

June 10, 2008

Mr. Anthony Pietrangelo  
Vice President, Regulatory Affairs  
Nuclear Energy Institute (NEI)  
1776 I Street, NW  
Suite 400  
Washington, DC 20006-3708

Dear Mr. Pietrangelo:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your March 14, 2008, letter which commented on the 10 CFR Parts 170 and 171 Revision of Fee Schedules; Fee Recovery for Fiscal Year (FY) 2008; and, Proposed Rule (72 FR 5108, February 13, 2008). The response to all the comments received is included in the final rule which was published in the Federal Register on June 6, 2008. However, I wanted to respond directly to your comment on the need for timely budget estimates.

The NRC recognizes the industry need to predict fees in sufficient time to properly budget regulatory costs. However, by law NRC fees are based on its current year appropriation passed by Congress and signed by the President. Therefore, a two-year projection as part of the proposed fee rule is not appropriate at this time.

In response to prior requests, the NRC has worked with industry to develop a method to estimate NRC fees based on our publically available information. The method was most recently discussed by the NRC at the NEI Licensing Forum on October 15, 2007. This schedule allowed licensees the ability to project NRC 2009 fees based on the NRC FY 2009 Performance Budget (NUREG-1100, Volume 24) published in February 2008. The presentation is available in the NRC's Agencywide Documents and Management System (Accession Number ML081420394).

The NRC would be pleased to work with NEI and other interested stakeholders to conduct a public meeting to discuss methods for licensees to better predict NRC fees based on publicly available information. If you have any questions or would like to set up a meeting, please contact Ms. Renu Suri of my staff at 301-415-0161.

Sincerely,

/RA/

J. E. Dyer  
Chief Financial Officer

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Chief Financial Officer

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