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AUTH. NAME: AUTHOR AFFILIATION:
 PARKER, W.O. Duke Power Co.
 RECIP. NAME: RECIPIENT AFFILIATION:
 DENTON, H.R. Office of Nuclear Reactor Regulation, Director

SUBJECT: Contests NRC 810317 Class IV license fee determination, for
 amend to OLs, changing Tech Specs to reflect Lessons Learned
 Category A items. Safety issues were reviewed prior to
 application. Class IV determination is applicable.

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422 SOUTH CHURCH STREET, CHARLOTTE, N. C. 28242

WILLIAM O. PARKER, JR.
VICE PRESIDENT
STEAM PRODUCTION

March 26, 1981

TELEPHONE: AREA 704
373-4083

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

Attention: Director
License Fee Management Branch

Re: Oconee Nuclear Station
Docket Nos. 50-269, -270, -287

Dear Sir:

Duke has received the NRC Staff letter dated March 17, 1981 which requests additional license fees for the processing of the license amendment to reflect in Oconee Technical Specification the Lessons Learned Category "A" items. The Staff has provided insufficient information to support their position that a Class IV license fee is required. The following discussions provide the basis for the Duke position that a Class III fee is all that need be provided.

When NUREG-0578 was issued in the summer of 1979, Duke initiated the design work necessary to implement the Lessons Learned Category "A" items in accordance with the Staff's guidance. Following implementation, the NRC Staff review team visited the Oconee site in January 1980 and based on their review, issued a Safety Evaluation Report April 7, 1980 which concluded that all Category "A" items had been satisfactorily implemented. By letter dated July 2, 1980 the Staff provided model Technical Specifications to assure the continued operability of the Category "A" items and requested a plant specific submittal. By letter dated October 2, 1980 Duke submitted not only proposed Technical Specifications addressing the Category "A" items implemented, but also a discussion of the applicability of the model STS to the Oconee facility. The NRC issued the resultant license amendments and Technical Specification changes January 28, 1981. During the course of the Staff's review, no requests for additional information from Duke were made. Based on the preceding, it is evident that any consideration of safety issues was made well before the proposed Technical Specification submittal was made by Duke. NUREG-0578 was implemented after consideration of several safety issues which resulted during

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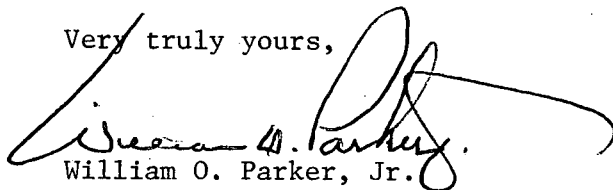
Mr. Harold R. Denton, Director
March 26, 1981
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the Three Mile Island event. The Staff's own review of the implementation of the Category "A" items at Oconee considered the safety aspects. The Duke submittal of proposed Technical Specifications specifically addressed the model specification requirements as proposed for Oconee. Because of these efforts performed prior to the Staff review of the proposed specifications, very little, if any, consideration of safety issues was necessary by the Staff during the final review.

Class III amendments apply when acceptability for the issue are clearly identified by an NRC position. Certainly, this is the case for Category "A" items and their associated Technical Specifications.

In consideration of the above, no additional license fees are warranted.

Very truly yours,



William O. Parker, Jr.

RLG:scs