

* * * IMPORTANT * * *

PROPOSED RULE ON NRC'S COST RECOVERY
FOR CONTESTED HEARINGS

Please read the enclosed document carefully. It may impact the fees you are assessed by the NRC. Please submit any comments on the proposed fee rule changes within the 30-day comment period. To ensure that comments are received within the 30-day comment period, you may fax your comments to 301-415-1101 in addition to mailing them. The proposed changes are summarized in the cover memorandum.

July 25, 2002

IMPORTANT NOTICE

TO: ALL PARTS 30, 40, 50, 52, 61, 70, 71, 72, 73, 76 AND 110 LICENSEES, APPLICANTS, REACTOR VENDORS, AND OWNERS' GROUPS

SUBJECT: PROPOSED AMENDMENT TO RECOVER THE COSTS ASSOCIATED WITH CONTESTED HEARINGS ON LICENSING ACTIONS INVOLVING U.S. GOVERNMENT NATIONAL SECURITY-RELATED PROCEEDINGS THROUGH PART 170 FEES.

Shortly after the date of this letter, the U.S. Nuclear Regulatory Commission (NRC) will publish the enclosed Proposed Notice of Rulemaking in the Federal Register for public comment. The NRC is proposing to amend 10 CFR Part 170 to establish a provision for assessing Part 170 fees to the affected applicant or licensee to recover the NRC's full costs of contested hearings on licensing actions directly involving U.S. Government national security initiatives, as determined by the NRC. To implement this special exception to the Commission's longstanding policy of not assessing Part 170 fees for contested hearing costs, the NRC is proposing to add a fee exemption to §170.11 for contested hearings, and to specifically exclude contested hearings on licensing actions directly related to U. S. Government national security initiatives, as determined by the NRC, from the fee exemption. Only those contested hearings on licensing actions directly associated with a U. S. Government national security initiative, such as those specifically related to Presidentially directed national security programs, would be subject to cost recovery under Part 170. The costs would be recovered through the assessment of Special Project fees under 10 CFR 170.21 and 10 CFR 170.31. The NRC would continue to recover its costs for those contested hearings that are exempted from Part 170 fees through Part 171 annual fees assessed to the particular class of licensees.

The Proposed Notice of Rulemaking provides more specific details on this proposed rulemaking.

All parties desiring to submit written comments for consideration on this proposed rule should send them to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff, within 30 days from publication in the Federal Register. To ensure that comments are received on time, comments may also be faxed to 301-415-1101. Comments may also be hand delivered to: 11555 Rockville Pike, Rockville, MD 20852, Monday through Friday between the hours of 7:30 a.m. and 4:15 p.m. (Telephone: 301-415-1678). Additionally, comments may be submitted via the NRC's interactive rulemaking Website (<http://ruleforum.llnl.gov>). This site provides the ability to upload comments as files (any format), if your Web browser supports that function. For information about the NRC's interactive rulemaking site, contact Ms. Carol Gallagher, 301-415-5905; or e-mail cag@nrc.gov.

Please note that the NRC does not plan to mail the final rule to licensees. However, copies will be sent upon specific request. To request a copy, contact us at 301-415-7554, or e-mail us at fees@nrc.gov. In addition to publication in the Federal Register, the final rule will be available electronically on the Internet at <http://ruleforum.llnl.gov>.

Sincerely,

/RA/

Glenda Jackson
Assistant for Fee Policy and Rules
License Fee and Accounts Receivable Branch
Division of Accounting and Finance
Office of the Chief Financial Officer

Enclosure: As stated

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