



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

OFFICE OF THE  
CHIEF FINANCIAL  
OFFICER

July 7, 2017

Ms. Tara Reinhart  
Skadden, Arps, Slate, Meagher & Flom LLP  
1440 New York Ave, NW, Suite 1100  
Washington, DC 20005

Dear Ms. Reinhart:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated May 31, 2017, requesting the NRC agree to waive all, or at least a portion of the fees invoiced to Skadden on invoice LFB 17-3231 under Title 10 of the *Code of Federal Regulations* (10 CFR) 170.11(b).

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(b) and 10 CFR 170.11(a)(13):

*10 CFR 170.11(b) The Commission may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of this part as it determines are authorized by law and are otherwise in the public interest. Applications for exemption under this paragraph may include activities such as, but not limited to, the use of licensed materials for educational or noncommercial public displays or scientific collections.*

*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,<sup>1</sup> and the Chief Financial Officer will grant or deny such requests in writing.*

LFB 17-3231 relates to costs that the NRC accrued in responding to your *Touhy* request. In the underlying lawsuit, the United States is the plaintiff, and the United States included an NRC employee on its preliminary witness list. This *Touhy* case is therefore distinguishable from the typical *Touhy* case where you have *Company X* suing *Company Y* with minimal (if at all) U.S. governmental interest in the litigation. Here, by contrast, you needed to take discovery from the NRC in part because of actions that the United States took as an opposing litigant. The NRC did not (and cannot) bill the United States for this work.

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<sup>1</sup> 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."

The incoming letter requesting the NRC agree to waive all, or at least a portion of the fees invoiced to Skadden on invoice LFB 17-3231 under 10 CFR 170.11(b), fulfills the criteria required by 10 CFR 170.11(b) and 10 CFR 170.11(a)(13); and consequently, a fee waiver is approved. If you have any questions regarding this matter, please contact, Mr. William Blaney, of my staff, at (301) 415-5092.

Sincerely,

*/RA/*

Maureen E. Wylie  
Chief Financial Officer

SUBJECT: LETTER TO TARA REINHART, REQUESTING THE NRC AGREE TO WAIVE ALL,  
OR AT LEAST A PORTION OF FEES INVOICED, DATED July 7, 2017

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