

August 15, 2005

Mr. Wesley Sparkman  
Westinghouse Owners Group  
Technical Specifications Task Force  
11921 Rockville Pike, Suite 100  
Rockville, MD 20852

Dear Mr. Sparkman:

I am responding to the Technical Specifications Task Force (TSTF) requests for fee exemptions for seven travelers submitted to the U.S. Nuclear Regulatory Commission (NRC) between October 15, 2003, and June 29, 2005. The individual travelers are as follows:

1. TSTF - 343 R.1 Containment Structural Integrity
2. TSTF - 417 R.0 AC Power System Completion Time
3. TSTF - 467 R.0 Add Restriction for Lowest Loop  $T_{ave}$  during Mode 2 Physics Testing
4. TSTF - 478 R.0 BWR Technical Specification Changes that Implement the Revised Rule for Combustible Gas Control
5. TSTF - 479 R.0 Changes to Reflect Revision of 10 CFR 50.55a
6. TSTF - 482 R.0 Correct LCO 3.0.6 Bases
7. TSTF - 485 R.0 Correct Example 1.4-1

The letters cited 10 CFR 170.11(a)(1)(iii) as the basis for your requests for fee exemptions. Based on my review of the requests and recommendations from NRC's technical staff, I am denying these requests for fee exemptions due to the reasons noted below.

To receive a fee exemption under 10 CFR 170.11(a)(1)(iii), a requestor has to demonstrate that the document submitted for NRC review is specifically for the purpose of supporting NRC's generic regulatory improvements. 10 CFR 170.11(a)(1)(iii)(C) states that fees will not be waived for reviews that primarily benefit the organization submitting the request/report. Therefore, in these instances, fee waivers do not apply even though NRC may realize some benefit from the review and approval of the document.

Although NRC has, in the past, granted fee exemptions for proposals to revise standard technical specifications (now known as travelers), those proposals were used by the NRC to make generic regulatory improvements. A letter from Mr. William D. Beckner of the Office of Nuclear Reactor Regulation (NRR) to Mr. Tony Pietrangelo of the Nuclear Energy Institute (NEI) dated January 10, 2003, explained that those regulatory improvements were complete for the most part, and that proposed travelers would be subject to fees unless the NRC determined the fee exemption criteria at 10 CFR 170.11(a)(1) were met (Enclosure 1).

Because the NRC's review of the travelers listed above would primarily benefit the TSTF, I am unable to grant the requested fee exemptions. Enclosure 2 addresses each traveler individually and explains the bases for my decision for each of your fee exemption requests. This enclosure also provides examples of travelers which could qualify for a fee exemption under 10 CFR 170.11.

To expedite review of future fee waiver requests, please submit these requests directly to the NRC's Office of Chief Financial Officer with a copy furnished to NRR, in accordance with 10 CFR 170.5.

If the TSTF have any technical questions regarding this matter, please contact Patrick L. Hiland at 301-415-1161. For any fee waiver related questions, please contact Renu Suri of my staff at 301-415-0161.

Sincerely,

**/RA/**

Jesse L. Funches  
Chief Financial Officer

Enclosures:

1. Letter from W. D. Beckner to T. Pietrangelo,  
Dated January 10, 2003
2. Bases for Denying Fee Exemption  
Requests for TSTF Travelers

cc: Michael Crowthers (BWR Owners' Group)  
Brian Woods (Westinghouse Owners Group)  
Paul Infanger (B&W Owners Group)

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