



CHIEF FINANCIAL  
OFFICER

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

March 1, 2018

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 your letter dated February 2, 2018, requesting a fee waiver under Title 10 of the *Code of Federal Regulations* (10 CFR) 170.11(a)(1)(ii) for review of Nuclear Energy Institute (NEI) White Paper, "Determination of a Site-Specific Security Bounding Time."

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

Background to this request, the NRC staff evaluated whether to provide credit for law enforcement response per the direction in Staff Requirements Memorandum (SRM)-SECY-16-0073, "Options and Recommendations for the Force-on-Force Inspection Program in Response to SRM-SECY-14-0088," dated October 5, 2016.

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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."

After finding that this would be a change in Commission policy, the staff committed to developing potential methodologies for providing credit and submitted a subsequent options paper to the Commission in SECY-17-0100, "Security Baseline Inspection Program Assessment Results and Recommendations for Program Efficiencies," dated October 4, 2017. The NEI white paper assists the NRC staff in developing potential options for crediting response by local, State, and Federal law enforcement.

The NRC staff concludes that the request of a fee waiver for review of NEI White Paper, "Determination of a Site-Specific Security Bounding Time," satisfies the exemption criteria required by 10 CFR 170.11(a)(1)(ii) and 10 CFR 170.11(a)(13); therefore, the fee waiver 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,

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Maureen E. Wylie  
Chief Financial Officer

SUBJECT: LETTER TO SUSAN PERKINS-GREW, NEI IN RESPONSE TO A FEE WAIVER DATED FEBRUARY 2, 2018. (NEI WHITE PAPER, "DETERMINATION OF A SITE-SPECIFIC SECURITY BOUNDING TIME"); RESPONSE LETTER DATED March 1, 2018

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**\*via e-mail CFO-0009**

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