

4/27/81

John E. ...  
C. ...

Construction - 170.11(a)(3) *Does not apply*  
MAR 30 1983

Docket No. 30-19311

Pennsylvania Power & Light Company  
ATTN: Mr. N. W. Curtis  
Vice President for Engineering  
Two North Ninth Street  
Allentown, Pennsylvania 18101

*NOT AN exemption*

(3) Jim - To make the circled item a reality, do I need to set up a system w/MISS for getting the stuff hours?  
*John 3/3*

Gentlemen:  
This refers to your August 5, 1981 application, as revised, and to our February 22, 1983 letter to your Company, concerning the fee requirements for low-level waste storage licenses. In the second paragraph of our letter, we inadvertently referred to "licenses authorizing storage of spent fuel." The phrase should have read, "licenses authorizing storage of low-level radioactive wastes."

In further reference to the exemption provision of §170.11(a)(3), it is not the intent of that exemption to exclude from fees licenses issued to facilities which authorize the possession, use or storage of radioactive materials generated from the operation of a reactor. While we recognize that the phrase in §170.11(a)(3), which reads, "incidental to the operation of a facility..." could be interpreted to apply to radioactive materials resulting from reactor operation, that is not the intent of the exemption. Instead, the exemption is intended to apply to materials licenses which are issued prior to the reactor operating license, and which authorize the use of byproduct material, source material, or special nuclear material in activities such as reactor startup, calibration of instrumentation and monitoring equipment, storage of SNM for use as fuel in the reactor, and for use as fission detectors. Because the costs incurred in issuing the aforementioned licenses are recovered as part of the total operating license fee, and since the materials will be used in or in connection with the operation of the reactor, it is not necessary to assess a separate fee for the issuance of those licenses. Consequently, the exemption provision of §170.11(a)(3) was provided.

①  
*Is this really true? I know of many other companies for SNM or byproduct licenses.*

②  
*Zoba:*  
As I understand it, the costs are supposed to be recovered as part of the Ok fee; now whether they are or not is a different matter. But as far as I'm concerned, the above statement is true.  
*Alk 3/31*