

DEC 5 - 1983

Docket No. 50-220

Niagara Mohawk Power Corporation  
ATTN: Mr. G. K. Rhode  
Senior Vice President  
300 Erie Boulevard West  
Syracuse, New York 13202

Gentlemen:

SUBJECT: 10 CFR 170 FEES FOR FIRE PROTECTION REVIEWS AND APPROVALS FOR  
NINE MILE POINT NUCLEAR STATION

The purpose of this letter is to address the fee requirements of 10 CFR 170 as they relate to actions pertaining to the fire protection requirements of 10 CFR 50. On February 17, 1981, 10 CFR 50.48 and Appendix R, which added fire protection requirements for operating nuclear power plants, became effective. Prior to that date, fees were exempted for the review and approval of fire protection actions based on Branch Technical Position BTP APCS 9.5-1 and its Appendix A. Since the February 1981 amendment of 10 CFR 50, there have been a number of requests filed by licensees for their plants. These requests consist of exemptions from schedular and other requirements, and other reviews (e.g., alternate safe shutdown capability).

It is current NRC policy to exempt from fees all of the fire protection exemptions granted pursuant to 10 CFR 50.12 by the staff of the Division of Licensing (DL) unless a license amendment or other approval is also required. On this basis, fees have not been requested for any of these types of exemptions. Fees will be charged for all other approvals and denials relating to fire protection. This means that the review and approval of the alternate safe shutdown capability and any reviews which result in a denial of a request for your facility are subject to fees pursuant to 10 CFR 170.22. A DL letter dated November 24, 1980, informed all reactor licensees with plants licensed prior to January 1, 1979, that fees were required for requests for Commission action resulting from the fire protection rule.

Based on a review of the fire protection requests filed by your company for the subject facility, we find that a total of \$4,000 is required. The enclosed list reflects each request, any fees paid, fees due, and the DL staff's

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fee determination and action on each. It is requested that your company re-  
 mit \$4,000 to our office for fees currently due on your fire protection re-  
 quest. Fees for any future approvals by the DL staff on pending applications  
 currently on file and any subsequent requests by your company under the current  
 10 CFR 170 will be in accordance with the position set forth in this letter.  
 For those portions of all applications on the enclosed list which were approved  
 pursuant to 10 CFR 50.12, we have concluded that an exemption, pursuant to 10  
 CFR 170.11(b), from the fee requirements is authorized by law and such exemption  
 is otherwise in the public interest and is hereby granted for them.

If for some reason our list does not include all fire protection requests that  
 your company has on file with the DL staff, we will address the excluded ones  
 in a later letter if fees are required. If they are approved totally pursuant  
 to 10 CFR 50.12, they will be exempted from fees, but an additional letter will  
 not be sent to you unless required otherwise (e.g., fees paid and refund has to  
 be made).

Sincerely,

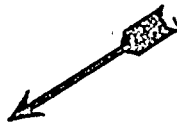
Original Signed by:  
 Wm. O. Miller

William O. Miller, Chief  
 License Fee Management Branch  
 Office of Administration

Enclosure:  
 List of Applications and Fees

DISTRIBUTION w/enclosure:

- PDR
- LPDR
- R. Hermann, ORB-2
- S. Norris, ORB-2
- Regulatory Docket File (record cy.)
- H. Smith, ORB-5
- T. Wambach, ORB-5
- R. Diggs, LFMB
- LFMB Reactor File
- LFMB Pending Check File
- LFMB R/F



OFFICE	LFMB:ADM	LFMB:ADM	LFMB:ADM				
SURNAME	RMDiggs:rmf	CJHoyoway	WOMiller				
DATE	11/23/83	12/2/83	12/2/83				

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List of Applications and Fees

Nine Mile Point Nuclear Station

Docket No. 50-220

<u>Application Date</u>	<u>Fees Paid</u>	<u>Fees Applicable</u>	<u>DL's Fee Determination &amp; Action</u>
10/6/78, as supplemented 1/31/79, 3/19/81, etc.			
1. Alternate Safe Shutdown	None	\$4,000	1. Single safety issue; approved 3/3/83
2. Exemptions from Appendix R, III.G.	None	None	2. EXEMPT - Issued pursuant to 10 CFR 50.12 on 3/21/83

FEEES DUE....\$4,000

