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NUCLEAR ENERGY INSTITUTE

December 18, 2018

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

Subject: Fee Exemption Request for NEI 18-11, "Maintaining 10 CFR Part 95 Facility Clearances for Voluntary Program Participants," Dated November 2018

Dear Ms. Wylie:

The Nuclear Energy Institute (NEI),[1] on behalf of its members, will be submitting NEI 18-11, "Maintaining 10 CFR Part 95 Facility Clearances for Voluntary Program Participants," dated November 2018 for the U.S. Nuclear Regulatory Commission's (NRC) endorsement. Furthermore, NEI does not object to the NRC publishing the document once endorsed.

Following the terrorist attacks in 2001, the NRC invited certain facilities—including power reactors, certain fuel cycle facilities and NEI—to participate in a voluntary Facility Clearance (FCL) program that would allow access to classified information. Those licensees that agreed to participate in the voluntary program were required to obtain an FCL and personnel security clearances in accordance with the requirements in Title 10 of the Code of Federal Regulations (10 CFR) Part 95, "Facility Security Clearance and Safeguarding of National Security Information and Restricted Data." The NRC has not issued guidance related to the implementation of Part 95 for facilities in the voluntary program. NEI 18-11 is intended to provide guidance that may be used to maintain an NRC issued FCL for licensees that have voluntarily established a security program in accordance with 10 CFR Part 95.

NEI requests that the NRC's review of NEI 18-11 and any future submissions of the guidance document be granted a fee waiver pursuant to the provisions of 10 CFR 170.11. This document meets the exemption requirement in 10 CFR 170.11(a)(1)(iii)(A) in that it will "... assist the NRC in generic regulatory improvements or efforts (e.g., rules, regulatory guides, regulations, policy statements, generic letters, or bulletins)."

[1] The Nuclear Energy Institute (NEI) is responsible for establishing unified policy on behalf of its members relating to matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect and engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations involved in the nuclear energy industry.

If you have questions or require additional information, please contact me at (202) 739-8123 or wrg@nei.org.

Sincerely,

William R. Gross

c: Ms. Marissa Bailey, NSIR/DSO
Mr. Darryl Parsons, NSIR/DSO
NRC Document Control Desk