



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

OFFICE OF THE
CHIEF FINANCIAL
OFFICER

March 22, 2017

Ms. Susan Perkins-Grew
Senior Director
Security and Incident Preparedness
Nuclear Energy Institute
1201 F Street, NW, Suite 1100
Washington, DC 20004

Dear Ms. Perkins-Grew:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to Mr. David Kline's letter dated September 22, 2016, requesting a fee waiver under Title 10 of the *Code of Federal Regulations* (10 CFR) 170.11(a)(1)(ii) for NRC review and endorsement of Nuclear Energy Institute (NEI) 16-02, "Licensing Basis of Vital Equipment and Vital Areas" Revision 0, dated April 2016.

The NRC has established regulations for the granting of fee exemptions under 10 CFR 170.11, "Exemptions," which licensees may apply for, in accordance with 10 CFR 170.5, "Communications." The NRC staff has reviewed your request based on the following regulations, 10 CFR 170.11(a)(1)(ii) and 10 CFR 170.11(a)(13):

10 CFR 170.11(a) No application fees, license fees, renewal fees, 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).

10 CFR 170.11(a)(13) All fee exemption requests must be submitted in writing to the Chief Financial Officer in accordance with § 170.5,¹ and the Chief Financial Officer will grant or deny such requests in writing.

At the time of this submittal, the NRC created a working group to review the regulatory requirements and policy issues associated with the identification and definition of "vital areas" as discussed in 10 CFR 73.55(e)(9), with the possibility of revising the current regulatory guidance for nuclear power reactors. NEI submitted NEI 16-02 for NRC review and endorsement in response to the establishment of this working group.

The NRC has determined that NEI 16-02 was submitted for the purpose of assisting the NRC in generic regulatory improvements or efforts; and the related fee exemption request for NRC review of NEI 16-02, "Licensing Basis of Vital Equipment and Vital Areas" Revision 0, dated April 2016, was submitted in writing by NEI.

¹ 10 CFR 170.5 provides that "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."

Therefore, the NRC staff concludes that the NRC review of NEI 16-02, "Licensing Basis of Vital Equipment and Vital Areas" Revision 0, dated April 2016, for final NRC endorsement fulfills the criteria required by 10 CFR 170.11(a)(1)(ii) and 10 CFR 170.11(a)(13); and consequently, the fee waiver request is approved. If you have any technical questions regarding this matter, please contact, Ms. Alison Rivera at (301) 287-3750. 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 SUSAN PERKINS-GREW, NEI IN RESPONSE TO A FEE WAIVER
 DATED SEPTEMBER 22, 2016. (NEI 16-02), dated March 22, 2017

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