

February 15, 2005

The Honorable George V. Voinovich, Chairman  
Subcommittee on Clean Air, Climate Change,  
and Nuclear Safety  
Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the U.S. Nuclear Regulatory Commission (NRC) recover approximately 90 percent of its FY 2005 budget authority, less the appropriation from the Nuclear Waste Fund, by assessing license and annual fees. The NRC is required to recover approximately \$540.7 million in FY 2005.

In order to comply with the law, the Commission is proposing to amend its fee regulations in 10 CFR Parts 170 and 171. The amendments to 10 CFR Part 170 would revise the professional hourly rates and flat license application fees to reflect the costs of providing NRC licensing services to applicants and licensees. The hourly rate used to assess Part 170 fees would increase to \$205 for the Nuclear Reactor Safety Program and \$198 per hour for the Nuclear Materials and Waste Safety Program. The proposed rates more accurately reflect the resources NRC expends providing licensee-specific services.

The amendments to 10 CFR Part 171 would establish the amount of the FY 2005 annual fees to be assessed to reactor licensees, fuel cycle licensees, transportation certificate holders, and materials licensees to recover costs not recovered through 10 CFR Part 170 fees. The proposed FY 2005 annual fees would result in decreased annual fees compared to FY 2004 for five classes of licensees (power reactors, non-power reactors, rare earth mills, spent fuel storage/reactor decommissioning, and transportation), and increased annual fees for two classes (fuel facilities, and uranium recovery). For one class, materials users, most categories of licenses would have increased annual fees, others would have decreased annual fees, and two categories' annual fees would remain unchanged. The major factors affecting the annual fee amounts include: changes in budgeted costs for the different classes of licenses, reduction in the statutory requirement for NRC to recover fees from 92 percent in FY 2004 to 90 percent in FY 2005, and estimated Part 170 collections from various classes of licenses.

Those NRC licensees that can qualify as a small entity under NRC's size standards would continue to be eligible to pay reduced annual fees.

Enclosed is a copy of the proposed rule which is being transmitted to the *Federal Register* for publication. The notice provides for a 30-day public comment period.

Sincerely,

*/RA/*

Dennis K. Rathbun, Director  
Office of Congressional Affairs

Enclosure: Proposed Revision to  
10 CFR Parts 170 and 171

cc: Senator Thomas R. Carper

February 15, 2005

The Honorable Ralph M. Hall, Chairman  
Subcommittee on Energy and Air Quality  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the U.S. Nuclear Regulatory Commission (NRC) recover approximately 90 percent of its FY 2005 budget authority, less the appropriation from the Nuclear Waste Fund, by assessing license and annual fees. The NRC is required to recover approximately \$540.7 million in FY 2005.

In order to comply with the law, the Commission is proposing to amend its fee regulations in 10 CFR Parts 170 and 171. The amendments to 10 CFR Part 170 would revise the professional hourly rates and flat license application fees to reflect the costs of providing NRC licensing services to applicants and licensees. The hourly rate used to assess Part 170 fees would increase to \$205 for the Nuclear Reactor Safety Program and \$198 per hour for the Nuclear Materials and Waste Safety Program. The proposed rates more accurately reflect the resources NRC expends providing licensee-specific services.

The amendments to 10 CFR Part 171 would establish the amount of the FY 2005 annual fees to be assessed to reactor licensees, fuel cycle licensees, transportation certificate holders, and materials licensees to recover costs not recovered through 10 CFR Part 170 fees. The proposed FY 2005 annual fees would result in decreased annual fees compared to FY 2004 for five classes of licensees (power reactors, non-power reactors, rare earth mills, spent fuel storage/reactor decommissioning, and transportation), and increased annual fees for two classes (fuel facilities, and uranium recovery). For one class, materials users, most categories of licenses would have increased annual fees, others would have decreased annual fees, and two categories' annual fees would remain unchanged. The major factors affecting the annual fee amounts include: changes in budgeted costs for the different classes of licenses, reduction in the statutory requirement for NRC to recover fees from 92 percent in FY 2004 to 90 percent in FY 2005, and estimated Part 170 collections from various classes of licenses.

Those NRC licensees that can qualify as a small entity under NRC's size standards would continue to be eligible to pay reduced annual fees.

Enclosed is a copy of the proposed rule which is being transmitted to the *Federal Register* for publication. The notice provides for a 30-day public comment period.

Sincerely,

*/RA/*

Dennis K. Rathbun, Director  
Office of Congressional Affairs

Enclosure: Proposed Revision to  
10 CFR Parts 170 and 171

cc: Representative Rick Boucher

February 15, 2005

The Honorable Pete V. Domenici, Chairman  
Subcommittee on Energy and Water Development  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the U.S. Nuclear Regulatory Commission (NRC) recover approximately 90 percent of its FY 2005 budget authority, less the appropriation from the Nuclear Waste Fund, by assessing license and annual fees. The NRC is required to recover approximately \$540.7 million in FY 2005.

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Those NRC licensees that can qualify as a small entity under NRC's size standards would continue to be eligible to pay reduced annual fees.

Enclosed is a copy of the proposed rule which is being transmitted to the *Federal Register* for publication. The notice provides for a 30-day public comment period.

Sincerely,

/RA/

Dennis K. Rathbun, Director  
Office of Congressional Affairs

Enclosure: Proposed Revision to  
10 CFR Parts 170 and 171

cc: Senator Harry Reid

February 15, 2005

The Honorable James M. Inhofe, Chairman  
Committee on Environment and Public Works  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the U.S. Nuclear Regulatory Commission (NRC) recover approximately 90 percent of its FY 2005 budget authority, less the appropriation from the Nuclear Waste Fund, by assessing license and annual fees. The NRC is required to recover approximately \$540.7 million in FY 2005.

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Those NRC licensees that can qualify as a small entity under NRC's size standards would continue to be eligible to pay reduced annual fees.

Enclosed is a copy of the proposed rule which is being transmitted to the *Federal Register* for publication. The notice provides for a 30-day public comment period.

Sincerely,

/RA/

Dennis K. Rathbun, Director  
Office of Congressional Affairs

Enclosure: Proposed Revision to  
10 CFR Parts 170 and 171

cc: Senator James M. Jeffords

February 15, 2005

The Honorable Joe Barton, Chairman  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the U.S. Nuclear Regulatory Commission (NRC) recover approximately 90 percent of its FY 2005 budget authority, less the appropriation from the Nuclear Waste Fund, by assessing license and annual fees. The NRC is required to recover approximately \$540.7 million in FY 2005.

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Those NRC licensees that can qualify as a small entity under NRC's size standards would continue to be eligible to pay reduced annual fees.

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Sincerely,

*/RA/*

Dennis K. Rathbun, Director  
Office of Congressional Affairs

Enclosure: Proposed Revision to  
10 CFR Parts 170 and 171

cc: Representative John Dingell

February 15, 2005

The Honorable Jim Nussle, Chairman  
Committee on the Budget  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the U.S. Nuclear Regulatory Commission (NRC) recover approximately 90 percent of its FY 2005 budget authority, less the appropriation from the Nuclear Waste Fund, by assessing license and annual fees. The NRC is required to recover approximately \$540.7 million in FY 2005.

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Those NRC licensees that can qualify as a small entity under NRC's size standards would continue to be eligible to pay reduced annual fees.

Enclosed is a copy of the proposed rule which is being transmitted to the *Federal Register* for publication. The notice provides for a 30-day public comment period.

Sincerely,

*/RA/*

Dennis K. Rathbun, Director  
Office of Congressional Affairs

Enclosure: Proposed Revision to  
10 CFR Parts 170 and 171

cc: Representative John M. Spratt, Jr.

February 15, 2005

The Honorable Judd Gregg, Chairman  
Committee on the Budget  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the U.S. Nuclear Regulatory Commission (NRC) recover approximately 90 percent of its FY 2005 budget authority, less the appropriation from the Nuclear Waste Fund, by assessing license and annual fees. The NRC is required to recover approximately \$540.7 million in FY 2005.

In order to comply with the law, the Commission is proposing to amend its fee regulations in 10 CFR Parts 170 and 171. The amendments to 10 CFR Part 170 would revise the professional hourly rates and flat license application fees to reflect the costs of providing NRC licensing services to applicants and licensees. The hourly rate used to assess Part 170 fees would increase to \$205 for the Nuclear Reactor Safety Program and \$198 per hour for the Nuclear Materials and Waste Safety Program. The proposed rates more accurately reflect the resources NRC expends providing licensee-specific services.

The amendments to 10 CFR Part 171 would establish the amount of the FY 2005 annual fees to be assessed to reactor licensees, fuel cycle licensees, transportation certificate holders, and materials licensees to recover costs not recovered through 10 CFR Part 170 fees. The proposed FY 2005 annual fees would result in decreased annual fees compared to FY 2004 for five classes of licensees (power reactors, non-power reactors, rare earth mills, spent fuel storage/reactor decommissioning, and transportation), and increased annual fees for two classes (fuel facilities, and uranium recovery). For one class, materials users, most categories of licenses would have increased annual fees, others would have decreased annual fees, and two categories' annual fees would remain unchanged. The major factors affecting the annual fee amounts include: changes in budgeted costs for the different classes of licenses, reduction in the statutory requirement for NRC to recover fees from 92 percent in FY 2004 to 90 percent in FY 2005, and estimated Part 170 collections from various classes of licenses.

Those NRC licensees that can qualify as a small entity under NRC's size standards would continue to be eligible to pay reduced annual fees.

Enclosed is a copy of the proposed rule which is being transmitted to the *Federal Register* for publication. The notice provides for a 30-day public comment period.

Sincerely,  
*/RA/*

Dennis K. Rathbun, Director  
Office of Congressional Affairs

Enclosure: Proposed Revision to  
10 CFR Parts 170 and 171

cc: Senator Kent Conrad

February 15, 2005

The Honorable David L. Hobson, Chairman  
Subcommittee on Energy and Water Development  
Committee on Appropriations  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the U.S. Nuclear Regulatory Commission (NRC) recover approximately 90 percent of its FY 2005 budget authority, less the appropriation from the Nuclear Waste Fund, by assessing license and annual fees. The NRC is required to recover approximately \$540.7 million in FY 2005.

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Those NRC licensees that can qualify as a small entity under NRC's size standards would continue to be eligible to pay reduced annual fees.

Enclosed is a copy of the proposed rule which is being transmitted to the *Federal Register* for publication. The notice provides for a 30-day public comment period.

Sincerely,  
**/RA/**

Jesse L. Funches  
Chief Financial Officer

Enclosure: Proposed Revision to  
10 CFR Parts 170 and 171

cc: Representative Peter J. Visclosky

February 15, 2005

The Honorable David L. Hobson, Chairman  
Subcommittee on Energy and Water Development  
Committee on Appropriations  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the U.S. Nuclear Regulatory Commission (NRC) recover approximately 90 percent of its FY 2005 budget authority, less the appropriation from the Nuclear Waste Fund, by assessing license and annual fees. The NRC is required to recover approximately \$540.7 million in FY 2005.

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Sincerely,  
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Jesse L. Funches  
Chief Financial Officer

Enclosure: Proposed Revision to  
10 CFR Parts 170 and 171

cc: Representative Peter J. Visclosky

Distribution:

OCA/RF OCFO/DFM/LFT RF OCFO/RF OCFO/DFM RF OCFO/SF OCFO/DFM SF (LF-1.33)

**IDENTICAL LETTERS SENT TO ATTACHED LIST**

**ADAMS - Yes/No SENSITIVE/NON-SENSITIVE**

**PUBLIC/NON-PUBLIC**

**Initials - TXC1**

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OFFICE	OCFO/DFM/L FT	C	OCFO/DFM/LFT		OCFO/DF M		OCFO/DFM		DCFO		OCA		CFO	
NAME	TCroote*		RDCarlson(R.Suri for)*		ACRossi*		MSGivvines		PJRabideau		DKRathbun		JLFunches	

DATE	01/25/05	01/26 /05	01/26 /05	01/29/05	02/07/05	02/15/05	02/10/05
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February 15, 2005

The Honorable George V. Voinovich, Chairman  
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 United States Senate  
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Dear Mr. Chairman:

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The amendments to 10 CFR Part 171 would establish the amount of the FY 2005 annual fees to be assessed to reactor licensees, fuel cycle licensees, transportation certificate holders, and materials licensees to recover costs not recovered through 10 CFR Part 170 fees. The proposed FY 2005 annual fees would result in decreased annual fees compared to FY 2004 for five classes of licensees (power reactors, non-power reactors, rare earth mills, spent fuel storage/reactor decommissioning, and transportation), and increased annual fees for two classes (fuel facilities, and uranium recovery). For one class, materials users, most categories of licenses would have increased annual fees, others would have decreased annual fees, and two categories' annual fees would remain unchanged. The major factors affecting the annual fee amounts include: changes in budgeted costs for the different classes of licenses, reduction in the statutory requirement for NRC to recover fees from 92 percent in FY 2004 to 90 percent in FY 2005, and estimated Part 170 collections from various classes of licenses.

Those NRC licensees that can qualify as a small entity under NRC's size standards would continue to be eligible to pay reduced annual fees.

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Sincerely,  
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 Dennis K. Rathbun, Director  
 Office of Congressional Affairs

Enclosure: Proposed Revision to  
 10 CFR Parts 170 and 171

cc: Senator Thomas R. Carper

Distribution:

OCA/RF OCFO/DFM/LFT RF  
 OCFO/RF OCFO/DFM RF  
 OCFO/SF OCFO/DFM SF (LF-1.33)

IDENTICAL LETTERS SENT TO ATTACHED LIST \*see previous concurrence \*\*concurring by e-mail  
 ADAMS - Yes/No SENSITIVE/NON-SENSITIVE PUBLIC/NON-PUBLIC Initials - TXC1

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OFFICE	OCFO/DFM/LFT	C	OCFO/DFM/LFT	OCFO/DFM	OCFO/DFM	ADM	DCFO	CFO	OCA
NAME	TCroote*		RDCarlson*	ACRossi*	MSGiwines*	MLesar**	PJRabideau	JLFunches	DKRathbun

DATE	01/25/05	01/26/05	01/26/05	01/29/05	02/03/05	02/07/05	02/10/05	02/15/05
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IDENTICAL LETTERS SENT TO:

The Honorable George V. Voinovich, Chairman  
Subcommittee on Clean Air, Climate Change, and  
Nuclear Safety  
Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510

cc: Senator Thomas R. Carper

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The Honorable Ralph M. Hall, Chairman  
Subcommittee on Energy and Air Quality  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, D.C. 20515

cc: Representative Rick Boucher

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The Honorable Pete V. Domenici, Chairman  
Subcommittee on Energy and Water Development  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510

cc: Senator Harry Reid

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The Honorable David L. Hobson, Chairman  
Subcommittee on Energy and Water Development  
Committee on Appropriations  
United States House of Representatives  
Washington, D.C. 20515

cc: Representative Peter J. Visclosky

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The Honorable James M. Inhofe, Chairman  
Committee on Environment and Public Works  
United States Senate  
Washington, D.C. 20510

cc: Senator James M. Jeffords

The Honorable Joe Barton, Chairman  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, D.C. 20515

cc: Representative John Dingell

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The Honorable Jim Nussle, Chairman  
Committee on the Budget  
United States House of Representatives  
Washington, DC 20515

cc: Representative John M. Spratt, Jr.

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The Honorable Don Nickles, Chairman  
Committee on the Budget  
United States Senate  
Washington, DC 20510

cc: Senator Kent Conrad