

JUL 24 1981

Docket Nos. 50-289
and 50-320



Metropolitan Edison Company
ATTN: Mr. Gale K. Hovey
Vice President and Director of TMI-2
P.O. Box 480
Middletown, Pennsylvania 17057

Gentlemen:

By letter dated May 7, 1981 (copy enclosed), we requested an additional sum of \$6,400 in fees pursuant to 10 CFR 170.22 for your July 7, 1978 and April 18, 1980 applications for TMI-2. We have not received the requested fees; therefore, they should be remitted to our office within fifteen days after your receipt of this letter.

In addition, we have received copies of the following applications for TMI-1 and -2 which were filed with the Office of Nuclear Reactor Regulation (ONRR) for review:

1. Technical Specification Change Request No. 27 dated June 10, 1981. This request proposed changes in the TMI-2 Appendix B Technical Specifications to add requirements for limits on offsite doses due to the release of radioactive materials and requirements for reporting those offsite doses. The reason for the change was stated to be for the purpose of assuring that the design objective of Appendix I to 10 CFR Part 50 is not exceeded and that the actual environmental impacts are consistent with those assessed in the Programmatic Environmental Impact Statement (PEIS). Your Company determined that this request is not subject to the fees of 10 CFR 170.22 because it was requested by the USNRC; is consistent with the Policy Statement of April 27, 1981, and fulfills the requirement of Appendix R of the PEIS.

Under the provisions of 10 CFR 170, the USNRC may, and does, exempt from fees certain applications that qualify under Footnote 2 to 10 CFR 170.22 (i.e., license amendments or approvals resulting from USNRC orders issued pursuant to 10 CFR 2.204 and Class I, II, or III amendments that have only minor safety significance which are requested in writing by the USNRC for the purpose of simplifying or clarifying the license or Technical Specifications for the convenience of the USNRC). If an application clearly meets either of these footnote provisions, it is generally exempted from fees.

Based on information provided by the ONRR staff as a result of a preliminary review of your June 10 application, it has been determined that: (a) this application does not qualify for exemption under Footnote 2 and (b) the application is considered to involve a review of an administrative nature. On this basis, a Class I fee of \$1,200 is required.

2. Change Request No. 96 dated September 30, 1980, which requested authority

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to use one-hour fire patrols when fire barriers are inoperable during certain modes at TMI-1. A Class II fee of \$1,200 was remitted with this application. Your letter dated October 24, 1980, requested that the \$1,200 fee paid be returned to you because the application would not be processed as submitted and that the resubmittal of this application, according to the ONRR staff, would be considered a part of the fire protection program for which the USNRC is not charging fees.

We have been exempting from fees those fire protection applications that were filed prior to the 10 CFR 50.48/Appendix R requirements. On this basis, we have determined that an exemption pursuant to 10 CFR 170.11(b) from the fee requirements of 10 CFR.170.22 is authorized by law, and such exemption is otherwise in the public interest and is hereby granted for your September 30, 1980 application. Therefore, a refund of the \$1,200 is due your Company.

In consideration of items 1 and 2 above, a sum of \$1,200 is due the USNRC for the June 10, 1981 TMI-2 application and a refund of \$1,200 is due your Company for the September 30, 1980 TMI-1 application. As a result, we are applying the refund due you to the amount owed the USNRC. We hope that your Company finds this transaction to be an acceptable one. If the ONRR staff's final evaluation of your June 10, 1981 application reveals that the Class II fee is not correct, your Company will be notified and an adjustment will be made.

Sincerely,

Original Signed by
Wm. O. Miller

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

Enclosure:

Copy of Ltr. 5/7/81 (Previously Submitted)

cc w/o enclosure:

Mr. H.D. Hukill
Director, TMI-1
Metropolitan Edison Company
P.O. Box 480
Middletown, Pennsylvania 17057

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

WOM

OFFICE	LFMB:ADM	LFMB:ADM	OELO	LFMB:ADM		
SURNAME	RMDiggs:ab	Colloway	RFonner	WOMiller		
DATE	7/23/81	7/23/81	7/ /81	7/23/81		