

May 27, 2005

ALL AGREEMENT STATES, MINNESOTA, PENNSYLVANIA

FINAL RULE -- 90 PERCENT FEE RECOVERY FOR FISCAL YEAR 2005 (STP-05- 041)

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 90 percent of its fiscal year (FY) 2005 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 90 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 May 26, 2005 (70 FR 30526-30556) and the effective date for the final rule is July 25, 2005. The reciprocity fee can be found as Category 16 in the Schedule of Materials Fees on page 30547 of the May 26, 2005 FR notice. The reciprocity fee increased from \$1500 for FY 2004 to \$1800 because of the increase in the hourly rate.

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=fee05_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.

POINT OF CONTACT: Tammy Croote
TELEPHONE: (301) 415-6041

INTERNET: TXC1@nrc.gov
FAX: (301) 415-5387

/RA/

Dennis K. Rathbun, Deputy Director
Office of State and Tribal Programs

STP-05-041

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