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Science Advancing Health



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USNRC

March 8, 2005 (3:54pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC
20555-0001
United States

Attention: Rulemaking and Adjudication Staff

RE: Revision of Fee Schedules; Fee Recovery for FY 2005
RIN 3150-AH61
Federal Register Vol.70, No.34, Tuesday February 22, 2005

Dear Sir or Madam:

MDS Nordion welcomes the opportunity to comment on the United States Nuclear Regulatory Commission's (USNRC) proposed revised fee schedules.

Fee Adjustments

The fixed fees for the device safety evaluation and registrations under category 9A in 10 CFR 170.31 and 171.16 respectively have been adjusted as a result of the biennial review. The fees for a device safety evaluation went from \$5,600 to \$19,300 and for a device registration from \$7,000 to \$24,600; this is a 250% increase in fees. This increase is well beyond the material program hourly rate increase of 25% due to the reduction in the direct program full time equivalent hours.

MDS Nordion holds eight active device registrations, which represents an increase in fee payments from last year of \$140,000 for a total device registration fee of \$196,800. This 250% increase in fees is just for the device registrations and does not include the increase in fee payments as a result of the hourly rate change for sources and material licenses. The device fee increases are well beyond the inflation rate and are capricious. We cannot foresee or budget for such a fee increase and as such this increase places considerable financial strain on companies, such as MDS Nordion. As such we request that the US Nuclear regulatory Commission cap the fee increase for the device safety evaluation and registration to 25%, similar to the hourly rate.

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SECY-02

Charging Fees for Licensee-Specific Activities Resulting from Most Orders

The USNRC should not amend the part 170 fees to allow fees to be assessed for any licensee-specific activity resulting from orders issued by the Commission not related to civil penalties or other civil sanctions. Orders imposed by the USNRC with respect to security activities as a result of terrorist acts are beyond the licensee's control and are not as a result of licensee's actions. As a result of the orders, the licensee is required to implement additional security requirements at their own cost. The assessment of additional costs would augment the amount of expenditure imposed on the licensee and add homeland security cost to the fee base. It could be viewed that the US Nuclear Regulatory Commission is in fact discouraging the voluntary implementation of technological advances or additional security measures beyond the scope of the orders by assessing full cost recovery for licensee-specific activities as a result of security imposed orders. Amendments or other licensee-specific activities resulting from the requirements of Commission orders should not be assessed cost recovery fees.

MDS Nordion would welcome an opportunity to discuss this issue. For further discussion or information please feel free to contact me by telephone at (613) 592-3400 extension 2421 or by email at mcharette@mds.nordion.com.

Yours sincerely



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