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JUL 9 1985

Docket Nos. 50-369  
and 50-370

Duke Power Company  
ATTN: Mr. Hal B. Tucker, Vice President  
Nuclear Production  
Post Office Box 53189  
422 South Church Street  
Charlotte, North Carolina 28242

Gentlemen:

Your letter dated July 12, 1984 stated that fees were not required for the April 12, 1984 request for relief from the ASME Code for McGuire Unit Nos. 1 and 2 since the relief had already been reviewed and approved by virtue of the various sample plans being included in the Technical Specifications. It is your position that the relief request was basically for formal documentation purposes only.

By letter dated March 26, 1985, the Division of Licensing (DL) staff informed you of their approval of your April 12 relief request. As the result of their final review of your request, the DL staff have determined that the Class II and Class I fees previously requested and paid are appropriate. The DL staff have informed us that in making this fee determination they did consider the fact that the plan being used had previously been considered. Therefore, they assessed fees for an administrative review in lieu of fees for review of a single safety issue. Relief from the requirements of Section XI of the ASME Code is a type of request that has been subject to fees since Part 170 was revised on March 23, 1978. Consequently, licensees have been, and still are, required to pay fees for these requests.

Sincerely,

Original Signed by:

Reba M. Diggs

Reba M. Diggs  
Facilities Program Coordinator  
License Fee Management Branch  
Office of Administration

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