



GE Nuclear Energy

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Attn: Document Control Desk  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

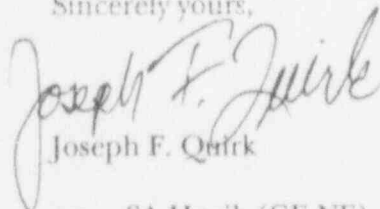
Subject: NRC Fee Regulations for Design Certification

By letter of July 20, 1994, ABB-Combustion Engineering sought NRC confirmation of its understanding that 10 CFR Part 170 does not impose NRC fees for design certification rulemaking and that review fees for certification applicants cease upon NRC issuance of an FDA for the standard design. As noted in the ABB-CE letter, the subject understanding was discussed with NRC staff in a meeting on June 7, 1994, a meeting in which representatives of GE Nuclear Energy (GE-NE) participated.

Our representatives at the June 7 meeting advised NRC staff that GE-NE shared the understanding that Part 170 does not impose review fees for design certification rulemaking. As explained in the Statement of Considerations accompanying the 1991 adoption of NRC's fee schedules, Part 170 excludes review fees for "generic rulemaking and guidance (e.g., 10 CFR Part 52 and Regulatory Guides) for standard plants and contested hearings". 56 Fed.Reg. at 31476 (July 10, 1991). A fuller elaboration of the basis for this understanding of the NRC's fee regulations is set forth in the attachment to the ABB-CE letter, in which GE-NE concurs.

Since an FDA for the ABWR has now been issued and preparation for design certification rulemaking is currently underway, NRC confirmation of this understanding of Part 170 is requested as early as possible.

Sincerely yours,



Joseph F. Quirk

cc: SA Hucik (GE-NE)  
DM Crutchfield (NRC Staff)  
SM Franks (DOE)  
WH Rasin (NEI)  
MA Rowden (Fried, Frank...)

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