



CHIEF FINANCIAL
OFFICER

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

June 22, 2021

Mr. Nima Ashkeboussi
Senior Director
Fuel and Radiation Safety
Nuclear Energy Institute
1201 F Street NW, Suite 1100
Washington, DC 20004

Dear Mr. Ashkeboussi:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated May 13, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21134A014), 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 Nuclear Energy Institute (NEI) 16-03, Revision 1, "Guidance for Monitoring of Fixed Neutron Absorbers in Spent Fuel Pools."

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." 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 § 170.5,¹ and the Chief Financial Officer will grant or deny such requests in writing.

In April 2016, the NRC issued to all power and non-power reactor licensees Generic Letter (GL), 2016-01, "Monitoring of Neutron-Absorbing Materials in Spent Fuel Pools" (ADAMS Accession No. ML16097A169). In discussions concerning the implementation of GL 2016-01, NRC staff requested that NEI, on behalf of the nuclear industry, issue guidance providing licensees with an acceptable approach to develop neutron absorber programs. NEI 16-03, "Guidance for

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."

Monitoring of Fixed Neutron Absorbers in Spent Fuel Pools” was developed to provide acceptable methods for monitoring neutron absorbers in spent fuel storage racks at nuclear power plants. The NRC granted a fee exemption (ADAMS Accession No. ML16172A189) for the review of NEI 16-03, Revision 0 and subsequently endorsed the guidance (ADAMS Accession No. ML16354A486).

Your letter dated May 13, 2021, requests a fee exemption for the review of a NEI 16-03, Revision 1. The proposed revision would incorporate information from Electric Power Research Institute Industrywide Learning Aging Management Program (i-LAMP). Incorporation of the data from i-LAMP into NEI 16-03, Revision 1 will facilitate the goal of establishing straightforward and systematic regulatory guidance for utilities to follow, ensuring a consistent approach that will ultimately conserve NRC resources. If endorsed, the NRC will utilize NEI 16-03, Revision 1 as a guidance document for developing monitoring programs for neutron absorbers in spent fuel pools. In addition, NEI 16-03, Revision 1 will assist the NRC in the process of updating and stabilizing the regulatory framework governing spent fuel pools.

NRC staff reviewed the fee exemption request and determined that NRC review and potential endorsement of NEI 16-03, Revision 1, “Guidance for Monitoring of Fixed Neutron Absorbers in Spent Fuel Pools,” meets the criteria under 10 CFR 170.11(a)(1)(ii), as the review of the document will assist the NRC in generic regulatory improvements or efforts; therefore, the fee exemption request is approved. This approval is not transferrable to any future revisions to NEI 16-03. Any future revisions to NEI 16-03 can be submitted separately for a fee exemption consideration.

If you have any technical questions regarding this matter, please contact Matthew Yoder at 301-415-4017. For any fee-related questions, please contact Jo Jacobs, of my staff, at 301-415-8388.

Sincerely,

Cherish K. Johnson
Chief Financial Officer

SUBJECT: LETTER TO NIMA ASHKEBOUSSI RESPONSE TO FEE EXEMPTION REQUEST
NEI 16-03, REVISION 1; DATED: June 22, 2021

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**ADAMS Accession No: ML21146A258 (pkg); ML21134A014 (incoming);
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