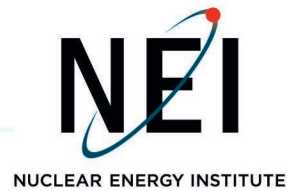


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May 13, 2021

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

**Subject:** Fee Exemption Request for Updating Guidance to Address the Industrywide Learning Aging Management Program

**Project Number: 689**

Dear Ms. Johnson:

In 2016, the Nuclear Energy Institute (NEI)<sup>1</sup> submitted NEI 16-03, "Guidance for Monitoring of Fixed Neutron Absorbers in Spent Fuel Pools" for the NRC's review and endorsement. NEI 16-03 provides guidance for monitoring programs for fixed neutron absorbers in spent fuel pools to demonstrate compliance with 10 CFR 50.68 with respect to the neutron absorbing materials. On March 3, 2017,<sup>2</sup> the NRC staff endorsed NEI 16-03, Revision 0, for referencing in nuclear power plants licensing applications. NEI believes that there is mutual interest in updating NEI 16-03 and that a fee exemption under 10 CFR 170.11(a) is appropriate. NEI is therefore submitting this letter to request that the NRC's review of NEI 16-03, Revision 1 be granted a fee waiver pursuant to 10 CFR 170.11(a)(1)(ii), consistent with the NRC's waiver granted for NEI 16-03, Revision 0. As demonstrated below, NEI 16-03, Revision 1 meets the exemption requirements in that it will "...assist the NRC in generic regulatory improvements or efforts (e.g., rules, regulatory guides, regulations, policy statements, generic letters, or bulletins)."<sup>3</sup>

In April 2016, the NRC issued Generic Letter (GL), 2016-01, "Monitoring of Neutron-Absorbing Materials in Spent Fuel Pools."<sup>4</sup> In discussions concerning the implementation of GL 2016-01, NRC staff requested that industry issue guidance providing licensees with an acceptable approach to develop neutron absorber programs. NEI 16-03 was developed to provide acceptable methods for monitoring neutron absorbers in

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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.

<sup>2</sup> ML16354A486

<sup>3</sup> 10 CFR 170.11(a)(1)(ii).

<sup>4</sup> ML16097A169

spent fuel storage racks at nuclear power plants. Additionally, the industry, through the Electric Power Research Institute (EPRI), voluntarily initiated the industrywide learning aging management program (i-LAMP). In 2018, these efforts resulted in the NRC closing GL 2016-01 with the NRC closure letter<sup>5</sup> specifically recommending to:

*"continue to engage with industry through the EPRI Neutron Absorber Users Group to stay abreast of industry operating experience and research involving the condition of neutron-absorbing materials installed in spent fuel pools, including the continued development and use of the EPRI program established to monitor industrywide operating experience."*

Activities under i-LAMP now need to be incorporated into NEI 16-03 guidance so that all reactors have regulatory certainty and predictability to ensure there is no unidentified or unmitigated degradation of neutron-absorbing materials via an agreed-upon method. By incorporating i-LAMP into NEI 16-03, Revision 1 NRC would set clear and predictable regulatory guidance for utilities to follow, ensuring a consistent approach that will save NRC resources. Further, the update to NEI 16-03 will allow the NRC to resolve an identified safety issue and assist the NRC in generic regulatory improvements that had been identified in GL 2016-01. The effort to improve the safety of spent fuel pools through the implementation of the EPRI i-LAMP into the NEI 16-03 guidance constitutes the exact type of generic regulatory improvement envisioned by 10 CFR 170.11.

As noted above, the NRC previously approved NEI's fee waiver request for the review of NEI 16-03, Revision 0. NRC's July 14, 2016 letter<sup>6</sup> to NEI notes that

*"the NRC is the primary beneficiary of NEI 16-03 because, if endorsed, the NRC will utilize NEI 16-03 as a guidance document for developing and monitoring programs for neutron absorbers in spent fuel pools. NEI 16-03 will assist the NRC in completing the process of updating and stabilizing the regulatory framework governing spent fuel pools through publication of the planned regulatory guide."*

NEI believes this statement continues to be true. Incorporating i-LAMP into NEI 16-03, Revision 1 continues the work to improve the safety of spent fuel pools and aligns with the NRC's desire, as outlined in the GL 2016-01 closure letter, to continue to engage with industry and develop EPRI's work.

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<sup>5</sup> ML18317A374

<sup>6</sup> ML16172A189

Ms. Cherish K. Johnson

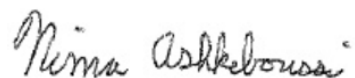
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In summary, the information in this letter demonstrates that the criteria in 170.11 (a)(1)(ii) has been satisfied and a fee exemption is appropriate for the review of NEI 16-03, Revision 1 and the EPRI topical report on i-LAMP.

Please contact me should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Nima Ashkeboussi".

Nima Ashkeboussi

c: Joe Donoghue, NRR  
Robert Lukes, NRR  
NRC Document Control Desk