

**WILLIAM R. GROSS**  
*Director, Incident Preparedness*

1201 F Street, NW, Suite 1100  
Washington, DC 20004  
P: 202.739.8123  
wrg@nei.org  
nei.org



March 13, 2019

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

**Subject:** Fee Exemption Request for NEI 09-05, Revision 1, "Guidance on the Protection of Unattended Openings that Intersect a Security Boundary" and Associated Appendices

Dear Ms. Wylie:

The Nuclear Energy Institute (NEI),<sup>1</sup> on behalf of its members, will be submitting NEI 09-05, Revision 1, "Guidance on the Protection of Unattended Openings that Intersect a Security Boundary," and associated appendices for the U.S. Nuclear Regulatory Commission's (NRC) review and endorsement. The Definitions and Regulatory Basis sections of NEI 09-05, Revision 1, will be revised to include two-dimensional openings and three-dimensional pathways. This change will clarify for licensees unattended openings requiring physical protections described in 10 CFR 73.55.

NEI requests that the NRC's review of NEI 09-05, Revision 1, and associated appendices and any future submissions of this guidance document be granted a fee waiver pursuant to the provisions of 10 CFR 170.11. The document meets the exemption requirement in 10 CFR 170.11(a)(1)(ii) 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)." In this case, NRC review and endorsement of NEI 09-05, Revision 1, and associated appendices will provide a consistent approach to the protection of unattended openings that intersect a security boundary.

---

<sup>1</sup> The Nuclear Energy Institute (NEI) is the organization responsible for establishing unified industry policy on 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/engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

Ms. Maureen E. Wylie

March 13, 2019

Page 2

If you have questions or require additional information, please contact Lisa Hogg at (202) 739-8121 or [lh@nei.org](mailto:lh@nei.org).

Sincerely,

A handwritten signature in black ink that reads "William R. Gross". The signature is written in a cursive style with a large, stylized "W" and "G".

William R. Gross

c: Ms. Marissa Bailey, NSIR/DSO, NRC  
Mr. David Curtis, NSIR/CSD, NRC  
Mr. Doug Huyck, NSIR/DSO, NRC  
NRC Document Control Desk