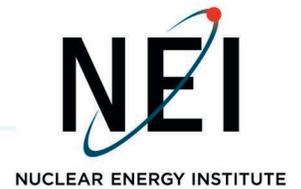


RODNEY MCCULLUM
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July 26, 2022

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

Subject: Full 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 to provide improved 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.

NRC staff is currently concluding its acceptance review of NEI 22-02. NEI has responded to NRC staff requests for supplemental information (RSIs) and this response was discussed with staff during a public meeting on July 18, 2022. The NRC staff's review of NEI's responses to the RSIs is covered by the partial fee exemption granted by the Chief Financial Officer (CFO) in her April 12, 2022, letter to NEI.³ In that letter, the CFO granted NEI's fee exemption request "for the NRC's initial review of the activities required to supplement NEI 22-02 prior to docketing."

We believe that NEI's response to the RSIs supports the docketing and review of NEI 22-02 for endorsement by the NRC. Further, we believe that the staff's endorsement review of NEI 22-02 would meet the criteria for a fee exemption under 10 CFR 170.11(a)(1)(ii). Specifically, section 170.11(a)(1)(ii) states that no fees will be

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

³ Letter to R. McCullum (NEI) from C.K. Johnson (NRC), April 12, 2022 (ML22076A256)

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required for a special project submitted in the form of a request or report when such request or report will be used "to assist the NRC in generic regulatory improvements or efforts."

In the April 12 letter referenced above, the NRC explained that a partial exemption was being issued because NRC endorsement of NEI 22-02 "may promote a consistent approach to meeting regulatory requirements and increase the efficiencies of NRC's reviews of evaluations and CoC amendments," but that the agency required supplemental information prior to docketing the document for endorsement review. NEI has responded to the staff's RSIs, and we understand that the staff is now prepared to make a docketing decision on NEI 22-02.

We, therefore, ask that the partial fee exemption granted in the CFO's April 12 letter be extended to cover the post-docketing endorsement review of NEI 22-02, or (if necessary) that a new fee exemption be issued to cover the endorsement review of NEI 22-02 once it is docketed by the NRC staff.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Rod McCullum", written in a cursive style.

Rod McCullum

c: John Lubinski, NMSS, NRC