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

MAY 25 1979

DOCKET NO. 50-271

Vermont Yankee Nuclear Power Corporation
Engineering Office
ATTN: Mr. W. P. Johnson
Vice President
Turnpike Road
Westboro, Massachusetts 01581

Gentlemen:

Your letter dated March 28, 1979, provided your comments objecting to the Class III fee of \$4,000 requested in my letter dated March 16, 1979. The requested fee was for the February 23, 1979 Supplement One (to Proposed Change No. 74 dated August 16, 1978) for Environmental Technical Specification changes for the Vermont Yankee Nuclear Power Plant (License No. DPR-29). Your comments were that:

1. Supplement One involves only an administrative action required as a result of an Atomic Safety and Licensing Appeal Board (ASLAB) Decision of December 27, 1978, in the matter of Tennessee Valley Authority's Yellow Creek Station, and
2. \$4,000 is sufficient for Proposed Change No. 74 and Supplement One since only a portion of your Proposed Change No. 74 has undergone review requiring only a portion of the paid fee to have been used and there remains only an administrative review effort because Supplement One eliminated the technical nature of the review. As such, you feel that the resources originally allocated for the review are decreased and one payment for both reviews is adequate.

In consultation with the NRR review staff, we have concluded that:

1. The Technical Specification change proposed in Supplement One is not required of the NRC as a result of the ASLAB Decision of December 27, 1978,
2. Supplement One dated February 23, 1979, totally changed the content of Proposed Change No. 74 of August 16, 1978. Fees are based on the issues contained in, and review required for, the application that is currently undergoing the review. Any significant modification to an application causes the original application to be reassessed to determine whether additional fees are due or whether there should be a refund of any overpayment of fees. Since Supplement One significantly modified the original

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request and is expected to include technical considerations that will require staff review, it is not considered to be of an administrative nature. Because this technical review is in addition to, and separate from, that already performed for the review and approval of Amendment No. 48 to License No. DPR-29 issued on October 13, 1978, it warrants a separate fee. The review involved with Amendment No. 48 which required evaluation of condenser cooling water limits and monitoring before approval of operation of the Vermont Yankee facility during October 15, 1978 through May 15, 1979, in modes other than closed-cycle was not of an administrative nature, but rather a single environmental issue.

If a single application involves more than one safety, environmental or other issue, it is classified accordingly. Therefore, a single application, or an amendment to a previously filed application, would be classified as two Class III's if there were two safety, environmental or other issues or as a Class III and a Class II if it involves a single safety, environmental, or other issue and an administrative change. If the NRC approves a single application by issuing more than one license amendment therefor without your company significantly modifying the original application, we would not assess an additional fee unless in the final evaluation of the application it is found that our preliminary fee determination was incorrect.

Based on the above considerations, it is requested that the Class III fee of \$4,000 for Supplement One be forwarded to this office within fifteen (15) days after your receipt of this letter. If after 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

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

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