

February 23, 2010

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 that the U.S. Nuclear Regulatory Commission (NRC) recover through fees approximately 90 percent of its Fiscal Year (FY) 2010 budget authority, not including amounts appropriated from the Nuclear Waste Fund, amounts appropriated for Waste Incidental to Reprocessing, and amounts for generic homeland security activities. The NRC is required to recover approximately \$912.2 million in FY 2010.

In order to comply with the law, the Commission is proposing to amend its fee regulations in 10 CFR Parts 170 and 171. The amendments to 10 CFR Part 170 would revise the professional hourly rate and flat license application fees charged to licensees and applicants. The hourly rate used to assess Part 170 fees would increase to \$259.

The amendments to 10 CFR Part 171 would establish the amount of the FY 2010 annual fees to be assessed to NRC licensees to recover costs not recovered through 10 CFR Part 170 fees. Compared to FY 2009, the proposed FY 2010 annual fees would result in fees that are higher for almost all NRC licensees, with the exception of non-power reactors and certain fuel facilities. The most significant factor affecting the changes to the annual fee amounts is the increase in the NRC's fee recoverable budget of approximately \$41.5 million in FY 2010 compared to FY 2009. Other factors include changes in allocation of budgeted costs and estimated Part 170 collections for the different classes of licenses.

Enclosed is a copy of the proposed rule which is being transmitted to the *Federal Register* for publication. The notice provides for a 30-day public comment period.

Sincerely,

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

Enclosure:
Proposed Revision to 10 CFR
Parts 170 and 171

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The Office of Management and Budget
725 17th Street, NW
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Dear Ms. McDonald:

The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the U.S. Nuclear Regulatory Commission (NRC) recover through fees approximately 90 percent of its Fiscal Year (FY) 2010 budget authority, not including amounts appropriated from the Nuclear Waste Fund, amounts appropriated for Waste Incidental to Reprocessing, and amounts for generic homeland security activities. The NRC is required to recover approximately \$912.2 million in FY 2010.

In order to comply with the law, the Commission is proposing to amend its fee regulations in 10 CFR Parts 170 and 171. The amendments to 10 CFR Part 170 would revise the professional hourly rate and flat license application fees charged to licensees and applicants. The hourly rate used to assess Part 170 fees would increase to \$259.

The amendments to 10 CFR Part 171 would establish the amount of the FY 2010 annual fees to be assessed to NRC licensees to recover costs not recovered through 10 CFR Part 170 fees. Compared to FY 2009, the proposed FY 2010 annual fees would result in fees that are higher for almost all NRC licensees, with the exception of non-power reactors and certain fuel facilities. The most significant factor affecting the changes to the annual fee amounts is the increase in the NRC's fee recoverable budget of approximately \$41.5 million in FY 2010 compared to FY 2009. Other factors include changes in allocation of budgeted costs and estimated Part 170 collections for the different classes of licenses.

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

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Parts 170 and 171

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