

FEB 20 1981

Docket
File

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Docket Nos. 50-313 and
50-368

Arkansas Power & Light Company
ATTN: Mr. William Cavanaugh III
Vice President, Generation and
Construction
P.O. Box 551
Little Rock, Arkansas 72203

Gentlemen:

We have received copies of the following applications which your Company filed with the Office of Nuclear Reactor Regulation (ONRR) for review. Each application provides Technical specifications requested by the ONRR staff's letters dated April 10, 1980, pertaining to the definition of operable for your Arkansas Nuclear One plant:

1. Application dated August 13, 1980, for Unit No. 2 which included a Class III fee of \$4,000 pursuant to 10 CFR 170.22.
2. Application dated November 28, 1980, for Unit No. 1 which did not include fees. You determined that no fee is required because the changes are merely clarification of the current Technical specifications, they have only minor safety significance, and will be issued for the convenience of the Commission.

Based on information provided by the ONRR staff as a result of preliminary reviews of these applications, the following fee determinations have been made for the above applications:

1. Item 1 for Unit No. 2 is considered to be pro forma and administrative in nature. Consequently, it only requires a Class II fee of \$1,200 in lieu of the \$4,000 that was paid. For Unit No. 2, a refund of \$2,800 is due.
2. Item 2 for Unit No. 1 is considered to involve a single safety issue which requires a Class III fee of \$4,000.

The ONRR staff also informed us that the difference in fee classes for your two Arkansas Nuclear One units is due to the differences in the Technical Specifications for each plant which make the ONRR review requirements different.

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When applications for license amendments or other approvals are requested by the USNRC for the purpose of enhancing the safe operation of a nuclear facility or to correct a problem or potential problem relating to operation (such as assuring safety system availability and performance, and/or for procedures), they are not exempt from the fee requirements of 10 CFR 170.22 unless specifically ordered by the USNRC pursuant to 10 CFR 2.204. On this basis, licensees are being requested to pay fees for the applications in response to the April 10 letters.

Although the purpose of the "operable" change was stated to be of a clarifying nature on page 1 of the April 10 letter, we have been advised by the ONRR review staff that the underlying reason is that of assuring safety system availability as stated on page 2 of that same letter. Therefore, this requested change is not considered a USNRC convenience matter, but is required in connection with the USNRC's mandated role of assuring that nuclear facilities are operated in the safest possible manner.

Rather than refunding your Company the sum of \$2,300, we are applying it to the \$4,000 due for item 2 above, and we request that your Company remit an additional sum of \$1,200 to this office to complete the total due for item 2. We hope your Company finds this transaction to be acceptable. If the final reviews of these applications by the ONRR staff reveal that these fees are incorrect, an adjustment will be made.

Sincerely,

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

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