

July 9, 2009

ALL AGREEMENT STATES, MICHIGAN, NEW JERSEY

FINAL RULE – FEE RECOVERY FOR FISCAL YEAR 2009 (FSME-09-050)

Purpose: This is to inform you that the U.S. Nuclear Regulatory Commission (NRC) has published a final rule to modify 10 CFR Parts 170 and 171 regarding the licensing, inspection, and annual fees to recover approximately 90 percent of its fiscal year (FY) 2009 budget authority.

Background: The amendments are necessary in order to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which mandates that NRC recover through fees approximately 90 percent of its FY 2009 budget authority, less the amount appropriated from the Nuclear Waste Fund and for Waste Incidental to Reprocessing activities and generic homeland security activities. The final rule modifies the fees assessed to those Agreement State 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 June 10, 2009 (74FR 27642) and the effective date of the rule is August 10, 2009. The reciprocity fee can be found as Category 16 in the 10 CFR 170.31, Schedule of Materials Fees, on page 27664 of the June 10, 2009 FR notice. The fee increased from \$1,400.00 for FY 2008 to \$1,800.00 for FY 2009. Please inform your licensees of the final fee rule and how they can access it.

Discussion: 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. The NRC does not plan to routinely mail the FY 2009 final fee rule or future final fee rules as a cost saving measure. In addition to publication in the FR, the final rule is available on the Internet at: <http://www.regulations.gov>. To search for fee rule documents, use Docket ID, NRC-2008-0620. To request a copy contact NRC's fee staff at (301) 415-7554, by e-mail at: fees.resource@nrc.gov, or by writing to the Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you have any questions regarding this correspondence, please contact me at (301) 415-3340 or Office of Chief Financial Officer staff member named below.

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