



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

December 23, 2013

Technical Specifications Task Force (TSTF)  
11921 Rockville Pike  
Suite 100  
Rockville, MD 20852

Dear Members of the TSTF:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of November 4, 2013, requesting a fee waiver under Title 10 of the *Code of Federal Regulations* (10 CFR) 170.11(a)(1)(iii) for review of Traveler TSTF-545, "TS Inservice Testing (IST) Program Removal."

The NRC has established regulations for granting fee exemptions under 10 CFR 170.11, "Exemptions," for which licensees may apply in accordance with 10 CFR 170.5, "Communications." The NRC has reviewed your request based on the following regulations, 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. Your letter states TSTF-545 was developed in response to the NRC's Regulatory Issue Summary (RIS) 2012-10, "NRC Staff Position on Applying Surveillance Requirement 3.0.2 and 3.0.3 to Administrative Controls Program Test," to address the unintended consequences of the restructuring of Technical Specifications (TS) during the development of the Standard TS (STS) which resulted in SR 3.0.2 and SR 3.0.3 inapplicability to TS 5.5 for tests not associated with TS Surveillance Requirements (SR). The NRC confirms inapplicability for SR 3.0.2 and SR 3.0.3 to TS 5.5 for tests not associated with a TS SR, despite explicit statements in Section 5.5 TS that these provisions are applicable. The submission of this document also addresses NRC's Enforcement Guidance Memorandum 2012-001, "Dispositioning Noncompliance with Administrative Controls Technical Specifications Programmatic Requirements that Extend Test Frequencies and Allow Performance of Missed Tests," which provides enforcement discretion to licensees to apply SR.3.0.2 to IST and guidance on addressing missed IST, pending revision to the American Society of Mechanical Engineers (ASME) Code for Operations and Maintenance of Nuclear Power Plants (OM Code) and the TS. The NRC believes that TSTF-545 supports ongoing NRC generic regulatory improvement efforts; therefore, TSTF-545 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 guidance document TSTF-545 because the NRC will use this document to address the unintended consequences of restructuring TS during the development of STS which resulted in SR 3.0.2 and SR 3.0.3 inapplicability to TS 5.5 for tests that are not associated with TS SR. The NRC concludes TSTF's submission of TSTF-545 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 TSTF fee exemption request was submitted in writing; therefore, TSTF-545 meets this regulation.*

The NRC concludes that TSTF-545 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, Ms. Michelle Honcharik at 301-415-1774. Please contact Ms. Arlette Howard, of my staff, at 301-415-1481 for any fee-related questions.

Sincerely,

/RA/

Mary C. Muessle for

J. E. Dyer

Chief Financial Officer

cc: See next page

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Chief Financial Officer

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**\*via e-mail**

**CFO-0009**

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Technical Specifications Task Force

Project No. 753

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