

**BENJAMIN HOLTZMAN**

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January 5, 2021

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 Industry Submittals of Guidance Related to Fuel Fragmentation Relocation and Dispersal Issues

**Project Number: 689**

Dear Ms. Johnson:

The nuclear industry is interested in deploying fuel with higher burnups in existing nuclear power plants. The NRC has held several public meetings (e.g., January 7<sup>th</sup> and 8<sup>th</sup> 2020) and a workshop on this topic, during which staff identified a concern that there may be insufficient data to determine higher burnup fuel behavior at approximately 75 GWd/MTU. Specifically, there is a concern related to fuel fragmentation, relocation, and dispersal (FFRD) under loss-of-coolant accident (LOCA) conditions for the proposed high burnup fuel.

On behalf of the industry, Nuclear Energy Institute (NEI)<sup>1</sup> has had several discussions with NRC on how to advance our mutual goals of establishing a stable and predictable licensing pathway for high burnup fuel that addresses FFRD. The NRC staff has indicated that there is mutual interest in the development of regulatory guidance to improve regulatory efficiency and has recommended that further direct engagements continue under an approved fee exemption to ensure appropriate agency resources are available as industry determine and submit proposed guidance for NRC review and approval. Therefore, in accordance with 10 CFR 170.11, we believe that a fee exemption is appropriate because the net result will be improved safety focus and a net savings of NRC resources. As such, NEI is submitting this letter to request a blanket fee exemption to cover all activities stemming from the efforts to license higher burnup fuel including issues associated with FFRD with the exception of fuel vendor topical report review and approval.

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<sup>1</sup> 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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January 5, 2021

Page 2

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 of nuclear fuel that reaches higher burnups and addresses uncertainty with FFRD constitutes the exact type of generic regulatory improvement envisioned by 10 CFR 170.11. NRC reviews and other efforts conducted to determine under what conditions a release of fuel particles under LOCA conditions for high burnup fuel 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, appearing to read "Ben Holtzman", with a long horizontal flourish extending to the right.

Ben Holtzman

c: Joe Donoghue, NRR  
Andrea Kock, NMSS  
Michael Case, RES  
NRC Document Control Desk