



CHIEF FINANCIAL
OFFICER

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

August 16, 2021

Ms. Susan H. Perkins
Senior Director
Nuclear Security and Incident Preparedness
Nuclear Energy Institute
1201 F Street, NW, Suite 1100
Washington, DC 20004

Dear Ms. Perkins:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated July 12, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21194A375) requesting a fee exemption under Title 10 of the *Code of Federal Regulations* (10 CFR) 170.11(a)(1)(ii) to cover activities associated with the review of NEI White Paper, "Enabling Remote Response for Members of an Emergency Response Organization."

The NRC has established regulations for the granting of 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.

NEI White Paper, "Enabling Remote Response for Members of an Emergency Response Organization," (NEI White Paper) provides guidance to nuclear power plant operators for development of site specific emergency plans to meet the requirements of 10 CFR 50.47(b), related sections of 10 CFR Part 50, Appendix E, "Emergency Planning and Preparedness 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."

Production and Utilization Facilities,” and the associated planning elements of NUREG-0654/FEMA-REP-1, Revision 2, *Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants*, December 2019. If approved by the NRC, the NEI White Paper would promote a consistent approach to the development of emergency plans, and increase the efficiency of NRC staff review and approval of emergency classification changes as required by 10 CFR Part 50.54(q)(4).

Additionally, this consistent approach to scheme development would increase the efficiency of emergency preparedness inspection activities under the Reactor Oversight Process. It would also improve activities under the Reactor Licensing Process, such as more standardized applications and a potential decrease in requests for information. If the NEI White Paper is endorsed, enhanced guidance on acceptable methods will help ensure licensees provide the NRC with the necessary information to perform safety evaluations related to proposed emergency response organization (ERO) changes that could rely on remote response for certain ERO positions. In the absence of the proposed NEI White Paper, the NRC would likely develop and issue guidance on the development of ERO site-specific emergency classification schemes. NEI would make the final version of the NEI White Paper available for use by both NEI members and non-members at no cost. As such, the NEI White Paper would be accessible for power reactors, including non-NEI members at no cost. This guidance would provide a consistent approach to developing emergency plans that utilize remote response for certain ERO members.

The NRC staff have reviewed the fee exemption request and determined that NRC review and potential endorsement of the draft NEI White Paper meets the criteria under 10 CFR 170.11(a)(1)(ii) because the NEI White Paper 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 of the NEI White Paper. Any future revisions to the NEI White Paper can be submitted separately for fee exemption consideration.

If you have any technical questions regarding this matter, please contact Mr. Ray Hoffman at 301-287-3764. Please contact Ms. Jo Jacobs, of my staff, at 301-415-8388, for any fee-related questions.

Sincerely,

/RA/

Cherish K. Johnson
Chief Financial Officer

SUBJECT: RESPONSE TO FEE EXEMPTION REQUEST FOR NEI WHITE PAPER,
 "ENABLING REMOTE RESPONSE FOR MEMBERS OF AN EMERGENCY
 RESPONSE ORGANIZATION," DATED: August 16, 2021

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