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AUG 10 1984

Docket No. 50-389

Florida Power & Light Company
ATTN: Mr. J. W. Williams, Jr.
Vice President - Nuclear Energy
P.O. Box 14000
Juno Beach, Florida 33408

Gentlemen:

Thank you for your letter dated March 29, 1984 (L-84-85), which provided your basis for paying a Class II fee of \$1,200 for your July 7, 1983 application for St. Lucie Plant Unit No. 2 rather than the Class III we requested in our letter dated March 12, 1984. It is your position that should the amendment have been required it would have been administrative in nature and that this is supported by the fact that NRC's prenotice on the application stated that: "The staff considers that none of these changes involve a safety concern."

The Division of Licensing review staff has reassessed the Class III fee determination previously made for your July 7 application on natural circulation cooling and boron mixing. As a result of this reassessment and after consideration of all of the pertinent details, it is the staff's position that the previously determined Class III fee is still appropriate. The basis for this position is that technical review effort was expended to determine that no significant hazards consideration applied to your application. Such a determination could only be made if it was concluded that the change did not involve a "safety concern" as referred to in the Federal Register notice dated July 27, 1983, for your July 7 application. The fact that NRC staff concludes that changes requested in an application do not involve a safety concern does not mean that the effort expended to reach this conclusion was pro forma or administrative in nature. Examples of administrative types of changes are cited in Enclosure No. 2 of the enclosed guidance (which was sent to companies such as yours by our letter dated July 12, 1979).

In conclusion, it is requested that your Company remit the sum of \$2,800 to our office to complete the fees for your July 7, 1983 application.

Sincerely,

Original Signed by
Wm. O. Miller

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

Enclosure:

Fee Guidance for 1978 Part 170

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