

December 31, 2013

TSTF-13-16
PROJ0753

Chief Financial Officer
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: Request for Fee Exemption for TSTF-542, "Reactor Pressure Vessel Water Inventory Control"

Dear Sir or Madam:

On September 26, 2012, the NRC issued Regulatory Issue Summary (RIS) 2012-11, "NRC Staff Position on Dispositioning Boiling-Water Reactor Licensee Noncompliance with Technical Specification Requirements During Operations with a Potential for Draining the Reactor Vessel." The RIS stated that the NRC staff had determined that many boiling-water reactor (BWR) licensees have interpreted the Technical Specifications (TS) term "operations with a potential for draining the reactor vessel" (OPDRVs) in a manner to restrict the applicability of related TS requirements. TS do not define the term OPDRV or identify specific plant actions that constitute OPDRV activities. The NRC staff performed a review of past licensing positions and staff interactions with the industry related to OPDRV practices. This review showed varied NRC staff actions and communications resulting in inconsistent industry implementation of the OPDRV TS requirements. However, the NRC stated in the RIS that such interpretations are inappropriate and a "plain language" reading of the OPDRV requirements must be used.

To improve regulatory clarity for BWR plants in the interim and to allow the implementation of specific interim actions as an alternative to full compliance with plant TSs while improvements to the Standard Technical Specifications are under development, the NRC decided to exercise limited enforcement discretion as described in Enforcement Guidance Memorandum (EGM) 11-003, "Enforcement Guidance Memorandum on Dispositioning Boiling-Water Reactor Licensee Noncompliance with Technical Specification Containment Requirements during Operations with a Potential for Draining the Reactor Vessel," dated October 4, 2011 (ADAMS Accession No. ML11251A230).

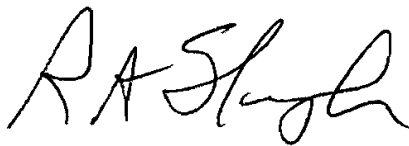
EGM 11-003 states that the Technical Specifications Task Force (TSTF) will develop a generic change to the Standard Technical Specifications (known as a Traveler) that revises the BWR/4 and BWR/6 Standard Technical Specifications related to OPDRVs for NRC staff review. The generic resolution of this issue will include revised TS for Mode 4 and Mode 5 OPDRV activities, a model license amendment request (LAR), a model safety evaluation, and a model no

significant hazards consideration determination using the NRC consolidated line-item improvement process. The NRC will issue a Notice of Availability in the Federal Register for the models which will allow the timely processing of license amendments by the NRC staff. EGM 11-003 also states that licensees using the provided enforcement guidance must submit a license amendment to adopt the proposed TS changes in the Traveler within a specified time period after issuance of the Notice of Availability. RIS 2012-11 also discusses the development of improved Standard Technical Specifications.

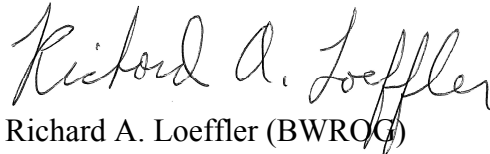
At TSTF and NRC public meetings held in 2011, 2012, and 2013, the NRC staff confirmed plans to use a TSTF Traveler to resolve the issues discussed in RIS 2012-11 and in EGM 11-003.

The TSTF requests that the NRC's review of TSTF-542 be granted a fee waiver pursuant to the provisions of 10 CFR 170.11. The Traveler meets the exemption requirement in 10 CFR 170.11(a)(1)(iii), in that it is "a means of exchanging information between industry organizations and the NRC for the specific purpose of supporting the NRC's generic regulatory improvements or efforts." In this case, the generic regulatory improvement effort is the NRC's development of a consistent industry approach to address the concerns expressed in RIS 2012-11 and EGM 11-003. The role of the TSTF Traveler in this NRC generic regulatory effort is explicitly acknowledged in EGM 11-003.

Should you have any questions, please do not hesitate to contact us.



Robert Slough (PWROG/W)



Richard A. Loeffler (BWROG)



Otto W. Gustafson (PWROG/CE)



Wendy E. Croft (PWROG/B&W)

cc: Michelle Honcharik, Licensing Processes Branch, NRC
Robert Elliott, Technical Specifications Branch, NRC