

MAR 30 1983

Docket No. 30-19311

Pennsylvania Power & Light Company
ATTN: Mr. N. W. Curtis
Vice President for Engineering
Two North Ninth Street
Allentown, Pennsylvania 18101

Gentlemen:

This refers to your August 5, 1981 application, as revised, and to our February 22, 1983 letter to your Company, concerning the fee requirements for low-level waste storage licenses. In the second paragraph of our letter, we inadvertently referred to "licenses authorizing storage of spent fuel." The phrase should have read, "licenses authorizing storage of low-level radioactive wastes."

In further reference to the exemption provision of §170.11(a)(3), it is not the intent of that exemption to exclude from fees licenses issued to facilities which authorize the possession, use or storage of radioactive materials generated from the operation of a reactor. While we recognize that the phrase in §170.11(a)(3), which reads, "incidental to the operation of a facility..." could be interpreted to apply to radioactive materials resulting from reactor operation, that is not the intent of the exemption. Instead, the exemption is intended to apply to materials licenses which are issued prior to the reactor operating license, and which authorize the use of byproduct material, source material, or special nuclear material in activities such as reactor startup, calibration of instrumentation and monitoring equipment, storage of SNM for use as fuel in the reactor, and for use as fission detectors. Because the costs incurred in issuing the aforementioned licenses are recovered as part of the total operating license fee, and since the materials will be used in or in connection with the operation of the reactor, it is not necessary to assess a separate fee for the issuance of those licenses. Consequently, the exemption provision of §170.11(a)(3) was provided.

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As indicated in our February 22 letter, fees for low-level waste storage licenses are being assessed in accordance with §170.22. Based on the Licensing staff's preliminary review of the subject application, it has been determined that a Class IV amendment fee of \$12,300 is appropriate, since the review involves consideration of a complex issue and an extensive environmental impact appraisal. Therefore, please remit an amendment fee of \$12,300 to this office. If the Licensing staff's final review of your application indicates that the Class IV fee is inappropriate, you will be notified and any necessary adjustments will be made.

Sincerely,

Original Signed by
Wm. O. Miller

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

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