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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

JUN 25 1979

DOCKET NO. 50-346

Toledo Edison Company
ATTN: Mr. Lowell E. Roe
Vice President, Facilities
Department
Edison Plaza
300 Madison Avenue
Toledo, Ohio 43652

Gentlemen:

This office has received a copy of your March 16, 1979 application for amendment to Facility License No. NPF-3 which you filed with the Office of Nuclear Reactor Regulation for review and approval. The application proposed Radiological Effluent Technical Specifications for Davis-Besse Unit No. 1 as required by Appendix I of 10 CFR 50. Your application was not accompanied by a license amendment fee as required by Section 170.22 of 10 CFR Part 170 because you concluded that it is exempt from fees since fees were not applicable when the requirements of Appendix I became effective and since review of your previous submittal was delayed by NRC pending development of revised guidance that was issued July 10, 1978.

Although a Commission regulation became effective prior to the March 23, 1978 license amendment fee requirements of Section 170.22, this does not mean that submittals now being received for review and approval are exempt from fees. It is our understanding that your previous filings of June 4, 1976 and September 20, 1976, were required and reviewed in connection with the NRC's consideration of your application for the operating license (NPF-3) that was issued on April 22, 1977 for the Davis-Besse facility.

Based on the above and guidance from the NRR staff as a result of their preliminary review of your application, it has been determined that your application dated March 16, 1979, involves consideration of a separate issue requiring a Class III fee of \$4,000. The separate review at this time is to assure that the current Davis-Besse Technical Specifications comply with the existing requirements of Appendix I of 10 CFR Part 50. It is requested that your company forward this amount promptly to this office. If after the

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Toledo Edison Company

- 2 -

JUN 25 1979

final evaluation of your application is completed, it is determined that it was incorrectly classified, you will be refunded any overpayment or billed for any additional amount due.

Sincerely,

W O Miller

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

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