



Brandeis University

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September 23, 1993

U.S. Nuclear Regulatory Commission
License Fee & Debt Collection Branch
PO Box 954514
St. Louis MO 63195-4514

Ref. Invoice N^os AM00146-93; AM00147-93; AM00148-93
License N^os 20-01958-05; 20-01958-06; 20-01958-07

Dear Sir,

With respect to the documents referenced, Brandeis University herein formally applies for exemption from payment of annual fees, as provided in 10CFR171.11. Our application is based on the following grounds:

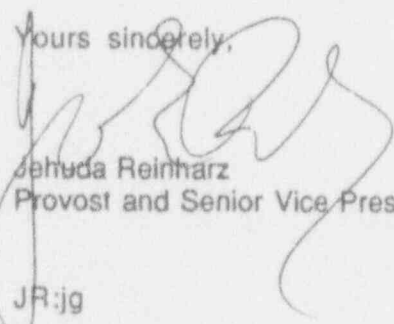
- a) **The annual fees levied on Brandeis are not a fair and equitable allocation of NRC costs and do not relate to the true financial costs resulting from the duties required of the NRC in regulating Brandeis' licensed activities, because:**
 - i) **Judgment of fees should be based on actual costs to the NRC from Brandeis' limited use of radioactivity in basic science research, predominantly involving small quantities of licensed materials.** Brandeis is a small institution. The research is performed by approximately fifty members of faculty and some two hundred and fifty other personnel. It is our contention that actual costs to the NRC arising from Brandeis' regulated activities, do not, and could not, amount to \$21560 in any year. Supporting evidence of this claim can clearly be seen in the history of our licensed activity and the NRC's regulatory role relating to that activity. At no time has the NRC been required to commit resources to regulate the Brandeis licensed activities, either because of the extent of those activities or because of the lack of compliance with regulations, in the amount represented by the fees.
 - ii) **Judgment of fees should be based relative to those fees levied on other institutions.** Brandeis is small relative to most other institutions which possess licenses of the same categories. However, Brandeis is judged to be identical with such institutions without regard for the true regulatory burden imposed on the NRC. It is unreasonable to broadly equate licensees for the purpose of charging fees to cover NRC costs, by judging solely on the basis of the type of license. Consideration of those factors which actually determine the true regulatory burden imposed by licensees on the NRC is necessary to achieve a fair division of costs. To apportion to Brandeis the same annual fee as the broad scope licensed activities at MIT, or other large institutions, is not sensible.

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- iii) **An equitable assessment of fees should consider the position of licensees in agreement states.** Agreement states undertake to apply regulations which are at least as strict as federal regulations. A considerable part of the fees levied by the NRC is intended to recover costs expended in producing regulations, regulatory guides, NUREG and other documents. As with NRC licensees, these federal publications are used by agreement state regulatory bodies, and their licensees, to determine regulatory compliance, to design radiation safety programs, to train personnel and as technical references. If it is to be argued that costs should be recovered equitably, then fairness requires that this should be extended to the agreement states.
- b) **Safety will be diminished.** Brandeis will not be able to recover \$21560 from any of its revenue sources. A consequence of paying the annual fee will inevitably be a loss to those resources available to radiation safety. We note the NRC requirement for licensees to commit adequate resources to radiation safety programs. However, when resources are limited and when additional financial burdens unrelated to safety are imposed by regulation, common sense dictates that the resources available to safety will be reduced. This would seem to be a self-imposed reversal of a fundamental NRC policy.
- c) **There will be a loss of significant externalized benefits to society, because:**
- i) **Loss of ability to do research.** Ultimately, fees will be passed on to researchers. This will cause severe financial hardship to those programs of basic research which use licensed materials as a fundamental research tool in the fields of physics, chemistry, biochemistry and biology. The arguments establishing the need for government funding to ensure continuation of basic research in the USA have been adequately made elsewhere. Suffice it to say that this research produces significant benefits to society; if research is fiscally compromised, then these benefits will be severely reduced. At Brandeis, the majority of this research is funded by government grants. It is unlikely that the losses due to increased fees will be made up by the granting bodies.
- ii) **Reduction in the number of highly qualified personnel produced by Brandeis.** The research programs generate research personnel who will form the next generation in academic and industrial research. The lack of funds, lost to annual fees, will reduce the number of graduate students engaged in active research, presumably to the ultimate detriment of the country.

For the above reasons, we submit that the annual fees levied on Brandeis be reassessed and that Brandeis be granted an exemption from those fees.

Yours sincerely,




Jehuda Reinharz
Provost and Senior Vice President for Academic Affairs

JR:jg

Time: 1 34 pm

NRC -- Correspondence Tracking

Record #: 911

LF Control NO.		OC Number		EDO Number		Invoice Number		License Number	
LF-92- 904				0					
Incoming Date	Date Recieve	Type Code	Assigned To Date		Due Date	Date Routed	Response Date	Exemption Action Taken	
09/23/93	09/29/93	OT	JDW 09/29/93		10/06/93	/ /	/ /	N	
Author:		JEHUDA REINHARZ							
Licensee:		BRANDEIS UNIVERSITY							
Comments:		LETTER CONTAINS APPLICATION GROUNDS: (SEE ATTACHED LETTER ON THESE APPLICATION GROUNDS).							
User Date: 09/29/93			User I.D.: BARBARA						

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Shift F1 - F10 -> F11 - F20 Function Keys Alt F1 - F10 -> F31 - F40