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March 2, 2022

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

Subject: Fee Exemption Request for Industry Guidance Proposal – Weather Related Administrative Controls During Transient Outdoor Dry Cask Operations

Project Number: 689

Dear Ms. Johnson:

The Nuclear Energy Institute (NEI)¹, on behalf of its members, submitted NEI 22-02, "Guidelines for Weather-Related Administrative Controls for Short Duration Outdoor Dry Cask Storage Operations,"² for NRC review and endorsement. This guidance has been developed as a follow up to discussions held at a November 9, 2021, public meeting between industry and NRC on approaches to addressing tornado hazards during short-duration dry cask outdoor operations. During this meeting, a subsequent public meeting on February 16, and in interactions between NRC inspectors and industry representatives at various plants, it has become apparent that both NRC and industry would benefit from greater clarity regarding the administrative controls that industry employs to assure that certain short-term dry cask operations are not conducted outdoors during times that severe weather is forecast.

NEI believes that clarity on this subject can be provided through NRC review and approval of guidance that will describe acceptable industry methods for relying on weather forecasting to assure that short-duration dry cask outdoor loading operations are not started when severe weather is expected and that such operations can be restored to an analyzed configuration if weather forecasts subsequently change.

The NRC has an established regulation governing fee exemptions as stated in 10 CFR 170.11, "Exemptions." In accordance with 10 CFR 170.11. Specifically, our fee exemption request is based on the following regulations, 10 CFR 170.11(a)(1)(ii) and 10 CFR 170.11(a)(13) which state, "10 CFR 170.11(a) No

¹ 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.

² ML22048A581

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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). Endorsement of this guidance would represent a significant generic regulatory improvement that would accrue substantial resource savings over the current approach.”

Since NRC questions about this issue have arisen in the context of recent inspections conducted with respect to 10 CFR 72.48, “Changes, Tests, and Experiments,” industry considers NEI 22-02 to be a complimentary resource to NRC endorsed industry guidance document NEI 12-04, Revision 2, “Guidance for Implementation of 10 CFR 72.48, ‘Changes, Tests, and Experiments.’” We believe that NRC endorsement of NEI 22-02 would provide a vehicle to achieve a documented resolution to NRC inspector questions raised about protection of Dry Storage Systems from natural phenomena during transient outdoor operations.

NEI 12-04 was reviewed and endorsed by NRC under a fee waiver, granted pursuant to 10 CFR 170.11(a)(1)(ii). We believe that this needed addition to industry’s 10 CFR 72.48 guidance should be similarly reviewed. NEI is therefore requesting that the NRC’s review of this proposed companion document to NEI 12-04, Revision 2, be granted a fee waiver pursuant to 10 CFR 170.11(a)(1)(ii), consistent with the NRC’s waiver granted for NEI 12-04, Revision 2.

Please contact me or Mark Richter of my staff (mar@nei.org) with any questions regarding this request.

Sincerely,



Rod McCullum

c: John Lubinski, NMSS, NRC