

December 14, 2016

Ms. Maureen Wylie
Chief Financial Officer
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Fee Exemption Request for NEI White Paper, *Proposed Physical Security Requirements for Advanced Reactor Technologies*, December 2016

Project Number: 689

Dear Ms. Wylie:

On December 14, 2016, the Nuclear Energy Institute (NEI)¹ submitted the white paper, *Proposed Physical Security Requirements for Advanced Reactor Technologies*, dated December 2016, for NRC consideration and feedback. The white paper proposes physical security requirements that are more appropriate for advanced reactor technologies, such as small modular reactors (SMRs) and non-light-water reactors (non-LWRs) with enhanced built-in safety and security. The proposed requirements would continue to provide assurance that these facilities protect the public health and safety and are not inimical to the common defense and security. The white paper provides a means to resolve—and engage the Commission on—a substantive policy issue for SMRs in response to Staff Requirements Memorandum SRM-COMGBJ-10-0004/COMGEA-10-0001, *Use of Risk Insights to Enhanced Safety Focus of Small Modular Reactor Reviews*. A rulemaking based upon the proposed requirements in the white paper would be more efficient than the staff's current approach, in which applicants would seek, on a case-by-case basis, exemptions, alternative measures and license conditions to meet the intent of the regulatory requirements.

NEI requests that the NRC's review of this white paper, and any future submissions related to physical security requirements for advanced reactor technologies, be granted a fee waiver pursuant to the provisions of 10 CFR 170.11. The report meets the exemption requirement in 10 CFR 170.11(a)(1)(ii) in that it will

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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"...assist the NRC in generic regulatory improvements or efforts (e.g., rules, regulatory guides, regulations, policy statements, generic letters, or bulletins)." In this case, the establishment of new physical security requirements promotes clarity, predictability and efficiency for licensing advanced reactor technologies, consistent with Commission policy, and avoids the inefficiency and uncertainty associated with achieving compliance through alternative measures, exemptions and license conditions on an applicant-by-applicant basis.

Please contact me should you have any questions.

Sincerely,



Russell Bell

c: Mr. Brian E. Holian, NSIR, NRC
 Ms. Vonna L. Ordaz, NRO, NRC
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