



OFFICE OF THE
CHIEF FINANCIAL
OFFICER

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

July 1, 2016

Mr. James H. Riley
Senior Technical Advisor
Nuclear Energy Institute
1201 F Street NW, Suite 1100
Washington, DC 20004

Dear Mr. Riley:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated November 13, 2015, requesting a fee waiver under Title 10 of the *Code of Federal Regulations* (10 CFR) 170.11(a)(1)(iii) for NRC review and endorsement of the Nuclear Energy Institute (NEI) guidance document PWROG-15060, "Pump Suction Gas Accumulation Operability Criteria Guidance."

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.*

As described in the Gas Management Action Plan (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16140A037), the NRC plans to issue a NUREG and will provide information to Region II to support closure of Farley Inspection Reports 05000348/2014007 and 05000364/2014007. Further, the NRC will consider issuing other documents such as a regulatory guide, regulatory information summary, and a temporary instruction to complete closure of gas methodology issues. The information provided in PWROG-15060 will directly support these activities by providing the staff with the necessary technical information to make informed decisions regarding the impact of gas accumulation on applicable plant systems and it will aid in resolution of such issues. In addition, it is necessary to review the report in order to provide Region II with guidance to close

Farley Inspection Reports 05000348/2014007 and 05000364/2014007. It is anticipated that there are approximately a dozen licensees that are using the methodologies in these inspection reports that will be affected by NRR's findings that result from addressing open issues that remain from the Farley inspection.

Therefore, the NRC staff concludes that this report meets Criterion (A).

- *(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 PWROG-15060 because, if endorsed, it will provide the NRC with a technical basis for the planned NUREG and other supporting documents such as a regulatory guide, regulatory information summary, and a temporary instruction. The NRC will use the information to close inspections and to assess licensee responses to gas accumulation instances. The PWROG-15060 report provides methodologies that all licensees are expected to reference when addressing gas issues that will be reviewed during future inspections and NRR will reference this document when completing the Gas Management Action Plan (ADAMS Accession No. ML16140A037).

Therefore, the NRC staff concludes that this report meets Criterion (B).

- *(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 NRC review and endorsement of NRC review and endorsement of the NEI guidance document PWROG-15060, "Pump Suction Gas Accumulation Operability Criteria Guidance." was submitted in writing by NEI.

Therefore, the NRC staff finds that NEI's request meets Criterion (C).

The NRC staff concludes that NRC review and endorsement of PWROG-15060, "Pump Suction Gas Accumulation Operability Criteria Guidance," meets 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. Joseph Holanich at 301-415-7297. Please contact Ms. Jo Simpson of my staff, at 301-415-8388, for any fee-related questions.

Sincerely,

/RA/ Mary C. Muessle (for)

Maureen E. Wylie
Chief Financial Officer

If you have any technical questions regarding this matter, please contact, Mr. Joseph Holanich at 301-415-7297. Please contact Ms. Jo Simpson of my staff, at 301-415-8388, for any fee-related questions.

Sincerely,

/RA/ Mary C. Muessle (for)

Maureen E. Wylie
Chief Financial Officer

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J. Holanich, NRR
W. Lyon, NRR

E. Oesterle, NRR
D. Woodyatt, NRR

J. Rowley, NRR

ADAMS: ☒ Yes ☐ No

Initials: JS

SUNSI Review: JS

☒ Publicly Available ☐ Non-Publicly Available ☐ Sensitive ☒ Non-Sensitive

ADAMS Accession No: **ML16166A018**

CFO-16-00301

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