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January 26, 2023

Mr. James Corbett  
Chief Financial Officer  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Subject:** Fee Exemption Request for NEI 03-12, Revision 8 "Template for the Security Plan, Training and Qualification Plan, Safeguards Contingency Plan, Independent Spent Fuel Storage Installation Facilities Security Program and, Security Measures During New Reactor Construction Within the Owner Controlled Area and, Security Measures for a Green Site During New Reactor Construction"

**Project Number: 689**

Dear Mr. Corbett:

The Nuclear Energy Institute (NEI)<sup>1</sup>, on behalf of its members, is writing to request a waiver of fees associated with the NRC staff's review and endorsement of NEI 03-12, Revision 8, "Template for the Security Plan, Training and Qualification Plan, Safeguards Contingency Plan, Independent Spent Fuel Storage Installation Facilities Security Program and, Security Measures During New Reactor Construction Within the Owner Controlled Area and, Security Measures for a Green Site During New Reactor Construction."

NEI 03-12, Revision 8 will incorporate the previously NRC-approved and endorsed Section 21, "Compensatory Measures," Security Frequently Asked Questions, and other NEI and NRC guidance impacting the Security Plan Template since its last revision in 2010. This revision will also include editorial and conforming changes to more closely align the guidance regulatory structure set forth in 10 CFR 73.55.

In addition, Revision 8 will include six revised or new appendices. Appendix A (Glossary of Terms and Acronyms), B (Security Training & Qualification Plan), and C (Safeguards Contingency Plan) will be submitted with the initial NEI 03-12, Revision 8 request. Appendices D (Security & Contingency Plan for

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<sup>1</sup> The Nuclear Energy Institute (NEI) is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

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ISFSI), E (New Construction within Owner Controlled Area), and F (Green Site New Construction) will be developed and submitted later in 2023 for review and endorsement.

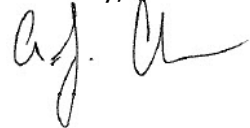
Finally, NEI is developing a white paper pertaining to systems used as early warning system or to establish security owner-controlled areas or restricted owner-controlled areas. This white paper will provide guidance to assist licensees in providing an adequate level of detail describing these systems in their security plan. This white paper will be included in NEI 03-12, Revision 8 (Section 7) upon completion and dependent on NRC review progress, will be incorporated into Revision 8 for NRC endorsement.

NEI requests that the NRC's review of the document, and any future submissions of associated guidance documents, be granted a fee waiver pursuant to the provisions of 10 CFR 170.11. The document meets the exemption requirement in 10 CFR 170.11(a)(1)(ii) 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)." In this case, NRC review and endorsement of NEI 03-12, Revision 8 will improve the effectiveness and efficiency of licensee and future applicant physical security programs and the NRC's licensing and oversight functions. Specifically, NEI 03-12, Revision 8 provides guidance that allows sites the ability to align their physical security program with all applicable regulation/guidance in a manner that compiles the most current requirements, allows flexibility for sites to be site-specific in meeting requirements and when final, will contain six appendices that provide a diverse array of templates for each applicable current and/or future licensee.

NEI 03-12, Revision 8 contains safeguards information and must be withheld from public disclosure in its entirety, pursuant to 10 CFR 73.21 and 73.22. To ensure industry access, NEI will make the document available to all NEI members and to non-NEI members for a reasonable fee.

If you have any questions or require additional information, please contact me by phone at 202.285.2085 or by email at [ajc@nei.org](mailto:ajc@nei.org)).

Sincerely,



AJ Clore

c: Mr. Anthony Bowers, NSIR/DPCP  
Ms. Caty Nolan, NSIR/DPCP/RSB  
Ms. Amanda Marshall, NSIR/DPCP/RSB  
NRC Document Control Desk