



CHIEF FINANCIAL
OFFICER

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

August 14, 2025

Marcus Nichol, Executive Director
New Nuclear Energy Institute
1201 F Street NW, Suite 1100
Washington, DC 20004

SUBJECT: RESPONSE TO THE NUCLEAR ENERGY INSTITUTE'S REQUEST FOR A
FEE EXEMPTION FOR NEI 25-05, REVISION 0: "FABRICATION OF ASME
CODE ITEMS PRIOR TO THE IDENTIFICATION OF AN OWNER/LICENSEE"

Dear Mr. Nichol:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated July 11, 2025, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML25192A127), requesting a fee exemption under Title 10 of the *Code of Federal Regulations* (10 CFR) 170.11(a)(1)(ii) for the NRC's review and endorsement of NEI 25-05, Revision 0, "Fabrication of ASME Code Items Prior to the Identification of an Owner/Licensee," and all associated review activities, including meetings and supplemental submittals. Based on the following analysis, I am granting your request for a fee exemption under 10 CFR 170.11(a)(1)(ii) for the NRC's review of NEI 25-05, Revision 0. This fee exemption is only applicable to Revision 0 and does not apply to the NRC's review of future submissions of NEI 25-05.

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."¹ The NRC staff reviewed your request based on the regulations in 10 CFR 170.11(a)(1)(ii) 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).

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."

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.

In your letter, you state that this guidance supports generic regulatory improvements by enabling consistent application of NRC requirements for a new business model that is being pursued by numerous companies, which will result in predictable and consistent regulatory treatment and avoid the need for case-by-case NRC approvals. This guidance is also an important aspect of the Rapid High Volume Deployable Reactor framework.

The NRC staff reviewed the fee exemption request and agreed that NEI 25-05, Revision 0, if endorsed, would assist the NRC in providing a generic regulatory improvement by establishing a regulatory path for licensees seeking to use American Society of Mechanical Engineers (ASME) Code items fabricated prior to identification of an Owner (i.e., licensee). Specifically, if endorsed, Revision 0, of NEI 25-05 would provide the basis for a future licensee to accept ASME Code items that were fabricated prior to being under contract by an NRC licensee and/or applicant.

Therefore, I am granting your request for a fee exemption under 10 CFR 170.11(a)(1)(ii) for the NRC's review of NEI 25-05, Revision 0, because this revision will assist the NRC with generic regulatory improvements or efforts. This approval is not applicable to any future revisions of NEI 25-05. If NEI submits future revisions for review, NEI may submit a fee exemption request for the endorsement review at that time. Consistent with its regulations, the NRC will evaluate a fee exemption request for NRC review of a document at the time such document is submitted to the NRC for review.

If you have any technical questions regarding this matter, please contact Yamir Diaz-Castillo at 301-415-2228. Please contact Billy Blaney, of my staff, at 301-415-5092 for any fee-related questions.

Sincerely,



Signed by Carroll, Christopher
on 08/14/25

Christopher D. Carroll
Acting Chief Financial Officer

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