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

MAY 15 1980

DOCKET NO. 50-155

Consumers Power Company  
Attn: Mr. David P. Hoffman  
Nuclear Licensing Administrator  
212 West Michigan Avenue  
Jackson, Michigan 49201

Gentlemen:

By letter dated October 29, 1979, Consumers Power Company (CPC) paid a Class III fee of \$4,000 for a September 28, 1979 application for the Big Rock Point Plant, but requested that an exemption from the fee requirements of 10 CFR 170.22 be granted for this application. The application was prompted by the Oyster Creek loss of feedwater event which occurred on May 2, 1979, that was published in the Federal Register on August 30, 1979 (44 F.R. 50925).

Based on information provided by the staff of the Office of Nuclear Reactor Regulation (NRR) and review of the documents involved in this case, it is our understanding that CPC's application was being handled in the same manner that the staff normally handles similar safety concerns. For the other susceptible operating plants (Nine Mile Point 1 and La Crosse) that were in a shutdown condition at the time of the May 2 event, requirements were imposed based on applications requested verbally by NRR (in the same manner as requested of CPC) and filed by licensees of these plants because plant re-start was desired. For these applications and the subsequent license amendments that were issued imposing certain requirements prior to plant re-start, Class III fees were paid by the involved companies. Fees were also paid by the Jersey Central Power & Light Company for the requirements imposed for the Oyster Creek Plant. Consequently, CPC's requirements are being imposed in the same manner as those for the other involved utilities.

It is not the Commission's policy to recommend that licensees submit applications for the purpose of collecting fees pursuant to 10 CFR 170, but rather for the purpose of assuring that nuclear plants are constructed and operated in such a manner that there is reasonable assurance that the health and safety of the public will not be endangered. In this connection, the Commission expects, and generally receives, the cooperation of licensees.

In light of the above, the CPC October 29, 1979 request pursuant to 10 CFR 170.11(b) for exemption from the fee requirements is hereby denied and the fee is retained as being applicable and justified.

Sincerely,

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

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