

September 19, 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 June 20, 2005, Technical Specifications Task Force (TSTF) request for a fee exemption for Traveler 439, Revision 2 (TSTF - 439), "Eliminate Second Completion Times Limiting Time From Discovery of Failure To Meet an LCO." This letter cited 10 CFR 170.11(a)(1)(iii) as the basis for your request for a fee exemption. Based on my review of the request and the recommendation from technical staff, I am denying your request for this fee exemption 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 Nuclear Regulatory Commission (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.

TSTF - 439 involves deleting the completion time included in the standard technical specifications for NUREGs 1430 through 1434 for certain Required Actions. This document changes a Required Action to an administrative control, thereby reducing the regulatory burden on the licensee. TSTF - 439 was submitted primarily for the purpose of obtaining an NRC approval that could be used by the industry in the future to address licensing or safety issues. This type of submission does not meet the NRC's fee exemption criteria, as specifically stated in 10 CFR 170.11(a)(1)(iii)(D). Since the licensee is the primary beneficiary, TSTF - 439 does not meet the exemption requirements of 10 CFR 170.11(a)(1)(iii).

If you 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/

Peter J. Rabideau
Acting Chief Financial Officer

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

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OCFO 2005-313 (closes) DFM-5-114 (closes)

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ADAMS Yes No Initials rs Publicly Available Non-Publicly Available Sensitive Non-Sensitive

***See previous concurrence**

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