



Omaha Public Power District

1623 HARNEY : OMAHA, NEBRASKA 68102 TELEPHONE 536-4000 AREA CODE 402

September 12, 1979

Ms. Reba M. Diggs
Facilities Program Coordinator
License Fee Management Branch
Office of Administration
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Ms. Diggs:

Omaha Public Power District filed an "Application for Amendment of Operating License", dated May 4, 1979, with the U. S. Nuclear Regulatory Commission requesting deletion of non-radiological monitoring requirements from Appendix B of the Technical Specifications for Fort Calhoun Unit No. 1 License No. DPR-40. Since the Application involved only an administrative correction by the Commission in response to the decision in Yellow Creek, the Application was deemed not to have any safety or environmental significance. Accordingly, a fee of \$1,200 was enclosed. On August 1, 1979, in response to a request from the Staff of the Commission, the District sent a discussion of the environmental aspects of the proposed Amendment to the Commission, although the District continued to maintain its position that the Amendment requested relied upon a determined issue of law not involving environmental review considerations.

In a letter to the District, dated August 14, 1979, you requested a further payment of \$2,800 since the Amendment was being reclassified as a Class III Amendment pursuant to 10 C.F.R. § 170.22 since it involves "consideration of an environmental issue". To avoid further delay in review of the Application, the District is submitting a check for \$2,800 under protest. The District continues to assert that this Amendment is a Class II Amendment which does not involve environmental, safety or other issues for Commission review. It seeks merely to implement the Yellow Creek decision by deleting provisions based on an invalid assertion of Commission jurisdiction.

Sincerely,

W. C. Jones
Division Manager
Production Operations

WCJ/KJM/BJH:jmm

Enclosure

cc: LeBoeuf, Lamb, Leiby & MacRae
1333 New Hampshire Avenue, N. W.
Washington, D. C. 20036

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