



CHIEF FINANCIAL  
OFFICER

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

June 27, 2024

Rex Meeden, PMMP EC Chairman  
Arizona Public Service  
Robert O. McGill, MRP Program Manager  
Electric Power Research Institute  
Palo Alto Office  
3420 Hillview Avenue  
Palo Alto, CA 94304-1338

SUBJECT: LETTER TO THE ELECTRIC POWER RESEARCH INSTITUTE IN RESPONSE  
TO A REQUEST FOR A FEE EXEMPTION FOR MATERIALS RELIABILITY  
PROGRAM (MRP)-484, "GUIDANCE ON TIMING FOR TECHNICAL  
SPECIFICATIONS REVISION FOLLOWING SURVEILLANCE CAPSULE  
TESTING"

Dear Rex Meeden and Robert McGill:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated February 23, 2024, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML24068A058), requesting a fee exemption under Title 10 of the *Code of Federal Regulations* (10 CFR) 170.11(a)(1)(ii) and 10 CFR 170.11(b) for the NRC staff's review of Electric Power Research Institute (EPRI) Materials Reliability Program, "Guidance on Timing for Technical Specifications Revision Following Surveillance Capsule Testing" (MRP-484).

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."<sup>1</sup> The NRC staff reviewed your request based on the regulations in 10 CFR 170.11(a)(1)(ii), 10 CFR 170.11(b), and 10 CFR 170.11(d).

Section 170.11(a)(1)(ii) states:

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 to assist the NRC in generic regulatory improvements or efforts (e.g., rules, regulatory guides, regulations, policy statements, generic letters, or bulletins).

Section 170.11(b) states:

The Commission may, upon application by an interested person, or upon its own

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<sup>1</sup> 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."

initiative, grant such exemptions from the requirements of this part as it determines are authorized by law and are otherwise in the public interest. Applications for exemption under this paragraph may include activities such as, but not limited to, the use of licensed materials for educational or noncommercial public displays or scientific collections.

Section 170.11(d) states:

All fee exemption requests must be submitted in writing to the Chief Financial Officer in accordance with § 170.5, and the Chief Financial Officer will grant or deny such requests in writing.

Your letter states the NRC's one-time review of EPRI Report MRP-484 document should reduce the staff effort required for expedited individual plant Technical Specifications reviews, while substantially decreasing the burden on U.S. pressurized water reactor (PWR) utilities to generate these revisions, where necessary, in an expedited fashion. Your letter also states that EPRI Report MRP-484 will support future NRC staff review planning for both surveillance capsules and Technical Specifications updates, within the 5-year post capsule testing interval, because the report gives a detailed overview of the next planned capsule for each plant that is planning to perform further capsule testing under Appendix H across the entire PWR fleet.

In order to be eligible for the fee exemption in Section 170(a)(1)(ii), the NRC, at the time the request/report is submitted, must plan to use the information to assist the agency in a generic regulatory improvement or effort. NRC staff issued a non-acceptance letter on June 14, 2024 (ML24152A124), stating that EPRI Report MRP-484 is not a topical report and is not accepted for review under the topical report process.

Therefore, since the NRC did not accept EPRI Report MRP-484 for review under the topical report process, I conclude that your request to exempt review fees for NRC review of EPRI Report MRP-484, does not meet the criteria under 10 CFR 170.11(a)(1)(ii) and 10 CFR 170.11(b) since the NRC will not use the information in EPRI Report MRP-484 to assist the agency in a generic regulatory improvement or effort; therefore, the fee exemption request is denied.

If you have any technical questions regarding this matter, please contact Lois James at 301-415-3306. Please contact Billy Blaney, of my staff, at 301-415-5092 for any fee-related questions.

Sincerely,



Benner, Eric signing on behalf  
of Golder, Jennifer  
on 06/27/24

Jennifer M. Golder  
Acting Chief Financial Officer

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