



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

March 23, 2012

CHIEF FINANCIAL
OFFICER

Mr. David Czufin, Exelon
Chairman, BWR Vessel and Internals Project
Electric Power Research Institute
3420 Hillview Avenue
Palo Alto, CA 94304-1395

Dear Mr. Czufin:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of February 7, 2012, requesting a fee waiver under Title 10 of the *Code of Federal Regulations* (10 CFR) Section 170.11(a)(1)(iii) for the submission of the report BWRVIP-100, Revision 1: "BWR Vessel and Internals Project, Updated Assessment of the Fracture Toughness of Irradiated Stainless Steel for BWR Core Shrouds."

The NRC has established regulations for the granting of fee exemptions under 10 CFR 170.11, for which licensees may apply in accordance with 10 CFR 170.5. The NRC has reviewed your request based on the following requirements:

- 10 CFR 170.11 (a)(1)(iii): No application fees, license fees, renewal fee, inspection fees, or special project fees shall be required for a special project that is a request/report submitted to the NRC as means of exchanging information between industry organizations and the NRC. BWRVIP-100, Revision 1, meets this requirement of a special project that has been requested by the NRC as a report on 1) delta ferrite content so that the effects of delta ferrite on neutron and thermal embrittlement in austenitic stainless steel welds can be assessed; 2) effects of different parameters (e.g., orientation, temperature, neutron fluence etc.) on fracture toughness of irradiated stainless steel and proposed fracture toughness curves for irradiated austenitic stainless steel to ensure consistency with new data when it becomes available.
- 10 CFR 170.11 (a)(1)(iii)(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. BWRVIP-100, Revision 1, meets this requirement by providing for 1) the regulatory generic improvement since the American Society of Mechanical Engineers (ASME) Code and NRC regulations and

regulatory guidance documents do not specify fracture toughness values or methods of structural evaluation for reactor vessel components; 2) the support of the recommendations on (BWRVIP-100) inspection and evaluation guidelines identified in "BWRVIP-76-A: BWR Vessel and Internals Project, BWR Core Shroud Inspection and Flaw Evaluation Guidelines," by providing test data and recommendations on fracture toughness values and assessment methods of cores shrouds data which may be incorporated in the NUREG-1801, "Generic Aging Lessons Learned Report," a key NRC guidance document for license renewal applicants.

- 10 CFR 170.11 (a)(1)(iii)(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; BWRVIP-100, Revision 1, meets this requirement due to the fact that the NRC is the primary beneficiary of the document because 1) the document provides information that was requested by the NRC; 2) the NRC is likely to reference the document in future revisions to regulatory guidance documents such as NUREG-1801; and 3) the NRC may use the data and methods contained in this report in our review of future licensee evaluations related to the integrity of BWR core shrouds.
- 10 CFR 170.11 (a)(1)(iii)(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. BWRVIP-100, Revision 1, meets this requirement because the fee exemption was requested in writing to the Office of the Chief Financial Officer. 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 NRC concludes the submission of BWRVIP-100, Revision 1, meets the requirements of 10 CFR 170.11(a)(1)(iii); therefore, your fee exemption request is approved. If you have any technical questions regarding this matter, please contact Mr. Andy Hon at 301-415-8480. Please contact Ms. Arlette Howard, of my staff, at 301-415-1481, for any fee-related questions.

Sincerely,


J. E. Dyer
Chief Financial Officer

cc: A. Hon, NRR
S. Rosenberg, NRR
J. Jolicoeur, NRR

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Sincerely,
 /RA/ M. Brown (for)
 J. E. Dyer
 Chief Financial Officer

cc: A. Hon, NRR
 S. Rosenberg, NRR
 J. Jolicoeur, NRR

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