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April 1, 2020

Ms. Cherish K. Johnson
Chief Financial Officer
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Fee Exemption Request for Review and Endorsement of NEI Submittals Related to Recommendations Identified in the NEI White Paper "Defining Spent Fuel Performance Margins"

Project Number: 689

Dear Ms. Johnson:

On November 8, 2019 NEI¹ submitted a letter (Agencywide Documents Access and Management System [ADAMS] Accession No. ML19318D970), and a white paper outlining proposed risk informed enhancements to the regulatory framework for spent nuclear fuel storage and transportation systems (ADAMS Accession No. ML19318D971). NRC responded to this white paper with a letter stating "(NRC) embraces the concept of applying risk principles and operating experience to identify areas of safety margin and to focus the NRC's reviews of spent fuel dry storage and transportation systems on the most safety significant issues. In this regard, the NRC agrees with the philosophy of the white paper." (ADAMS Accession No. ML19350A033)

Based on this agreement, industry and NRC have embarked on an effort to address the 16 recommendations contained in the white paper. This has resulted in a series of workshops which will, in turn, result in a number of specific actions to improve the safety focus of spent nuclear fuel dry storage licensing practices. Some of these actions will be implemented with little or no expenditure of resources, others will result in NEI submittals of documents and reports for NRC review and subsequent action – but when the entire effort is completed the net result is expected to be that improved safety focus will also improve regulatory efficiency and result in a net savings of resources.

Following the initial workshop, NRC suggested that to ensure appropriate agency resources are available for continued support of the effort, NEI should consider one of the following funding paths: (1) NEI will be billed for the NRC's effort to disposition each issue that will not be addressed under a formal NRC process,

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.

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or (2) NEI should submit a fee exemption request for these issues. Because NRC has indicated that there is mutual interest in pursuing these issues, and because these issues are intended to result in a net improvement in regulatory efficiency, we believe that a fee exemption is appropriate. We are therefore submitting this letter to request a blanket fee exemption to cover all activities stemming from the efforts described in ML19318D970, ML19318D971, and ML19350A033.

The NRC has an established regulation governing fee exemptions as stated in 10 CFR 170.11, "Exemptions." In accordance with 10 CFR 170.11, NEI requests fee exemptions for the review of all NEI submittals related to or arising from follow-actions related to the recommendations found in NEI Whitepaper "Defining Spent Fuel Performance Margins." Specifically, our fee exemption request is based on regulation 10 CFR 170.11(a)(1)(ii) which states: 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).

NEI believes that the effort to improve the safety focus on the spent nuclear fuel dry storage licensing process constitutes the exact type of generic regulatory improvement envisioned by 10 CFR 170.11. NRC reviews and other efforts conducted in response to the NEI White Paper "Defining Spent Fuel Performance Margins" will result in generic regulatory improvements and optimized allocation of resources on issues of greatest safety significance.

Please contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Mark A. Richter". The signature is written in a cursive, flowing style.

Mark A. Richter

c: John Lubinski, NMSS
Andrea Kock, NMSS, DFM