

*See previous yellow for additional concurrences

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Docket No. 50-346

JUN 19 1978

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

Gentlemen:

Your letter dated May 17, 1978, forwarded a check for \$4,000 for your application dated April 10, 1978, for amendment to License No. NPF-3 for Davis-Besse Unit No. 1 and requested our reconsideration of the amendment fee requirement for this application. Your reasons for the fee-exempt position was stated to be that the need for the amendment resulted from an initial condition of the license which was under the control of the Commission.

It is our understanding that the license was so conditioned in paragraph 2.C.(3)(i) to assure that an adequate thermal margin exists to compensate for the effects of fuel rod bowing on departure from nucleate boiling. The Commission does condition licenses to the extent that the conditions are necessary and prudent for safe operation of a facility, and to the extent that they can permit limited operation in a safe manner while a particular extended generic review is being completed such as that related to the effects of fuel rod bowing.

Because a new and different staff review separate from our original review is required to consider your proposed alternatives of April 10 to the limits permitted in License No. NPF-3, we do not consider it exempt from fees, and thus, a waiver of the fees for the review and approval of your request is not deemed appropriate.

We are available on 301-492-7225 if we can be of assistance to you.

Sincerely signed by
Wm. O. Miller

JPP 3

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

D. Donoghue + P. Noy

bcc: J. Stolz, DPM Etoy Hylton, DPM
Leon Engle, DPM Reg. Docket File ~~50-346~~

** See attached yellow for concurrences, etc.*

OFFICE →	LFMB:ADM	LFMB:ADM	DPM	DPM	ELD	LFMB:ADM
SURNAME →	RMDiggs:slc	JHolloway*	LEngle*	JStolz*	RFonner	WOMiller
DATE →	6/4/78	6/8/78	6/13/78	6/13/78	6/10/78	6/14/78

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