



CHIEF FINANCIAL
OFFICER

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

June 22, 2021

Mr. Jeffrey D. Greene
Program Manager
Electric Power Research Institute
1300 West W.T. Harris Boulevard
Charlotte, NC 28262-8550

Dear Mr. Greene:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated April 30, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21123A031), requesting a fee exemption under Section 170.11(a)(1)(ii) of Title 10 of the *Code of Federal Regulations* (10 CFR) for NRC review of the Electric Power Research Institute (EPRI) Technical Report, "Susceptibility of Valve Applications to Failure of the Stem-to-Disk Connection" (EPRI 3002019621), which was submitted to the NRC on April 28, 2021.

The NRC has established regulations for the granting of fee exemptions under 10 CFR 170.11, "Exemptions," which may be applied for in accordance with 10 CFR 170.5, "Communications."¹ The NRC staff has 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.

First, I want to note that although your letter states that the submittal of this report for NRC review comes at the request of the NRC by Michael Farnan, this does not meet the first criterion in 10 CFR 170.11(a)(1)(ii) because there was not an NRC request by an Office Director or a person in a position above that level to resolve an identified safety, safeguards, or environmental issue. However, the NRC has reviewed your request to determine if it would

¹ 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."

satisfy the second criterion in 10 CFR 170.11(a)(1)(ii), which applies if the NRC plans to use the information to assist the NRC in generic regulatory improvements or efforts (e.g., rules, regulatory guides, regulations, policy statements, generic letters, or bulletins).

Your letter stated that EPRI developed Technical Report 3002019621 in response to a new rulemaking concerning requirements set forth in American Society of Mechanical Engineers (ASME) *Operation and Maintenance of Nuclear Power Plants* (OM Code), Subsection ISTC, paragraph ISTC-3700, pertaining to position verification testing when licensees adopt the 2012 and later editions of the ASME OM Code. Your letter noted that the EPRI report was developed in parallel with the new ASME Code Case OMN-28, which proposes an alternative to ISTC-3700 by evaluating valve susceptibility to stem-disk separation. If the NRC staff approves the ASME OM Code Case, it is expected that many licensees will use the EPRI report as the technical basis for the evaluation of their valves. Your letter also stated that a documented review and position on EPRI Technical Report 3002019621 would allow for regional inspectors to become familiar with the EPRI report and understand what is needed when a licensee completes an engineering analysis of a valve's susceptibility to failure.

The NRC staff is aware that licensees are planning to use EPRI Technical Report 3002019621 to develop their justification that specific valves within the scope of their Inservice Testing Program have a stem-disk connection that is not susceptible to separation. The NRC staff's review of EPRI Technical Report 3002019261 meets the criteria under 10 CFR 170.11(a)(1)(ii) because, if found acceptable for use, the staff plans to use the report as part of a generic regulatory effort to address valve position indication testing for valves within the scope of the ASME OM Code that have a stem-disk connection which is not susceptible to separation. If the EPRI report is determined to be acceptable based on the NRC staff's review, the NRC staff will develop a regulatory issue summary or other documented position to describe the implementation of EPRI Technical Report 3002019621 to allow generic resolution of this regulatory issue. Thus, the NRC staff concludes that EPRI Technical Report 3002019261, if found acceptable for use, would assist the NRC in generic regulatory improvements or efforts; therefore, the fee exemption request is approved.

If you have any technical questions regarding this matter, please contact Mr. Thomas Scarbrough at 301-415-2794. Please contact Mr. William Blaney, of my staff, at 301-415-5092 for any fee-related questions.

Sincerely,

Cherish K. Johnson
Chief Financial Officer

SUBJECT: LETTER TO J. GREENE RESPONSE TO FEE WAIVER EPRI TECHNICAL
REPORT 3002019261 PAPER DATED: June 22, 2021

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