

May 18, 2005

The Honorable Fred Upton  
United States House of Representatives  
Washington, D.C. 20515

Dear Congressman Upton:

This is in response to your April 11, 2005, letter requesting information regarding the Nuclear Regulatory Commission (NRC) fees to be paid by the White Pigeon Paper Company for its general source radioactive material. As explained below, the Fiscal Year (FY) 2005 NRC fees applicable to the device owned by this company will be \$630, rather than the \$2,300 fee to which the White Pigeon letter referred.

The \$2,300 fee mentioned in White Pigeon's letter applies to certain specific licenses issued by the NRC. The device owned by the White Pigeon is not subject to a specific license, but is covered by what is known as a general license. Currently, generally licensed devices are subject to annual registration requirements and the associated registration fee, in accordance with 10 CFR 31.5(c)(13). The NRC updates all of its fees annually through notice and comment rulemaking, including registration fees, to recover most of its current fiscal year budget, in accordance with the Omnibus Budget Reconciliation Act of 1990, as amended.

The NRC registration fee for White Pigeon Paper Company's generally licensed device is listed in 10 CFR 170.31, fee category 3Q. The FY 2003 fee for category 3Q was \$620, as noted in the copy of the NRC bill dated May 7, 2004, provided to you by White Pigeon. The FY 2004 fee for category 3Q is \$610; this fee was effective as of June 25, 2004. The FY 2005 proposed fee for category 3Q was \$630, which can be found on page 8693 of the enclosed notice regarding the NRC's proposed revisions to 10 CFR Parts 170 and 171. This notice was published in the *Federal Register* on February 22, 2005. The NRC expects to issue its FY 2005 final fee rule shortly, which will take effect 60 days from the date of its publication in the *Federal Register*.

We believe this information should address the concerns raised by the White Pigeon Paper Company. If you have any questions regarding this matter, please contact me at 301-415-7322.

Sincerely,

/RA/

Peter J. Rabideau  
Acting Chief Financial Officer

Enclosure: Proposed Revision to  
10 CFR Parts 170 and 171

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Peter J. Rabideau  
Acting Chief Financial Officer

Enclosure: Proposed Revision to  
10 CFR Parts 170 and 171

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