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June 6, 2016

Ms. Maureen Wylie  
Chief Financial Officer  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

**Subject:** Request for Exemption from NRC Fees for Review and Endorsement of NEI 16-03, *Guidance for Monitoring of Fixed Neutron Absorbers in Spent Fuel Pools*

**Project Number: 689**

Dear Ms. Wylie:

On behalf of the nuclear energy industry, the Nuclear Energy Institute (NEI)<sup>1</sup> is requesting an exemption from NRC fees to review and endorse NEI 16-03, *Guidance for Monitoring of Fixed Neutron Absorbers in Spent Fuel Pools*, Revision 0, that was submitted in May 2016 [Ref. 1]. In April 2016, NRC issued to all power and non-power reactor licensees Generic Letter, 2016-01, *Monitoring of Neutron-Absorbing Materials in Spent Fuel Pools* [Ref. 2], which requests licensees to provide information to the NRC on their current neutron absorber material monitoring programs. In our discussions concerning the implementation of GL 2016-01, NRC staff has requested that industry issue guidance providing licensees with acceptable approaches to develop neutron absorber monitoring programs. NEI 16-03 is intended to be specifically responsive to this request.

NEI 16-03 provides guidance for developing monitoring programs for neutron absorbers in spent fuel pools. As a means to achieve regulatory efficiency and effectiveness, we recommend that the NRC review NEI 16-03 for potential endorsement through a Regulatory Guide. At the request of the NRC staff [Ref. 3], this document was created as stand-alone guidance from Section 9.5 of NEI 12-16, Revision 0 [Ref. 4], which was submitted to the NRC for endorsement in March 2013, and received a similar fee exemption [Ref. 5].

The purpose of submitting NEI 16-03 is to assist the NRC in completing the process of updating and stabilizing the regulatory framework governing spent fuel pools through publication of the planned regulatory guide,

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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.

Ms. Maureen Wylie

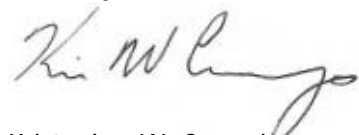
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which meets the requirements for an exemption of fees in 10 CFR 170.11(a)(1)(ii). NEI 16-03 is a guidance document, and we believe that the NRC would be the primary beneficiary of its review. This request also meets the requirements of 10 CFR 170.11(a)(1)(iii), which permits an exemption from fees for exchanging information between industry and the NRC for the specific purpose of supporting NRC's ongoing generic regulatory improvements. In order to facilitate a full review of NEI 16-03, we request that the exemption cover the review of the guidance document submitted in May 2016.

Thank you in advance for consideration of our request for exemption from fees. If you have any questions or require additional information, please contact me.

Sincerely,



Kristopher W. Cummings

#### References

- [1] Submittal of NEI 16-03, *Guidance for Monitoring of Fixed Neutron Absorbers in Spent Fuel Pools*, Draft A, dated May 10, 2016.
- [2] NRC Generic Letter 2016-01, "Monitoring of Neutron-Absorbing Materials" (ML16097A169).
- [3] Summary of October 21, 2015, Public Meeting with Nuclear Energy Institute on NEI 12-16, Revision 1, *Guidance for Performing Criticality Analysis of Fuel Storage at Light-Water Reactor Power Plants*, (ML15294A491).
- [4] Submittal of NEI 12-16, *Guidance for Performing Criticality Analyses of Fuel Storage at Light Water Reactor Power Plants*, Revision 0, dated March 2013 (ML13084A047).
- [5] Letter to Nuclear Energy Institute (NEI) Regarding fee Waiver Under part 170, dated September 27, 2013 (ML13261A080).

c: Mr. William Dean, NRR, NRC  
Mr. Brian McDermott, NRR, NRC  
Mr. Timothy J. McGinty, NRR/DSS, NRC  
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