

PDR



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

DOCKET NO. 70-734

JUL 24 1979

General Atomic Company
ATTN: Mr. William R. Mowry
Licensing Administrator
P.O. Box 81608
Sa Diego, California 92138

Gentlemen:

This refers to your letter dated December 14, 1978 (696-1006), wherein you requested a formal interpretation by our General Counsel as to the applicability of charging fees for documents submitted in response to revisions to Commission regulations. Your request was prompted by our charging of an amendment fee (\$8,300) for the review of your safeguards contingency plan.

We referred your letter to our Office of the General Counsel for review and they advised us that an opinion by the General Counsel was not warranted in this matter. Accordingly, the staff's position that fees may be charged when licensees are required to submit documents for review and approval as a result of the Commission's implementation of new regulations will not be changed. The review and approval of licensee contingency plans are a result of revised regulations which were promulgated prior to the March 23, 1978 revision to the license fee schedule and which became effective after March 23, 1978. Both regulations were in effect at the time of submittal of the contingency plan.

The Commission's fee program, which is based on the Independent Offices Appropriation Act of 1952 (IOAA), authorizes the Commission to recover costs attributable to specific services provided to identifiable recipients. The Commission guidelines for fees also take into account several court decisions concerned with fees under the IOAA. These guidelines provide that fees may be assessed to persons who are identifiable recipients of "special benefits" conferred by specifically identified activities of the NRC. The term "special benefits" includes services rendered at the request of a recipient and all services required for the issuance of a license, permit, approval, or amendment, or other services necessary to assist a recipient in complying with statutory obligations or obligations under the Commission's regulations. Under the IOAA the Commission is authorized to recover the full cost of any expenses incurred in assisting an applicant or licensee to comply with statutory or regulatory requirements. Because the review of safeguards contingency plans is considered as assisting licensees in complying with statutory and regulatory requirements, amendment fees have been assessed.

499 247

7908080206

JUL 24 1979

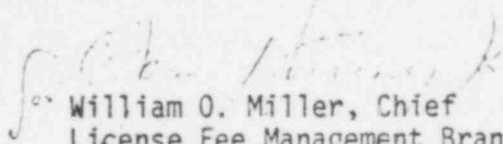
General Atomic Company

- 2 -

The Licensing staff has determined that contingency plans for fuel cycle facilities will require a major review effort to determine their acceptability; therefore, major amendment fees are being charged for their review. Upon completion of the review, the Commission will review its costs and, if necessary, refund any overcharges.

If you have additional questions concerning this matter, please let us know.

Sincerely,


William O. Miller, Chief
License Fee Management Branch
Office of Administration

499 248