirements of this part as it determines are authorized by law and are otherwise in the public interest."

You requested an exemption under 10 CFR 170.11(a)(1)(iii), which is applicable to special project fees. Our regulations state that a "special project" refers to a request for review for which fees are not otherwise specified in this chapter. Since licensing fees are specified in our regulations (e.g., staff review of a license amendment request), I was unable to grant you the fee exemption under that part of our regulations.

Although a fee exemption is granted, it is important to emphasize that the NRC is required by law to recover approximately 90 percent of its operating expenses through user fees. While the effort described in this letter is exempt from Part 170 direct fee assessment, NRC resources expended to resolve this issue will be included in annual fees assessed under the provisions of Part 171.

M. Ajluni

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If you have any technical questions regarding this matter, please contact Andrew Howe at 301-415-3078. Please contact Rebecca Erickson, of my staff, at 301-415-7126, for any fee related questions.

Sincerely,

/RA/

J. E. Dyer
Chief Financial Officer

M. Ajluni

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If you have any technical questions regarding this matter, please contact Andrew Howe at 301-415-3078. 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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*See previous concurrence

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