

DUKE POWER COMPANY

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CHARLOTTE, N.C. 28242

HAL B. TUCKER
VICE PRESIDENT
NUCLEAR PRODUCTION

July 12, 1984

TELEPHONE
(704) 373-4531

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Attention: Ms. E. G. Adensam, Chief
Licensing Branch No. 4

Subject: McGuire Nuclear Station
Docket Nos. 50-369, 50-370
Snubber Functional Tests/ASME Code Section XI

Technical Specification Surveillance Requirement 4.7.8 states that each snubber required by T.S.3.7.8 shall be demonstrated operable by performance of an Augmented Inservice Inspection Program (as given in T.S.4.7.8a-i) and the requirements of Specification 4.0.5. Part of this Augmented Inspection Program (T.S.4.7.8e) is that during the first refueling shutdown and at least once per refueling thereafter, a representative sample of snubbers shall be tested using one of the three sample plans given. The sample plan is to be selected and the NRC notified prior to the test period.

My letter to Mr. J. P. O'Reilly (NRC/OIE) dated February 14, 1984 notified the NRC that Duke had selected sample plan No. 2 (T.S.4.7.8.e(2)) for the functional testing which was performed during the McGuire Unit 1 first refueling. McGuire Technical Specifications require that inservice inspection and testing of various components be performed in accordance with Section XI of the ASME Code and applicable addenda. Snubber testing is included in the edition of the Code which McGuire is using. The Code testing requirement must be followed unless written relief has been granted by the NRC. Since the plan for snubber selection being used by Duke differed from that in Section XI of the ASME Code, it was subsequently determined that formal acknowledgement of the exemption to the Code would be appropriate. Consequently, my letter of April 12, 1984 requested written relief from the ASME Code requirement pursuant to 10 CFR 50.55a(g)(6)(i). No fees pursuant to 10 CFR 170.22 were remitted with this request.

Ms. Reba M. Diggs' letter of May 1, 1984 indicated that preliminary review of the April 12, 1984 relief request application determined that a class II fee (Unit 1) and a class I fee (Unit 2) were required, and requested that Duke Power remit the sum of \$1,600.00. In accordance with this request, a check in the amount of \$1,600.00 is enclosed. However, Duke Power disagrees that a fee is required for the exemption on the basis that the exemption has already been reviewed and approved by virtue of the various sample plans inclusion in the Technical Specifications (the exemption request was basically for formal documentation purposes). Accordingly, it is hoped that the ONRR Staff's final review of the request concurs with this position and the necessary adjustments made.

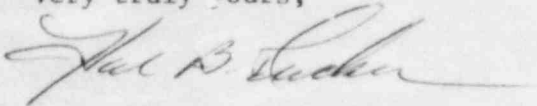
This matter has previously been discussed with Mr. R. Birkel of your Staff. Should there be any questions regarding this matter, please advise.

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PDR ADOCK 05000369
P PDR

11/008 w/check
\$1750.00
736608

Mr. Harold R. Denton
July 12, 1984
Page 2

Very truly yours,



Hal B. Tucker

PBN:glb

Enclosure

cc: W. T. Orders
Senior Resident Inspector
McGuire Nuclear Station

Mr. James P. O'Reilly, Regional Administrator
U. S. Nuclear Regulatory Commission
Suite 2900
101 Marietta Street, NW
Atlanta, Georgia 30323

This check (no.736608) includes a \$150 fee to be used for Oconee Nuclear Station in the near future. That submittal will refer to this check no. 736608 and this submittal of July 12, 1984.