



CHIEF FINANCIAL  
OFFICER

UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

April 15, 2021

Mr. Jeffrey D. Greene  
Program Manager  
Electric Power Research Institute  
1300 West W.T. Harris Boulevard  
Charlotte, NC 28262

Dear Mr. Greene:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated March 3, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21063A426), requesting a fee exemption under Title 10 of the *Code of Federal Regulations* (10 CFR) 170.11(a)(1)(ii) for NRC review and endorsement of the Electric Power Research Institute (EPRI) Topical Report, "Use of Data Validation and Reconciliation Methods for Measurement Uncertainty Recapture," (EPRI 3002018337).

The NRC has established regulations for granting fee exemptions under 10 CFR 170.11, "Exemptions." An interested person may apply for an exemption under 10 CFR 170.11 in accordance with 10 CFR 170.5, "Communications."<sup>1</sup> The NRC staff reviewed your request based on the following regulations, 10 CFR 170.11(a)(1)(ii) and 10 CFR 170.11(a)(13):

*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).*

*10 CFR 170.11(a)(13) All fee exemption requests must be submitted in writing to the Chief Financial Officer in accordance with § 170.5, and the Chief Financial Officer will grant or deny such requests in writing.*

Your letter stated that "NRC review and endorsement and subsequent industry implementation of [EPRI 3002018337] will result in improvements to Nuclear Power Plant Core Thermal Power Monitoring, and as a topical report that is applicable to all current U.S. Nuclear Plant designs, may be referenced by each plant in a License Amendment Request (LAR) submittal, optimizing NRC allocation of resources for LAR review."

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<sup>1</sup> 10 CFR 170.5 provides that "All communications concerning the regulations in this part should be addressed to the NRC's Chief Financial Officer, either by mail to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; by hand delivery to the NRC's offices at 11555 Rockville Pike, Rockville, Maryland; or, where practicable, by electronic submission, for example, via Electronic Information Exchange, or CD-ROM."

EPRI 3002018337 is intended to establish the technical basis for using Data Validation and Reconciliation (DVR) Techniques for Measurement Uncertainty Recapture uprates and perform related evaluations to substantiate the uncertainty claims of the DVR process. The material contained within the report evaluates and outlines implementation of DVR as a means to reduce the uncertainty of determinations of nuclear power plant core thermal power and evaluate the DVR for use in a measurement uncertainty recapture uprate.

The NRC staff has reviewed the request, and based on the information provided, the NRC staff does not plan to use EPRI 3002018337 to assist the NRC in generic regulatory improvements or efforts. The primary purpose of EPRI 3002018337 appears to be to assist licensees in justifying LARs for power increases and not to assist the NRC in generic regulatory improvements or efforts. The NRC has charged 10 CFR Part 170 fees for NRC review activities associated with topical reports in similar circumstances. Because the criteria in 10 CFR 170.11(a)(1)(ii) are not satisfied, I am denying your request for a fee exemption to cover activities associated with the NRC's review and potential endorsement of EPRI 3002018337.

If you have any technical questions regarding this matter, please contact Mr. Joseph Holonich at 301-415-7297. For any fee-related questions, please contact Ms. Jo Jacobs, of my staff, at 301-415-8388.

Sincerely,

Cherish K. Johnson  
Chief Financial Officer

SUBJECT: LETTER TO JEFFREY GREENE RESPONSE TO FEE EXEMPTION EPRI  
3002018337, DATED: April 15, 2021

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ML21076A037 (letter)**

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