

STEPHEN J. VAUGHN

*Senior Project Manager,
Engineering and Risk*

1201 F Street, NW, Suite 1100
Washington, DC 20004
P: 202.739.8163
sjv@nei.org
nei.org



February 23, 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 NEI 17-06, "Guidance on Using IEC 61508 Safety Integrity Level (SIL) Certification to Support the Acceptance of Commercial Grade Digital Equipment for Nuclear Safety Related Applications"

Project Number: 689

Dear Ms. Johnson:

On February 23, 2021 NEI¹ submitted NEI 17-06, "Guidance on Using IEC 61508 Safety Integrity Level (SIL) Certification to Support the Acceptance of Commercial Grade Digital Equipment for Nuclear Safety Related Applications" to the staff for review. NEI 17-06 plays a key role in modernizing the digital instrumentation and control (DI&C) regulatory framework by providing licensees the opportunity to leverage the SIL accreditation and certification processes to streamline the commercial graded dedications for digital components. Based on discussions between the NRC and NEI at various public meetings in 2020, NEI 17-06 addresses the appropriate quality assurance and technical aspects needed to ensure that commercially dedicated digital components will perform their intended safety functions.

The development of NEI 17-06 began several years ago as Modernization Plan (MP) #3 under the NRC's DI&C Integrated Action Plan (IAP). As such, NEI believes that there is mutual interest in reviewing NEI 17-06 for potential NRC endorsement and that a fee exemption is appropriate. We are therefore submitting this letter to request a fee exemption to cover all activities involved in the review and endorsement of NEI 17-06.

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 a fee exemption for the review of NEI 17-06 based on regulation 10 CFR 170.11(a)(1)(ii), which states that no fees shall be required for special projects that are

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.

Ms. Cherish K. Johnson

February 23, 2021

Page 2

requests or reports submitted to the NRC “[w]hen 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 commercial grade dedication process for digital components 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 17-06 will result in generic regulatory improvements and optimized allocation of resources in oversight and implementing commercial grade digital components.

Please contact Steve Geier at seg@nei.org or (202) 765- 5813 should you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "S J Vaughn".

Stephen J. Vaughn

c: Dinesh Taneja, NRR
Serita Sanders, NRR