



GENERAL ATOMIC COMPANY  
P.O. BOX 81608  
SAN DIEGO, CALIFORNIA 92138  
(714) 455-3000

December 14, 1978

In Reply

Refer To: 696-1006

Date	DEC 18 1978
To	
From	
Subject	

Mr. Douglas Weiss  
License Fee Management Branch  
Silver Spring Office  
Office of Administration  
Nuclear Regulatory Commission  
Washington, D.C. 20555

Subject: Docket 70-734; Fee Submittal re Contingency Plan.

Ref. a: NRC letters dated September 29, 1978 and December 1, 1978.

b: GAC letter dated September 19, 1978, re Contingency Plan,  
Ref. 696-797.

Gentlemen:

General Atomic Company (GAC) has received your letter, Ref. a, advising us to pay fees in the amount of \$8300, presumably to cover the costs of the staff's review of our submitted contingency plan. We herewith submit under protest and without prejudice to our right to claim a refund of this or any future fees, a check in the amount of \$8300. The applicable control number is 10834.

General Atomic Company, pursuant to a new regulation, was required to prepare a contingency plan in a specified format and submit such a plan for NRC review and approval. General Atomic was and is not an applicant requesting new authority or activity during consideration of the new regulation effecting contingency plans, nor are we requesting a license amendment. Previously approved plans for coping with emergencies and physical protection of facilities containing SNM, contained the essential elements of the plan now submitted in response to the new regulation. We believe licensees charged with compliance with new regulations should not be subject to the imposition of fees, or, at most, should be charged only the fee for administrative amendments.

This revision of the regulation implementing a specific format for contingency plans coupled with exaction of a grossly excessive fee can only lead one to believe that the NRC staff has not found a way to self-perpetuate the bureaucratic process unfettered by congressional control over its budget. Presumably licensees may now look forward to a plethora of other regulatory revisions which will also require a new or revised document submittal, each with a huge fee.

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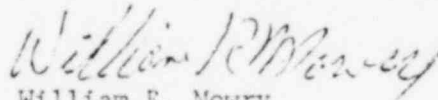
Douglas Weiss

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General Atomic believes that a new applicant requesting NRC license has ample opportunity to consider the regulations in effect at the time and can correspondingly exercise the option of streamlining the various documents required of an applicant to eliminate redundancies and overlapping. Existing licensees have no such opportunity in that their procedures and documents must be altered on a piecemeal basis as the modified regulations become effective. The staff's current interpretation of the applicability of fees in this case is highly suspect, and we request a formal interpretation by the General Counsel.

Very truly yours,



William R. Mowry  
Licensing Administrator  
Nuclear Materials Control Division

WRM:hcs

Enclosure: Check for \$8300.