

THOMAS W. EWING  
15TH DISTRICT, ILLINOIS

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Congress of the United States  
House of Representatives  
Washington, DC 20515

January 10, 1994

Mr. Ivan Selin  
Chairman  
U.S. Nuclear Regulatory Commission  
Attn: Docket Nos. 50-151/50-356  
Washington, D.C. 20555

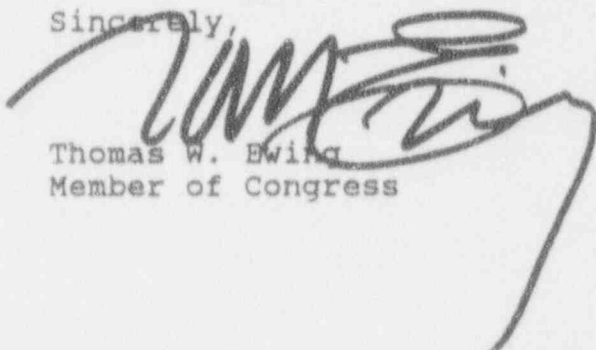
Dear Mr. Chairman:

I am writing to express my support for the generic exemption from Nuclear Regulatory Commission fees for nonprofit educational institutions.

As I am sure you are aware, the NRC fee would constitute a significant percentage of total operating costs for many university research reactors. The continued viability of research reactors at educational institutions is critical to both teaching and research. The exemption from the NRC fee, which had been preexisting policy for very good reasons, would help to maintain that viability.

I appreciate your consideration on this important matter.

Sincerely,

  
Thomas W. Ewing  
Member of Congress

TWE:sgg

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PDR PR  
171 58FR21116 PDR

February 3, 1994

The Honorable Thomas W. Ewing  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressman Ewing:

I am responding to your letter of January 10, 1994, written to express your support for the generic exemption from NRC annual fees for nonprofit educational institutions.

In accordance with the requirements of OBRA-90 to recover 100 percent of our budget authority, the NRC published a final rule on July 20, 1993, establishing annual fee schedules for its licensees for fiscal year 1993. The final rule also eliminated a generic exemption from annual fees previously applicable to nonprofit educational institutions. The Commission's need to revisit the generic exemption for nonprofit educational institutions was occasioned by a March 14, 1993, decision of the U.S. Court of Appeals for the District of Columbia Circuit (*Allied Signal, Inc. v. U.S. Nuclear Regulatory Commission and the United States of America*, No. 91-1407 and Consolidated Cases) which forced the Commission to acknowledge the weakness of, and abandon, the passthrough argument formerly made on behalf of these institutions.

Following the publication of the final rule, the Commission received a petition from Cornell and eleven other universities for reconsideration of the final rule and requesting reinstatement of the exemption for nonprofit educational institutions. The Commission has decided to grant the petition to reconsider this matter and has issued a proposed rule to amend 10 CFR Part 171 to restore the generic exemption from annual fees for nonprofit educational institutions. Comments on the proposed rule are being evaluated and a final rule is expected to be issued within the next few months.

If I can be of further assistance, please let me know.

Sincerely,  
Orn. signed by  
James M. Taylor

James M. Taylor  
Executive Director  
for Operations

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