

payment of the part 170 fees assessed for these types of contested hearings under the proposed approach. However, because part 170 fees would only be assessed for contested hearings directly involving U. S. Government national security initiatives, the Commission expects that generally the costs would ultimately be borne by the Federal government, rather than the applicant. ~~[The Commission believes this is a just result that enhances the fairness and equity of the NRC's fee schedules.]~~

In addition to the contested hearing on the MOX fuel fabrication facility application, the contested hearing on the TVA license amendments to produce tritium at the Watts Bar and Sequoyah reactors for the nation's nuclear weapons program would be another example of a contested hearing directly involving a U. S. Government national security initiative for which Part 170 fees would be assessed under this proposed rule. Examples of contested hearings that do not involve a U.S. Government national security initiative include the contested hearing on the application for a uranium recovery license filed by Hydro Resources Inc., and the contested hearing on the independent spent fuel storage installation application filed by Private Fuel Storage L.L.C.

*Furthermore, it is noted that the Commission ~~at this time~~ does not intend to include ~~assess~~ Part 170 fees for ~~uncontested~~ hearings associated with applications or licenses that are used to provide*

It should be noted that the Independent Offices Appropriation Act (IOAA) prohibits the NRC from assessing part 170 fees to Federal agencies, except in limited circumstances, such as licensing and inspection of TVA power reactors. Therefore, the proposed change would not apply to most contested hearings involving U. S. Government national security initiatives where a Federal agency is the applicant or licensee.

*routine services to Federal U.S. govt Government Agencies.*

In the future, the Commission plans to consider a similar approach for recovering NRC's costs for other activities involving U. S. Government national security-related programs, such as