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AUTH. NAME: MILLS, L. M.  
 RECIP. NAME: MILLER, N. O.  
 AUTHOR AFFILIATION: Tennessee Valley Authority  
 RECIPIENT AFFILIATION: License Fee Management Branch

SUBJECT: Forwards discussion of requested license amendment review fees classification determination, in response to 811016 ltr. Disagrees w/NRC final fee determination.

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TENNESSEE VALLEY AUTHORITY

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50-259  
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November 5, 1981

Mr. W. O. Miller, Chief  
License Fee Management Branch  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dear Mr. Miller:

This is in response to your letter to H. G. Parris dated October 16, 1981 concerning final fee determination for Browns Ferry Nuclear Plant Technical Specifications. Enclosed is a discussion of each requested license amendment concerning review fees classification determination, including our conclusions and justification for the determination. TVA does not agree with the NRC's final fee determination. We find that we owe \$5,200, which will be submitted to you by wire transfer.

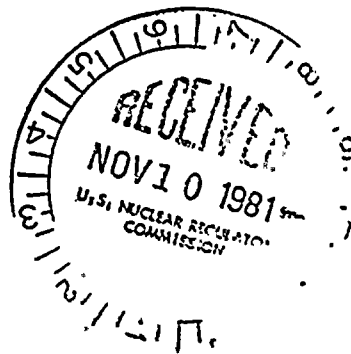
Very truly yours,

TENNESSEE VALLEY AUTHORITY



L. M. Mills, Manager  
Nuclear Regulation and Safety

Enclosure



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ENCLOSURE

1. TS-165, dated July 29, 1981 - We agree with the NRC's determination and \$4,800 is due for TS-165. TVA will submit the \$4,800.
2. TS-165, dated September 9, 1981 - We continue to believe that the Class II classification for the subject application is appropriate. This conclusion is based on the fact that technical specification changes of a similar nature have been previously approved by the NRC.

By letter from L. M. Mills to H. R. Denton dated August 13, 1980 (TVA BFNP TS-145), we submitted proposed changes to the technical specifications to extend the exposure of fuel for values of Maximum Average Planar Linear Heat Generation Rate (MAPLHGR). Approval was granted by Amendment Nos. 57 and 62 to Facility License Nos. DPR-33 and DPR-52, respectively, reference NRC letter from T. A. Ippolito to H. G. Parris dated October 6, 1980. This previous approval was reflected in the Justification and Safety Analysis which accompanied TS-165.

Additional technical specification changes of this same nature were proposed by TVA in license amendment request TVA BFNP TS-161 submitted by letter from L. M. Mills to H. R. Denton dated April 29, 1981. TS-161 was the technical specification change request needed to accommodate Browns Ferry unit 1 reload 4 and cycle 5 operation. Approval was granted by issue of Amendment 76 to Facility License No. DPR-33 for Browns Ferry unit 1, forwarded to TVA by NRC letter from T. A. Ippolito to H. G. Parris dated September 15, 1981.

Because of this history of NRC approval of these changes, we did not believe that any additional review would be performed by the NRC staff. When previously approved changes are submitted for another unit we consider the change to be of an administrative nature. For these reasons, the Class II fees were provided with TS-165. Therefore, TVA believes no additional fees are due.

3. TS-166, dated September 17, 1981 - The subject application submittal letter from H. G. Parris to H. R. Denton referenced an earlier request for technical specification changes submitted by letter from L. M. Mills to H. R. Denton dated April 9, 1981 (TVA BFNP TS-156). Application TS-156 involved a single safety issue, that being the adequacy of the Browns Ferry Nuclear Plant electrical distribution system, and accordingly was accompanied by Class III fees of \$4,400 (\$4,000 for unit 1 and \$400 for unit 2). The changes requested in TS-166 should have been included in TS-156 and reviewed in conjunction with that single safety issue. Class II fees were forwarded with TS-166 because we believe that the changes proposed did not constitute by themselves a single safety issue. Furthermore, the changes and corrections proposed in TS-166 are consistent with the modified electrical system described in Enclosure 2, section 3, of the TS-156 application and should be considered in conjunction with TS-156. Therefore, TVA believes no additional fees are due.

4. TS-167, dated September 17, 1981 - As stated in the TS-167 submittal letter from L. M. Mills to H. R. Denton dated September 21, 1981, the changes proposed by TS-167 were similar to those approved in Amendment 76 to Facility License No. DPR-33, reference letter from T. A. Ippolito to H. G. Parris dated September 15, 1981. When changes to the technical specifications previously approved by NRC are submitted for another unit, we consider the proposed changes to be administrative in nature. This is because all review by the NRC staff was already conducted and completed, and no additional review will be needed. For these reasons, Class II fees were forwarded with application TS-167. Therefore, TVA believes no additional fees are due.

Per item 3 of the summary of your letter, the September 30, 1981 wire transmitted \$2,800 rather than the correct amount of \$3,200. TVA will submit the \$400 balance.

In summary, based on the above, a total of \$5,200 is due.