



OFFICE OF THE
CHIEF FINANCIAL
OFFICER

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

February 16, 2017

Mr. David R. Kline
Director, Security
Nuclear Energy Institute
1201 F Street NW, Suite 1100
Washington, DC 20004

Dear Mr. Kline:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated November 8, 2016, requesting a fee waiver under Title 10 of the *Code of Federal Regulations* (10 CFR) 170.11(a)(1)(ii) for NRC review of Nuclear Energy Institute (NEI) 05-05, "Controller Guideline for Force-on-Force Exercise Simulations", Revision 5, Dated December 2015.

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)(ii):

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— . . . (ii) When the NRC, at the time the request/report is submitted, plans to use the information in response to an NRC request from the Office Director level or above to resolve an identified safety, safeguards, or environmental issue, or to assist the NRC in generic regulatory improvements or efforts (e.g., rules, regulatory guides, regulations, policy statements, generic letters, or bulletins).

Guidance document NEI 05-05, "Controller Guideline for Force-on-Force Exercise Simulations", Revision 5, will provide "how-to" guidance on good practices for the individuals who function as controllers, which are part of the group who plan, conduct and evaluate drills and exercises. This guidance is applicable for use during the performance of all drills and exercises. Existing guidance on this subject is currently captured in NEI 05-05, "Controller Responsibilities Guideline," Revision 4 and this guidance is insufficient to assure adequate guidance is provided for controlling drills and exercises during Force-on-Force (FOF) activities. Guidance document NEI 05-05, "Controller Guideline for Force-on-Force Exercise Simulations", Revision 5 provides updated guidance to address appropriate actions and therefore, the NRC concludes this document meets this requirements of this regulation because it will be used by the NRC in evaluating FOF drills and exercises conducted in accordance with Inspection Procedures 71130.03 and 71130.05 (that is, the NRC will use this information to assist the NRC in making generic regulatory improvements).

10 CFR 170.11(a)(13) All fee exemption requests must be submitted in writing to the Chief Financial Officer in accordance with 10 CFR 170.5, and the Chief Financial Officer will grant or deny 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 NRC review of NEI 05-05, "Controller Guideline for Force-on-Force Exercise Simulations", Revision 5 was submitted in writing by NEI; therefore, NEI's request meets this regulation.

The NRC staff concludes that NRC review of NEI 05-05, "Controller Guideline for Force-on-Force Exercise Simulations", Revision 5, for final NRC endorsement meets all criteria under 10 CFR 170.11(a)(1)(ii); therefore, the fee waiver request is approved. If you have any technical questions regarding this matter, please contact, Mr. Joseph Willis at 301-287-3667. Please contact Mr. William Blaney, of my staff, at 301-415-5092, for any fee-related questions.

Sincerely,

/RA/

Maureen E. Wylie
Chief Financial Officer

Subject: Letter to David Kline Response to Fee Waiver (NEI)

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