

JAN 1 1992

Mr. S. A. Toelle, Manager
Operating Reactor Licensing
Asea Brown Boveri
1000 Prospect Hill Road
P. O. Box 500
Windsor, Connecticut 06095-0500

Dear Mr. Toelle:

SUBJECT: CENTS CODE TOPICAL GENERIC REVIEW FEES

By letter's dated August 8, and November 4, 1991, you informed the NRC that a financial agreement between you and the Omaha Public Power District (OPPD) has been reached whereby OPPD will pay the review fees for the topical report submitted by your company. Part 10, Title 10 of the Code of Federal Regulations, implements 31 USC 9701, which is the NRC's statutory authority to collect fees for services provided to individually identified entities. Consistent with 10 CFR 170.12(f), the applicant for a topical report review is responsible for and must pay applicable fees for that service when billed by the Commission.

It is noted that earlier correspondence from you indicates your wish to have portions of the topical report protected from public disclosure as proprietary information pursuant to 5 USC 552(b)(4). This fact further supports the conclusion that you are indeed the entity requesting the review (service) from the NRC. As NRC procedure is to bill directly the entity receiving a service subject to fee recovery under Part 170, the billing of a third party, OPPD, would be inconsistent with NRC rules and practice. Accordingly, any reimbursement to you for the costs you will accumulate as a result of the requested review (in addition to the question of which entity would have rights to further marketing of the review), are a matter between you and OPPD. Under the current regulation you will be billed every six months for costs accrued during a six month period.

Finally, OPPD, in their letter dated October 17, 1991, requested a cost estimate of the review costs for budgeting purposes. The NRC estimates that the fee for the review would be about \$100,000. Please note that this is a rough estimate and you will be billed for the effort expended to conduct the review. If you wish us to proceed with the review of your topical report with the understanding that your company will be billed for the associated review costs, please so advise us. Under separate cover, OPPD has been provided with a copy of this letter.

Sincerely,

Diane B. Dandois, Chief
License Fee & Debt Collection Branch
Division of Accounting and Finance
Office of the Controller

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Mr. S. A. Toelle

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Sincerely,

Diane B. Dandois, Chief
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Division of Accounting and Finance
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Mr. S. A. Toelle

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topic report with the understanding that your company will be billed for the associated review costs, please so advise us. Under separate cover, OPPD has been provided with a copy of this letter.

Sincerely,

John T. Larkins, Director
Project Directorate IV-1
Division of Reactor Projects III, IV, and V
Office of Nuclear Reactor Regulation

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SECONDARY NAME: TERONICA WILLIAMS
SUBJECT: CENTS CODE TOPICAL GENERIC REVIEW FEES

- | | <u>NAME</u> | <u>DATE</u> |
|----|----------------------|-------------|
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