

APR 18 1994

Montana State University
Office the of Vice President for
Research and Creative Activities
ATTN: Mr. Robert J. Swenson
Bozeman, Montana 59717-0246

Gentlemen:

This is in response to your letter dated August 4, 1993, concerning annual fee Invoice AM00531-93 for License 25-01706-03.

On March 17, 1994, the Commission published in the Federal Register a Notice of its decision to reinstate the annual fee exemption for nonprofit educational institutions.

Enclosed is a copy of a March 23, 1994, Notice to all licensees and the March 17, 1994, Federal Register Notice attached thereto which were recently sent to all Commission licensees.

Please review the Notice and contact us if you have any questions.

Sincerely,

(signed) Diane B. Dandois
Diane B. Dandois, Chief
License Fee & Debt Collection Branch
Division of Accounting & Finance
Office of the Controller

Enclosure:
As stated

DISTRIBUTION

B22 Materials Annual Fee Correspondence (w/copy inc.)

Invoice File AM00531-93

License File 25-01706-03 (w/copy inc.)

NUDOCS (ML61) (w/copy inc.)

PDR

EBlack

DDandois

DWeiss

GJackson

LF-92

LFDCB R/F

DAF R/F

LFDCB	LFDCB	LFDCB	DAF/OC
DWeiss	GJackson	DDandois	EBlack
4/15/94	4/18/94	4/15/94	4/15/94

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Office of the Vice President for Research and Creative Activities

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Bozeman, Montana 59717-0246
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1993 AUG 10 AM 8:52

August 4, 1993

Senator Conrad Burns
183 Dirksen Senate Office Building
Washington, D.C. 20510

Just a Complaint

Dear Senator Burns:

RE: NRC Important Notice of July 14, 1993

On November 5, 1990, Congress passed Public Law 101-508 requiring that the NRC recover 100% of its budget less the appropriation from the Nuclear Waste Fund. This amount was \$492.5 million for FY 92 and \$518.9 million for FY 93. These have been collected via a use fee structure. Nonprofit educational institutions have been exempt from fees. This was reaffirmed in NRC Important Notice of April 19, 1993, which stated, "The Commission proposes to continue to exempt these licensees (nonprofit educational institutions) from fees for FYs 1991, 1992 and 1993, ...".

Evidently, the for profits responded with a request to end the exemption of the nonprofits, so the NRC has reversed its policy. It's hardly surprising that the nonprofits did not respond, since it appeared the NRC was continuing with its policy of the past years. Specifically, the Important Notice of July 14, 1993, which we just received, states that the NRC will "revoke the exemption for nonprofit educational institutions and require them to pay annual fees based on the fee categories into which they fall".

Furthermore, it is stated "Finally, the Commission recognizes that its action in this rule is limited only to revoking the exemption for nonprofit educational institutions from 10 CFR Part 171 annual fees. The decision leaves intact the nonprofit educational exemption contained in 10 CFR Part 170 (from IOAA fees). The Commission is not revoking that exemption at this time because it did not seek comments on that approach in this rulemaking. The Commission intends to evaluate that issue, as well as the wisdom of its decision regarding Part 171 fees, as part of its Energy Policy Act review. Obviously, after that review, if the Commission continues to believe it is appropriate to charge nonprofit educational institutions Part 171 annual fees, there is a substantial likelihood that this approach will be adopted with regard to Part 170 IOAA fees as well."

The fees proposed for MSU are the following:

10 CFR Part 171 annual fees

Licenses of broad scope for possession and use of byproduct material issued pursuant to Part 30 and 33 of this chapter for research and development that do not authorize commercial distribution.

Surcharge \$13,100
..... \$1,220

10 CFR Part 170 fees

Licenses of broad scope for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution:

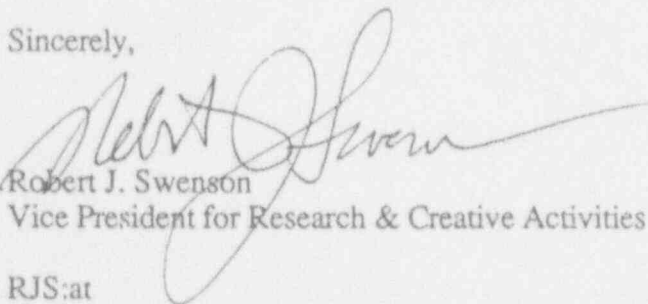
Application - New license	\$4,100
Renewal	\$2,200
Amendment	\$620
Inspections	\$4,700

At a time when many Land-Grant universities are under serious financial pressures due to reduced state resources as well as increasing unfunded liabilities due to mandatory compliance and regulatory requirements imposed by state and federal agencies, we ask that you assist us in reversing this NRC decision which puts a further financial strain on this institution. Specifically, we request the following:

- (1) That it is unreasonable to expect payment of the fee of \$14,320 for FY 93 when that fiscal year is nearly over and we have not budgeted for it. Presumably, the NRC had a budget in place without these fees, so they should be asked to stay with their original budget plans for FY 93.
- (2) That the NRC reverse its decision for nonprofit educational institutions for 10 CFR Part 171 annual fees and restore their exempt status.
- (3) That the NRC continue with the exempt status for nonprofit educational institutions in 10 CFR Part 170.

Thank you for your assistance and consideration.

Sincerely,



Robert J. Swenson
Vice President for Research & Creative Activities

RJS:at

cc: Ronald M. Scroggins, NRC
Michael Malone, President, MSU
Jennifer Wingard, NASULGC
Cliff Bond, Radiation Sources Committee, MSU
Marilyn Wessel, University Relations, MSU