

DOCKET NUMBER PR 170  
PROPOSED RULE (54 FR 49763)

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January 30, 1990

Docket No. 50-213  
50-245  
50-336  
50-423  
51343

Re: 10CFR170, Proposed Revision

Secretary, U.S. Nuclear Regulatory Commission  
Attention: Docketing and Service Branch  
Washington, DC 20555

Gentlemen:

Haddam Neck Plant  
Millstone Nuclear Power Station, Unit Nos. 1, 2, and 3  
Comments on Proposed Revision to 10CFR Part 170

On December 1, 1989, the NRC published in the Federal Register (54 Fed. Reg. 49763) a proposed revision to the 10 CFR Part 170 fee schedule for fiscal year 1990. This revision is intended to recover costs incurred in providing services for small programs on a more equitable basis. The public comment period for this proposed revision expires on January 30, 1990. In accordance with this schedule, Connecticut Yankee Atomic Power Company (CYAPCO) and Northeast Nuclear Energy Company (NNECO) are providing the following comments on this proposal.

Most of the proposed revisions are directed to materials licensees and would only minimally affect Part 170 fees for Part 50 licensees. While the new fee schedule would represent an almost across the board increase in licensing and inspection fees for radioactive material licensees, the NRC Staff has proposed a \$50,000 ceiling for the review of topical reports. CYAPCO and NNECO agree with the Staff that the current uncertainty associated with the potential unlimited fee for NRC review of topical reports has discouraged the submittal of such reports. CYAPCO and NNECO support the Staff's proposal for a ceiling limit on NRC Staff reviews of topical reports.

The most direct impact of the proposed rule revision on Part 50 licensees would be an increase in the cost per NRC professional staff hour from \$86 to \$95. However, because the NRC will recover 45 percent of its budget through Part 170 and Part 171 fees regardless of the specific hourly rate assigned, this increase should not significantly affect the Part 50 licensees total fee obligation. In fact, to the extent the proposed revision will increase the fee responsibility of materials licensees under Part 170, licensees under Part 50 should notice a slight downward adjustment with respect to their Part

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171 fee obligation. CYAPCO and NNECO have no additional comments on this aspect of the proposed revision.

The proposed revision would also require payment of bills that are in excess of \$5,000 to be made by electronic fund transfer. CYAPCO and NNECO routinely utilize this payment method for NRC billings and endorse this aspect of the proposed revision.

The proposed revision to the Part 170 fee schedule appears to have little impact to the amounts paid by Part 50 licensees, and in fact, may be more equitable in its distribution of costs. Additionally, the proposed fee ceiling on topical reports establishes an equitable balance between the need to encourage submittal of these reports and the need to assess fees for the costs of reviewing the reports. The efficiency associated with topical reports for both the industry and the NRC is appropriately reflected in the establishment of this ceiling.

We trust these comments will be given appropriate consideration, and we remain available to discuss any aspect of these comments at your convenience.

Very truly yours,

CONNECTICUT YANKEE ATOMIC POWER COMPANY  
NORTHEAST NUCLEAR ENERGY COMPANY

  
\_\_\_\_\_  
E. J. Mroczka  
Senior Vice President

cc: W. T. Russell, Region I Administrator  
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W. J. Raymond, Senior Resident Inspector, Millstone Unit Nos. 1, 2, and 3

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