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January 3, 2013

Mr. Jack R. Davis
Deputy Director
Division of Safety Systems
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Mr. James E. Dyer
Chief Financial Officer
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Subject: Request for Exemption from NRC Fees to Review NEI 12-16, *Guidance for Performing Criticality Analyses of Fuel Storage at Light-Water Reactor Power Plants*, and Solicitation of Feedback on Pre-Submittal draft, dated January 2013

Project Number: 689

Dear Messrs. Davis and Dyer:

On behalf of the nuclear energy industry, the Nuclear Energy Institute (NEI)¹ is requesting an exemption from NRC fees to review NEI 12-16, *Guidance for Performing Criticality Analyses of Fuel Storage at Light-Water Reactor Power Plants*, Revision 0 that we plan to submit in March 2013. We are also soliciting early NRC feedback on the attached pre-submittal draft of NEI 12-16, dated January 2013.

NEI 12-16 provides guidance for performing criticality analyses at light water reactor power plants in accordance with 10 CFR 50.68 and 10 CFR Part 50, Appendix A, GDC 62. As a means to achieve regulatory efficiency and effectiveness, we recommend that the NRC review NEI 12-16 for potential endorsement through a Regulatory Guide. This proposal would fulfill the need for more durable guidance identified in the NRC/NRR Action Plan, *On Site Spent Fuel Criticality Analyses*, as updated May 19, 2012. We would appreciate early NRC feedback on the pre-submittal draft version by February 2013, including an opportunity for a pre-submittal meeting the week of January 21, 2013, so that we may incorporate any such feedback into our formal submittal.

¹ The Nuclear Energy Institute (NEI) is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

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The purpose of submitting NEI 12-16 is to assist the NRC in completing the process of updating and stabilizing the regulatory framework governing spent fuel pool criticality analyses through publication of the planned regulatory guide, which meets the requirements for an exemption of fees in 10 CFR 170.11(a)(1)(ii). NEI 12-16 is a guidance document, it is not a topical report, and we believe that the NRC would be the primary beneficiary of its review. This request also meets the requirements of 10 CFR 170.11(a)(1)(iii), which permits an exemption from fees for exchanging information between industry and the NRC for the specific purpose of supporting NRC's ongoing generic regulatory improvements and development of a Regulatory Guide. In order to facilitate a full review of NEI 12-16, we request that the exemption cover the review of the pre-submittal draft as well as the review of guidance submitted in March 2013 leading to NRC endorsement through a regulatory guide.

Thank you in advance for consideration of our request for exemption from fees, and for providing feedback on the transmitted pre-submittal draft of NEI 12-16. If you have any questions or require additional information, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rodney McCullum', written in a cursive style.

Rodney McCullum

Attachment

c: Mr. Eric J. Leeds, NRR, NRC
Mr. Daniel H. Dorman, NRR, NRC
Mr. Timothy J. McGinty, NRR/DSS, NRC
Mr. Christopher P. Jackson, NRR/DSS/SRXB