

April 29, 2004

ALL AGREEMENT STATES, MINNESOTA, PENNSYLVANIA

FINAL RULE -- 92 PERCENT FEE RECOVERY FOR FISCAL YEAR 2004 (STP-04-031)

The U.S. Nuclear Regulatory Commission (NRC) would like to inform the Agreement States of a final rulemaking to 10 CFR Parts 170 and 171 regarding the licensing, inspection, and annual fees to recover approximately 92 percent of its fiscal year (FY) 2004 budget authority. The amendments are necessary in order to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which mandates that NRC recover approximately 92 percent of its budget authority, less the amount appropriated from the Department of Energy administered Nuclear Waste Fund. The final rule will assess fees to those Agreement States licensees who perform work in Non-Agreement States under the reciprocity provisions of 10 CFR 150.20. The final rule was published in the *Federal Register* (FR) on April 26, 2004 (69 FR 22664-22688) and the effective date for the final rule is June 25, 2004. The reciprocity fee can be found at the end of the Schedule of Materials Fees on page 22680 of the April 26, 2004 FR notice. The reciprocity fee remains at \$1500 for FY 2004.

The proposed rule was sent to each State under separate cover, with a memorandum summarizing the proposed changes. The proposed rule was also made available on the NRC web site. In addition to publication in the FR, the final rule can be obtained on the Internet at http://ruleforum.llnl.gov/cgi-bin/rulemake?source=FEE04_PRULE&st=final, by requesting a copy from the NRC's fee staff at (301) 415-7554, by e-mail at fees@nrc.gov, or by writing to the Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

Please inform your licensees of the final fee rule and how they can access it. If you have any questions regarding this notice, please contact the individual listed below.

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/RA By Cardelia Maupin Acting for/
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STP-04-031

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