

June 7, 2004

Mr. Kenneth S. Putnam, Chairman  
Nuclear Management Company  
Duane Arnold Energy Center  
3277 DAEC Road  
Palo, IA 52324

Dear Mr. Putnam:

I am responding to your April 6, 2004, letter requesting that the NRC's review of Licensing Topical Report (TR), NEDO 33148, "Separation of Loss of Offsite Power from Large Break LOCA," be exempted from fees under 10 CFR Part 170. You request that the licensing review fees for this TR be waived pursuant to the provisions of sections 170.11(a)(1)(ii) and (iii). After careful review, I am granting your request for a fee waiver in accordance with the criteria established in 10 CFR 170.11.

Your request for a fee waiver under 10 CFR 170.11(a)(1)(iii) is based on the criterion which states that fees will not be required for *Special Projects* that are requests/reports submitted to the NRC as a means of exchanging information between industry organizations and the NRC for the specific purpose of supporting the NRC's generic regulatory improvements or efforts. During the acceptance review for this TR, the staff determined that the report will: 1) support the agency's generic regulatory improvements (i.e., risk management technical specifications); 2) be used as a means of exchanging information between industry organizations and the NRC; and 3) be valuable prior to undertaking rulemaking involving Loss of Offsite Power.

However, your request does not meet the criterion under 10 CFR 170.11(a)(1)(ii), which states that fees will not be required for *Special Projects* that are requests/reports submitted to the NRC in response to an NRC request to resolve an identified safety, safeguards, or environmental issues, or to assist the NRC in developing a rule, regulatory guide, policy statement, generic letter, or bulletin. Specifically, this effort was not initiated by the NRC. Therefore, I have concluded that a fee waiver under 10 CFR 170.11(a)(1)(iii) is more appropriate for your request.

If you have any questions, please contact Ms. Shirley Crutchfield of my staff at 301-415-6097.

Sincerely,

Jesse L. Funches  
Chief Financial Officer

cc: J. E. Dyer, NRR

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Duane Arnold Energy Center  
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I am responding to your April 6, 2004, letter requesting that the NRC's review of Licensing Topical Report (TR), NEDO 33148, "Separation of Loss of Offsite Power from Large Break LOCA," be exempted from fees under 10 CFR Part 170. You request that the licensing review fees for this TR be waived pursuant to the provisions of sections 170.11(a)(1)(ii) and (iii). After careful review, I am granting your request for a fee waiver in accordance with the criteria established in 10 CFR 170.11.

Your request for a fee waiver under 10 CFR 170.11(a)(1)(iii) is based on the criterion which states that fees will not be required for *Special Projects* that are requests/reports submitted to the NRC as a means of exchanging information between industry organizations and the NRC for the specific purpose of supporting the NRC's generic regulatory improvements or efforts. During the acceptance review for this TR, the staff determined that the report will: 1) support the agency's generic regulatory improvements (i.e., risk management technical specifications); 2) be used as a means of exchanging information between industry organizations and the NRC; and 3) be valuable prior to undertaking rulemaking involving Loss of Offsite Power.

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If you have any questions, please contact Ms. Shirley Crutchfield of my staff at 301-415-6097.

Sincerely,

/RA/

Jesse L. Funches  
Chief Financial Officer

cc: J. E. Dyer, NRR

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