

TRTR

NATIONAL ORGANIZATION OF TEST, RESEARCH, AND TRAINING REACTORS

USNRC

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10 Jun 94

DOCKET NUMBER PR ~~1702171~~
 (59FR 24065)

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Secretary, U.S. NRC
 11555 Rockville Pike
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Attention: Docketing and Service Branch

I am writing you as chairman of the Training, Research and Testing Reactor (TRTR) Organization. The TRTR organization represents over 80 non-power reactor related organizations whose charter is to promote the education, training, and advancement of nuclear engineers, scientists and technicians to meet U.S. needs. A recent proposed rule notice (Federal Register Vol 59, No. 89, May 10, 1994, p24065) concerning changes to 10 CFR 170 and 171 for incorporating the NRC fee schedule for FY 94, General Atomics (GA), which supplies non-power reactor fuel for TRIGA® type research reactors under it's SNM license, has been reclassified as a Category 1.A.(1) license, thus imposing an annual fee under 10 CFR 171, of approximately \$1.5 Million primarily for fabricating such research reactor fuel. This reclassification results in a fee increase of nearly fourteen-fold from the FY 93 fees.

This reclassification places General Atomics, the only supplier of TRIGA reactor fuel, in the same category as the light water power reactor fuel manufacturing licensees. Therefore, GA is required to pay a fee commensurate with the far larger processing of greater quantities of SNM for power reactor fuel, rather than the level of activity associated with the small quantities of uranium processed to meet the needs of the non-power TRIGA reactors operating in the United States and abroad.

The TRTR is very concerned that as a result of this proposed NRC rule requiring a research reactor fuel supplier to pay fees in the same category as power reactor fuel suppliers, the final result may well be the elimination of a source in the U.S. of this type of reactor fuel, which is the most widely used non-power reactor type in the U.S. This result follows logically from GA's understandable position to pass on this more than fourteen-fold increase to it's customers, which are primarily research facilities, operated by non-profit educational institutions, such as university research reactors, and government research institutions.

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The TRTR is concerned that the imposition of an annual fee on a facility authorized to only produce small quantities of research reactor fuel, would make the fuel unaffordable to most of the low budget research facilities, thus threatening the continuation of their operation. This is of grave concern in a time of diminishing government support and funds to purchase fuel. Not only would this affect an already depleted national resource (U.S. research reactors), but it also eliminates a number of important U.S. congressional mandated programs that these reactor types will play a very substantial role in meeting. These programs are the medical neutron capture therapy beams for cancer treatment and medical isotope production to meet U.S. needs.

TRTR questions the validity of these increases in light of OBRA-90 guidance which commission's own regulatory analysis specifically states that the annual fees shall "... a reasonable relationship to the cost of regulatory services provided ... and "the annual fees be assess to those licensees ... can fairly, equitably, and practically contribute to their payment." It would appear that in assessing fees on the supply of research reactor fuel, that is the same as fees on the supply of fuel for power reactors, the NRC may inadvertently provide what may be a fatal blow to much of the research reactor community.

TRTR strongly requests the commission reverse this reclassification of research reactor fuel suppliers in the same category as power reactor fuel suppliers, and allow the research reactor community to continue to carry out it's important national mission of providing nuclear research, education, and training.

Sincerely,


WADE J. RICHARDS
Chairman, TRTR

FAX COVER

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OF PAGES (Including Cover Sheet):

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COMMENTS: