

52

IMPORTANT NOTICE

December 1, 1989

TO: ALL PARTS 30, 40, 50, 61, 70, 71, 72, and 73 LICENSEES,
APPLICANTS AND REACTOR VENDORS

SUBJECT: PROPOSED REVISIONS TO 10 CFR 170 ON LICENSE FEES

Gentlemen:

On December 1, 1989 the U.S. Nuclear Regulatory Commission published in the Federal Register (54 FR 49763) for public comment the enclosed Notice of Proposed Rulemaking. This notice proposes revisions to the fee requirements of 10 CFR 170 ("Fees for Facilities and Materials Licenses and other Regulatory Services"). These revisions are being made to update the current materials license and inspection fees and the cost per professional staff-hour which is assessed for those reviews based on the full cost method.

Comments should be submitted by January 30, 1990. The NRC staff will hold a public meeting in Region I at 1:00 pm, January 8, 1990, Sheraton-Radisson Hotel, Erie Room, 1200 First Avenue, King of Prussia, Pennsylvania and a public meeting in Region III at 1:00 pm, January 11, 1990, Holiday Inn, 5540 North River Road, Rosemont, Illinois to discuss the proposed changes and to answer any questions.

The major changes proposed to Part 170 would:

1. Update the schedule of fees in 10 CFR 170.31 for small radioisotope programs including the addition of a fee for byproduct material applications for decommissioning.
2. Amend 10 CFR 170.20 to change the cost per professional staff-hour from \$86 per hour to \$95 per hour.
3. Establish a ceiling of \$50,000 for Topical Report Reviews.
4. Delete the exemption provisions in 170.11(a)(3), broaden the exemption in 170.11(a)(4) and clarify the exemption in 170.11(a)(5).
5. Add a new exemption provision in 170.11(a)(11) to provide that Indian tribes and Indian organizations that are federally recognized as eligible for services provided by the Secretary of the Interior because of their status as Indians will be exempt from payment of fees.
6. Revise 10 CFR 170.12(h) to request that bills in excess of \$5,000 be paid by electronic fund transfer.

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All parties desiring to submit written comments for consideration should send them to the Secretary of the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Questions relating to the proposed revision should be directed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Office of the Controller.

Sincerely,

Lee Hiller
for
Ronald M. Scroggins
Office of the Controller

Enclosure:
Federal Register Notice

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**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
Office of Governmental and Public Affairs
Washington, D.C. 20555

No. 89-172
Tel. 301/492-0240

FOR IMMEDIATE RELEASE
(Friday, December 1, 1989)

**NRC PROPOSES AMENDMENTS TO LICENSING FEES
AND SCHEDULES PUBLIC MEETINGS**

AD 23-1
PDR

The Nuclear Regulatory Commission is considering amending its regulations to increase licensing and inspection fees for radioactive materials licensees and revise fees for certain special reviews. The new fees would allow the Commission to more equitably recover the costs incurred in providing services for small programs.

The agency will hold two public meetings in January to discuss the proposed changes and answer any questions. The first will be January 8, 1990, at 1:00 p.m. in the Sheraton-Radisson Hotel, Erie Room, 1200 First Avenue, King of Prussia, Pennsylvania. The second will be January 11, 1990, at 1:00 p.m. in the Holiday Inn, 5440 North River Road, Rosemont, Illinois.

As proposed, the amendments would increase the fees for licensees using radioactive materials under Parts 30, 40 and 70 of the Commission's regulations and add a fee for reviewing applications for decommissioning by certain materials licensees. The proposals are based on Fiscal Years 1987 and 1988 licensing data, and on a change in the cost per NRC professional staff hour to \$95, based on the agency's Fiscal Year 1990 budget. Indian tribes and Indian organizations would be made exempt from the payment of fees, as states and government agencies currently are.

The proposed NRC fee changes for special reviews would establish a fee ceiling of \$50,000 for the review of topical reports. (The NRC Licensing Topical Report Program provides a procedure by which industry organizations may, on their own initiative or at NRC's request, submit reports on specific "important-to-safety" subjects to the NRC and have them reviewed independently of any construction permit or operating license review. The purpose of the program is to minimize the time and effort required of both industry and the NRC on subjects repeated in numerous licensing actions. The procedure provides for a single review and approval with subsequent referencing, rather than repetitive reviews for the same item.) Currently fees for review of topical reports have no ceiling, but are based on full cost recovery.

NRC charges fees in proportion to its costs for providing individually identifiable services to applicants for and holders of NRC licenses and approvals. The fees are authorized by the Independent Offices Appropriation Act of 1952; they are deposited into the General Treasury of the United States and do not augment the NRC appropriation.

The proposed amendments, which are to Part 170 of the Commission's regulations, are described in detail in a Federal Register notice published on December 1, 1989. Interested persons are invited to submit written comments by January 30, 1990, to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

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

AD 23-1
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The major changes proposed to Part 170 would:

1. Update the schedule of fees in 10 CFR 170.31 for small radioisotope programs including the addition of a fee for byproduct material applications for decommissioning.
2. Amend 10 CFR 170.20 to change the cost per professional staff-hour from \$86 per hour to \$95 per hour.
3. Establish a ceiling of \$50,000 for Topical Report Reviews.
4. Delete the exemption provisions in 170.11(a)(3), broaden the exemption in 170.11(a)(4) and clarify the exemption in 170.11(a)(5).
5. Add a new exemption provision in 170.11(a)(11) to provide that Indian tribes and Indian organizations that are federally recognized as eligible for services provided by the Secretary of the Interior because of their status as Indians will be exempt from payment of fees.
6. Revise 10 CFR 170.12(h) to request that bills in excess of \$5,000 be paid by electronic fund transfer.

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All parties desiring to submit written comments for consideration should send them to the Secretary of the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Questions relating to the proposed revision should be directed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Office of the Controller.

Sincerely,

for Lee Heller
Ronald M. Scroggins
Office of the Controller

Enclosure:
Federal Register Notice