UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

OFFICE OF THE
CHIEF FINANCIAL
OFFICER

May 16, 2016

Mr. Thomas Zachariah
Senior Project Manager, Risk Assessment
Nuclear Energy Institute
1201 F Street NW, Suite 1100
Washington, DC 20004

Dear Mr. Zachariah:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated December 14, 2015, requesting a fee waiver under Title 10 of the *Code of Federal Regulations* (10 CFR) 170.11(a)(1)(iii) for NRC review of revision 4C of NUMARC 93-01, "Industry Guideline for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants," for final NRC endorsement.

The NRC has established regulations for the granting of fee exemptions under 10 CFR 170.11, "Exemptions," for which licensees may apply in accordance with 10 CFR 170.5, "Communications." The NRC staff has reviewed your request based on the following regulation, 10 CFR 170.11(a)(1)(iii):

- *10 CFR 170.11 (a) No application fees, license fees, renewal fee, inspection fees, or special project fees shall be required for: (1) A special project that is a request/report submitted to the NRC—(iii) As a means of exchanging information between industry organizations and the NRC. In order for the fee waiver to be granted under this paragraph it must meet three criteria:*

    - *(A) The report should be submitted for the specific purpose of supporting ongoing NRC generic regulatory improvements or efforts (e.g., rules, regulations, regulatory guides, and policy statements), and the agency, at the time the document is submitted, plans to use it for that purpose. The exemption applies even if ultimately the NRC does not use the document as planned.*

      Your letter states that Nuclear Energy Institute (NEI) has submitted revision 4C of NUMARC 93-01, "Industry Guideline for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants," to establish an acceptable approach for licensees to meet 10 CFR 50.65, "Requirements for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants," also known as the Maintenance Rule. Revision 4C includes a discussion of the licensee's Diverse and Flexible Coping Strategies (FLEX) Support Guidelines (FSGs), Severe Accident Management Guidelines (SAMGs), and Extensive Damage Management Guidelines (EDMGs), and proposed treatment of these guidelines under the Maintenance Rule. The NRC confirms that revision 4C of NUMARC 93-01, and any future revisions, will be evaluated for endorsement by the NRC and used to support revisions to NRC's Regulatory Guide 1.160,

"Monitoring the Effectiveness of Maintenance at Nuclear Power Plants." The NRC concludes this report meets this requirement.

- *(B) The NRC must be the primary beneficiary of the NRC's review and approval of these documents. This exemption does not apply to a topical report submitted for the purpose of obtaining NRC approval for future use of the report by the industry to address licensing or safety issues, even though the NRC may realize some benefits from its review and approval of the document.*

  The NRC is the primary beneficiary because the NRC plans to revise Regulatory Guide 1.160, "Monitoring the Effectiveness of Maintenance at Nuclear Power Plants," based on discussion of results and new language identified in revision 4C of NUMARC 93-01. Therefore, the NRC staff concludes that this report meets this regulation.

- *(C) The fee exemption is requested in writing to the Chief Financial Officer in accordance with 10 CFR 170.5, and the Chief Financial Officer grants this request in writing. The 10 CFR 170.5 states, "All communications concerning the regulations in this part should be addressed to the NRC's Chief Financial Officer, either by mail to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; by hand delivery to the NRC's offices at 11555 Rockville Pike, Rockville, Maryland; or, where practicable, by electronic submission, for example, via Electronic Information Exchange, or CD-ROM.*

  The fee exemption request for NEI White Paper, Proposed Consequence-Based Physical Security for Small Modular Reactors and Other New Technologies, November 2015 was submitted in writing by NEI; therefore, NEI's request meets this regulation.

The NRC staff concludes that NRC review of revision 4C of NUMARC 93-01, "Industry Guideline for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants," for final NRC endorsement meets all criteria under 10 CFR 170.11(a)(1)(iii); therefore, the fee waiver request is approved. If you have any technical questions regarding this matter, please contact, Ms. Amy Patel at 301-415-8310. Please contact Mr. William Blaney, of my staff, at 301-415-5092, for any fee-related questions.

Sincerely,

/RA/ Mary C. Muessle (for)

Maureen E. Wylie
Chief Financial Officer

"Monitoring the Effectiveness of Maintenance at Nuclear Power Plants." The NRC concludes this report meets this requirement.

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  The NRC is the primary beneficiary because the NRC plans to revise Regulatory Guide 1.160, "Monitoring the Effectiveness of Maintenance at Nuclear Power Plants," based on discussion of results and new language identified in revision 4C of NUMARC 93-01. Therefore, the NRC staff concludes that this report meets this regulation.

- *(C) The fee exemption is requested in writing to the Chief Financial Officer in accordance with 10 CFR 170.5, and the Chief Financial Officer grants this request in writing. The 10 CFR 170.5 states, "All communications concerning the regulations in this part should be addressed to the NRC's Chief Financial Officer, either by mail to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; by hand delivery to the NRC's offices at 11555 Rockville Pike, Rockville, Maryland; or, where practicable, by electronic submission, for example, via Electronic Information Exchange, or CD-ROM.*

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The NRC staff concludes that NRC review of revision 4C of NUMARC 93-01, "Industry Guideline for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants," for final NRC endorsement meets all criteria under 10 CFR 170.11(a)(1)(iii); therefore, the fee waiver request is approved. If you have any technical questions regarding this matter, please contact, Ms. Amy Patel at 301-415-8310. Please contact Mr. William Blaney, of my staff, at 301-415-5092, for any fee-related questions.

Sincerely,

/RA/ Mary C. Muessle (for)
Maureen E. Wylie
Chief Financial Officer

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