



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

May 6, 2016

OFFICE OF THE  
CHIEF FINANCIAL  
OFFICER

Mr. John C. Butler  
Senior Director, Strategic Programs  
Nuclear Energy Institute  
1201 F Street, NW, Suite 1100  
Washington, DC 20004

Dear Mr. Butler:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated November 4, 2015, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15308A519) requesting a fee waiver under Title 10 of the *Code of Federal Regulations* (10 CFR) 170.11(a)(1)(iii) for the review of Revision 0 of the Nuclear Energy Institute (NEI) guidance document NEI 14-10, "Guidelines for Prioritization and Scheduling Implementation," and any future submissions of this document.

The NRC has established regulations for the granting of fee exemptions under 10 CFR 170.11, "Exemptions," for which licensees may apply in accordance with 10 CFR 170.5, "Communications." The NRC staff has reviewed your request based on the following regulation, 10 CFR 170.11(a)(1)(iii):

- *10 CFR 170.11 (a) No application fees, license fees, renewal fee, inspection fees, or special project fees shall be required for: (1) A special project that is a request/report submitted to the NRC—(iii) As a means of exchanging information between industry organizations and the NRC. In order for the fee waiver to be granted under this paragraph it must meet three criteria:*
  - *(A) The report should be submitted for the specific purpose of supporting ongoing NRC generic regulatory improvements or efforts (e.g., rules, regulations, regulatory guides, and policy statements), and the agency, at the time the document is submitted, plans to use it for that purpose. The exemption applies even if ultimately the NRC does not use the document as planned.*

Guidance document NEI 14-10 provides a process which allows nuclear power plant licensees to characterize and prioritize regulatory and plant-identified actions at their facilities consistent with safety significance. The guidance also supports the NRC's efforts to use risk information in regulatory decision-making by providing a means to prioritize initial compliance and implementation dates for regulations and orders on plant-specific basis for operating power reactors. The NRC staff confirms that NEI 14-10, Revision 0, would support generic regulatory improvements efforts to apply risk-informed decision-making in the review of relief requests by licensees. Therefore, the NRC staff concludes that this report meets this regulation.

- *(B) The NRC must be the primary beneficiary of the NRC's review and approval of these documents. This exemption does not apply to a topical report submitted for the purpose of obtaining NRC approval for future use of the report by the industry to address licensing or safety issues, even though the NRC may realize some benefits from its review and approval of the document.*

The NRC is the primary beneficiary of this guidance because the NRC plans to use this document to support NRC's efforts to increase the use of risk information in regulatory decision-making. Therefore, NEI 14-10, Revision 0, meets this regulation.

- *(C) The fee exemption is requested in writing to the Chief Financial Officer in accordance with 10 CFR 170.5, and the Chief Financial Officer grants this request in writing. The 10 CFR 170.5 states, "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.*

The fee exemption request for NEI-14-10, Revision 0, was submitted in writing by NEI; therefore, NEI's request meets this regulation.

The NRC staff concludes that NEI 14-10, Revision 0 and any subsequent submissions of this document meet all criteria under 10 CFR 170.11(a)(1)(iii); therefore, the fee waiver request is approved. If you have any technical questions regarding this matter, please contact, Mr. Lawrence Kokajko at 301-415-1282. Please contact Ms. Michele Kaplan, of my staff, at (301) 415-5256, for any fee-related questions.

Sincerely,

*/RA/*

Maureen E. Wylie  
Chief Financial Officer

- (B) *The NRC must be the primary beneficiary of the NRC's review and approval of these documents. This exemption does not apply to a topical report submitted for the purpose of obtaining NRC approval for future use of the report by the industry to address licensing or safety issues, even though the NRC may realize some benefits from its review and approval of the document.*

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The NRC staff concludes that NEI 14-10, Revision 0 and any subsequent submissions of this document meet all criteria under 10 CFR 170.11(a)(1)(iii); therefore, the fee waiver request is approved. If you have any technical questions regarding this matter, please contact, Mr. Lawrence Kokajko at 301-415-1282. Please contact Ms. Michele Kaplan, of my staff, at (301) 415-5256, for any fee-related questions.

Sincerely,

/RA/

Maureen E. Wylie  
Chief Financial Officer

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ADAMS: ☒ Yes ☐ No Initials: AH SUNSI Review: AH  
☒ Publicly Available ☐ Non-Publicly Available ☐ Sensitive ☒ Non-Sensitive

**Pacakge: ML16125A453; incoming letter ML15308A519**

**ADAMS Accession No: letter ML16014A024**

**\*via e-mail CFO-0009**

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