April 10, 2008

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 March 6, 2008, letter requesting a fee waiver, under 10 CFR § 170.11(b)(1), for full or partial review fees associated with TSTF-501, Revision 0, “Relocate Stored Fuel Oil and Lube Oil Volume Values to Licensee Control” (Project Number PROJ0753). Your request does not meet the fee waiver criteria; therefore, I am denying your request, as explained below.

TSTF-501 revises Technical Specification (TS) 3.8.3, "Diesel Fuel Oil, Lube Oil, and Starting Air," to replace the numerical volume requirements for stored diesel fuel oil and lube oil inventory with the requirement that a numerical time supply (i.e., seven days) be available. The diesel fuel oil and lube oil numerical volumes needed to maintain a numerical time supply are proposed to be moved to the Bases and will be controlled under the Technical Specification Bases Control Program.

Your fee waiver request states that TSTF-501 supports NRC’s development of generic Standard Technical Specification guidance and was not submitted to benefit licensees. The NRC staff has reviewed your submittal and concluded that TSTF-501 will not lend support to NRC’s generic guidance nor will the NRC be the primary beneficiary of the NRC’s review and approval of TSTF-501. The NRC has received and approved plant specific License Amendment Requests in which licensees have retained TS numerical volume requirements for diesel fuel oil and lube oil inventory while taking into account Environmental Protection Agency (EPA) mandated changes regarding Ultra-Low-Sulfur Diesel Fuel Oil. Thus, the EPA mandated changes can be adopted while retaining current TS numerical volume requirements.

In addition, you state that granting a fee exemption for the review of TSTF-501 is in the public interest because it encourages licensees to adopt TSTF-501, thereby eliminating the need to expend unnecessary NRC resources to review plant-specific license amendments on this subject with no corresponding safety benefit to the public. The NRC staff has concluded that the TSTF has not demonstrated that exceptional treatment is justified. In addition, the members of the TSTF will be the primary beneficiaries of the review of this submittal. Thus, the review will not provide a significant benefit to the public. Therefore, the review and approval of TSTF-501 does not meet any of the provisions of 10 CFR § 170.11 necessary for granting a fee exemption. Hence, I am unable to grant you a fee waiver under the provisions of 10 CFR § 170.11(b)(1).

If you have any technical questions regarding this matter, please contact Aron Lewin at 301-415-2259. Please contact Rebecca Erickson, of my staff, at 301-415-7126, for any fee-related questions.

Sincerely,

/**RA**/

J. E. Dyer
Acting Chief Financial Officer

cc: Bert Yates, PWROG/W
David Bice, PWROG/CE
John Messina, BWROG
Reené Gambrell, PWROG/B&W

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Distribution:
OCFO RF
OCFO/DFM RF
R. Suri, OCFO
M. Moore, OCFO
A. Lewin, NRR/ADRO/DIRS
DFM (DFM-8-047 closes)
OCFO (2008-115 closes)

Adams ■ Yes ☐ No SUNSI Review By: rie
■ Publicly Available ☐ Non-Publicly Available ☐ Sensitive ■ Non-Sensitive

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NAME	RIErickson /**RA**/		FDBrown**		CHLazar for TBRothschild**	
DATE	03/21/02		03/24/08		03/25/08	

OFFICE	OCFO/DFM	E	OCFO/DFM	C	A/CFO	C
NAME	TAGrancorvitz /**RA**/		MSGivvines /**RA**/		JEDyer /**RA**/	
DATE	04/03/08		04/08/08		04/ 10 /08	

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