

MAR 26 1985

General Electric Company
ATTN: Mr. H. C. Pfefferlen, Manager
BWR Licensing Programs
175 Curtner Avenue
San Jose, California 95125

Gentlemen:

Subject: Bill No. D0096 for Volume III of NEDE-23785-1

Your letter dated January 22, 1985 (MFN 176-84/008-85), provided additional discussion on why your Company takes the position that a fee pursuant to 10 CFR 170 is not appropriate for Volume III of NEDE-23785-1 (i.e., the report is not a separate ("stand alone") document). Based on a reanalysis by the Division of Licensing (DL) staff of the records and reviews relating to the series of reports identified as NEDE-23785-1, it is still our determination that fees are appropriate for Volume III of NEDE-23785-1.

The NRC's final position is that regardless of any references in the Volumes I and II SERs to the fact that a methodology was needed for the GESTR-LOCA computer models or whether the Volume III methodology is applicable to other computer models such as TRAC-BWR, Volume III was submitted separately, it was reviewed separately and a separate SER was issued after issuance of the SERs for Volumes I and II. Even if Volume III is considered by GE as an addendum or supplement to Volumes I and II, it is still subject to a separate fee in accordance with NUREG-0390, Volume 7, No. 2, Section 13, second paragraph on page 1-9 (enclosed), dated October 15, 1984. The topical report file shows clearly that the Volume III review was conducted totally independent of the Volumes I and II reviews. The only conditions under which Volume III might have been considered exempt from a separate fee is if it was submitted together with the other volumes, clearly identified as an integral part of one or both of the other volumes, and a single combined SER issued at the conclusion of the review of the entire package.

In consideration of the above, GE is again requested to pay Bill No. D0096 (dated 12/3/84) for \$20,000 and all interest. We have been informed by the NRC's Division of Accounting and Finance that the

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interest on Bill No. D0096 through April 2, 1985, would be \$596.71. In the event that payment is not received in the Division of Accounting and Finance by April 2, 1985, the interest will continue to accrue and increase daily at the annual rate of 9%. Since our letters dated February 1, 1984 and November 30, 1984, informed you that Volume III was subject to fees, a waiver of interest on Bill No. D0096, or portion thereof, is not deemed appropriate and will not be granted.

Sincerely,

Original Signed by
Wm. O. Miller

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

Enclosure:
Page 1-9 of NUREG-0390
dated 10/15/84

DISTRIBUTION *w/enc!*

PDR

LPDR

Regulatory Records (016 - conc. cy) *w/enc! ✓*

HBerkow, SSPB

DMoran, SSPB

MRodriguez, RM/A

RRakowski, RM/A

LSolander, PRAB

LFMB GE Topical

LFMB Actual Manpower *- w/enc!*

LFMB R/F

OFFICE ▶	LFMB:ADM	LFMB:ADM	RM/A <i>PER</i>	LFMB:ADM			
SURNAME ▶	<i>WOM</i> RMDiggs:jp	CJH <i>W</i> CJH <i>W</i> oway	RRakowski	WOMiller			
DATE ▶	3/20/85	3/21/85	3/22/85	3/21/85			

A proposed revision to an approved report is submitted and reviewed by the staff in accordance with the same requirements and procedures as apply to a new topical report. The revision will have the same identification as the base report with the suffix "Revision 1 or 2", etc. When a revision to an accepted report is submitted for review, the "A" designation is not valid until the revision itself has been reviewed and accepted.

When the revised or supplementary material is determined by the staff to be acceptable for referencing the industry organization will submit the required number of complete new reports incorporating the revised or supplementary information. The revised report must contain a note on the cover page stating that it supersedes and replaces all earlier versions of the same numbered report. The superseded reports will not be returned to the industry organization.

13.0 Fees For Topical Report Reviews

In accordance with the revised fee schedule on 10 CFR Part 170, any topical report which was accepted for review by the staff on and after March 23, 1978 will be assessed a review fee, and, any topical reports submitted for review after June 20, 1984 must include a \$150 application fee with the submittal. Topical reports fall under the designation of Special Projects in the schedule of fees. The fee will be based on actual expenditures for professional manpower and appropriate support services. However, the maximum fee for review of a topical report shall not exceed \$20,000. The topical report applicant will be billed at six-month intervals, or upon completion of review, regardless of whether or not the report is found to be acceptable for referencing.

If the topical report is withdrawn before the staff review is completed, a fee will be assessed for actual expenditures to the time of withdrawal. Proposed revisions to topical reports which NRC considers to significantly alter the report scope will be assessed review fees as for a new topical report. The revision will be subject to a fee even though the original report might have been exempt. The maximum fee of \$20,000 applies both to withdrawn reports and revisions to approved reports. Reports which do not satisfy the definition of a topical report and are reviewed as Special Reports under 10 CFR 170.21 will be billed for actual review costs with no ceiling on the fee.