

November 19, 2003

MEMORANDUM TO: James E. Dyer, Director
Office of Nuclear Reactor Regulation

Ashok C. Thadani, Director
Office of Nuclear Regulatory Research

FROM: Jesse L. Funches /RA/
Chief Financial Officer

SUBJECT: FEE WAIVER FOR PILOT APPLICATION OF APPROACH
PROPOSED IN DG-1122, "DETERMINING THE TECHNICAL
ADEQUACY OF PRA RESULTS FOR RISK-INFORMED
ACTIVITIES," AND THE ASSOCIATED DRAFT STANDARD
REVIEW PLAN (SRP) SECTION

I am responding to an e-mail from Michael Tschiltz, dated October 30, 2003, requesting assistance with a fee waiver for the review of the pilot application(s) for the approach proposed in DG-1122, "Determining the Technical Adequacy of PRA Results for Risk-Informed Activities," and the Associated Draft Standard Review Plan (SRP) section. This request was based on an earlier memorandum from the Office of Nuclear Regulatory Research (RES), dated August 29, 2002, asking the Office of Chief Financial Officer (OCFO) for comments on this proposed fee waiver. The OCFO responded to this request by providing input to Mr. Alan Kuritzky on September 3, 2002. No further action was requested by RES on this issue until Mr. Tschiltz's October 30, 2003, request for assistance.

Mr. Thadani's August 29, 2002 memorandum states that the application will assist in generic development of regulatory guidance and the lessons learned will be documented and reflected in the final regulatory guide. The draft regulatory guidance DG-1122 and associated draft was published in the *Federal Register Notice*, Volume 67, Number 243, Page 77530 on December 18, 2002, for public comments. On July 18, 2003, SECY-03-0122, "Policy Issue Information," was issued to provide the Commission with the status of the draft regulatory guide and the associated draft standard review plan. For reasons stated below, I am granting your request for a fee waiver in accordance with 10 CFR 170.11(b)(1).

Your fee waiver request is predicated on 10 CFR Part 170.11(b)(1), which states that "The Commission may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirement of this part as it determines are authorized by law and are otherwise in the public interest." Your request is also based on the following considerations: 1) the staff believes that the pilot program will help provide more experience and detailed insight into the approach proposed in DG-1122 and the associated draft SRP section ; 2) this program will assist the staff in developing a draft regulatory guide, and the lessons learned from the pilot application will be documented and reflected in the final

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regulatory guide; and 3) the experience and insights gained from the practical application(s) of the approach proposed in DG-1122 and the associated draft SRP section will support the staff's risk probabilistic assessment (PRA).

Based on the foregoing information, I am granting a fee waiver for the expected six pilot applications of the approach proposed in DG-1122 and the associated draft SRP section in accordance with 10 CFR Part 170.11(b)(1).

If you have any questions regarding this matter, please contact Shirley Crutchfield of my staff at 301-415-6097.

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Based on the foregoing information, I am granting a fee waiver for the expected six pilot applications of the approach proposed in DG-1122 and the associated draft SRP section in accordance with 10 CFR Part 170.11(b)(1).

If you have any questions regarding this matter, please contact Shirley Crutchfield of my staff at 301-415-6097.

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M.E. Poteat, OCFO/DFM/LFT
M. Rubin, NRR
M. Tschiltz, NRR
D. Harrison, NRR
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