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(58 FR 21116)

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July 16, 1993

Mr. Samuel J. Chilk
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Docketing and Service Branch

Subject: NRC Fee Policy; Request for Public Comment; 58 FR 21116

CNRO - 93/00025

Dear Mr. Chilk:

Entergy Operations, Inc. has reviewed the request for public comment published in the *Federal Register* on April 19, 1993 (58 FR 21116) concerning NRC fee policy and associated legislation. We wish to submit the following on behalf of Arkansas Nuclear One Units 1 & 2, Grand Gulf Nuclear Station, and Waterford 3 Steam Electric Station.

Portions of NRC fee policy since the implementation of the Omnibus Budget Reconciliation Act of 1990 (OBRA) appear to conflict with the intent of OBRA. Entergy Operations believes that OBRA's intent is to require that NRC fees bear a reasonable relationship to regulatory services provided and be fairly and equitably allocated among the classes of NRC licensees benefiting from these services.

However, certain fees charged power reactor licensees have little, if any, direct relationship to services or benefits provided power reactor licensees. These fees include those for services: 1) not billable under the Independent Offices Appropriation Act, 2) supporting licensees such as educational institutions which NRC policy has exempted from fees, 3) unrelated to an existing licensee or class of licensees, and 4) in support of Agreement States Licensees.

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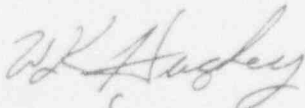
Legislation or NRC fee policy has transferred the costs of the above types of regulatory services to power reactor licensees based on an alleged ability to pay (the "deep-pockets" theory). The result has been that although these activities comprise approximately 11 percent of the total NRC budget, they are recovered from only power reactor licensees. This use of power reactor licensee resources to benefit other licensees or classes of licensees does not appear to be in the long term interest of utility ratepayers, power reactor licensees, and/or the U.S. nuclear power industry.

Entergy Operations therefore respectfully requests that the NRC pursue legislative and policy changes, particularly in the OBRA, that would limit the fees charged any licensee to those related to the regulatory services provided that licensee or class of licensee. Those portions of the NRC budget which cannot be associated with an identifiable class of licensee, or which might be excessively burdensome upon classes of licensees (such as "small entities" or educational institutions), should be exempt from fee recovery. We feel that this principle should be applied to all NRC fee issues, including the four major areas and seven specific activities addressed in the April 19 *Federal Register* Notice.

Entergy Operations has also reviewed the comments prepared in regard to this matter by the Nuclear Utility Management and Resources Council (NUMARC). We endorse their positions, which are similar to our own.

We appreciate this opportunity to express our views on the NRC fee policy and the Commission's consideration of the our comments.

Sincerely,


for
J.R. McGaha

JRM/hek

cc:

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