

June 10, 2009

Ms. Christine McDonald
The Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Ms. McDonald:

The Omnibus Budget Reconciliation Act of 1990, as amended, requires the U.S. Nuclear Regulatory Commission (NRC) to recover through fees approximately 90 percent of its fiscal year (FY) 2009 budget authority. The NRC's required fee recovery amount for the FY 2009 budget is approximately \$870.6 million. In order to comply with the law, the Commission is amending its fee regulations in 10 CFR Parts 170 and 171.

The amendments to 10 CFR Part 170 revise the professional hourly rate and flat license application fees charged to licensees and applicants. With this final rule, the NRC is establishing an hourly rate of \$257 to assess Part 170 fees. The rate reflects the anticipated costs NRC will incur providing licensee-specific services.

The amendments to 10 CFR Part 171 established the FY 2009 annual fees to be assessed to NRC licensees to recover costs not recovered through 10 CFR Part 170 fees. As compared to FY 2008, the FY 2009 annual fees increase for the power reactor, non-power reactor, and fuel facilities fee classes, decrease for the spent fuel storage/reactor decommissioning fee class, and remain the same for the transportation fee class. Within the materials users and uranium recovery fee classes, annual fees for most licensees increase, while annual fees for some licensees decrease. The significant factors affecting the changes to annual fee amounts are increases in budgeted resources for reactor license renewal reviews, new license application reviews for uranium enrichment facilities, and to support uranium recovery licensing activities.

Enclosed is a copy of the final rule which is being transmitted to the *Federal Register* for publication. The final rule will become effective 60 days after publication.

Sincerely,

/RA/

Cynthia A. Rheaume, Controller
Division of the Controller
Office of the Chief Financial Officer

Enclosure:
As stated

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The amendments to 10 CFR Part 170 revise the professional hourly rate and flat license application fees charged to licensees and applicants. With this final rule, the NRC is establishing an hourly rate of \$257 to assess Part 170 fees. The rate reflects the anticipated costs NRC will incur providing licensee-specific services.

The amendments to 10 CFR Part 171 established the FY 2009 annual fees to be assessed to NRC licensees to recover costs not recovered through 10 CFR Part 170 fees. As compared to FY 2008, the FY 2009 annual fees increase for the power reactor, non-power reactor, and fuel facilities fee classes, decrease for the spent fuel storage/reactor decommissioning fee class, and remain the same for the transportation fee class. Within the materials users and uranium recovery fee classes, annual fees for most licensees increase, while annual fees for some licensees decrease. The significant factors affecting the changes to annual fee amounts are increases in budgeted resources for reactor license renewal reviews, new license application reviews for uranium enrichment facilities, and to support uranium recovery licensing activities.

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ML: 091620110

ADAMS: YES/NO INITIALS: RE SUNSI Review Complete by RE 05/15/09

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DOCUMENT NAME: G:\DFM\Fee Policy Group\Fee Policy\2009 Final Fee Rule\Correspondence FY 2009 Final Rule\2009F OMB letter from DFM.doc

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