



Department of Energy

Washington, DC 20585

JUN 09 1994

Mr. Ronald M. Scroggins
Deputy Financial Officer/Controller
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, Maryland 20852

Dear Mr. Scroggins:

We appreciate the opportunity to comment on the Nuclear Regulatory Commission's (NRC) proposed rule published on May 10, 1994, concerning amendments to the annual fees assessed to licensees under 10 CFR Part 171. We do not have any formal comments on the proposed rule at this time. However, we would like to obtain additional clarification from your office on the methodology and schedule for the annual fee assessed to the Department of Energy's (DOE) Uranium Mill Tailings Remedial Action (UMTRA) Project.

The DOE requests clarification for the basis of assessing the annual fee for Uranium Mill Tailings Radiation Control Act (UMTRCA) activities. It appears that the DOE's liability to pay these fees results from the licensing of the first UMTRA site; however, it seems that the total fees are also tied to pre-licensing support provided by the NRC and post-licensing inspection activities. It is our impression that the annual fee is directly related to all resources used by NRC in its regulation of these sites.

If the fees are only directly associated with the support NRC provides to DOE in obtaining licenses for the UMTRA sites, this support will be reduced significantly over the next few years as the UMTRA Project's surface remediation nears completion and the sites enter their long-term surveillance and maintenance phase. Consequently, we would expect DOE's annual fee to decrease accordingly.

In addition, we are concerned that the proposed schedule for the payment of DOE's fiscal year 1994 and 1995 annual fees could be difficult to meet given the timing of the rulemaking and its incompatibility with the Federal budget process. Although NRC previously indicated in 1991 that it would "reconsider the assessment of NRC costs associated with UMTRCA (56 FR 31482)," we did not receive clear indication from NRC of its intent to assess the UMTRA Project an annual fee until the issuance of the May 10, 1994, proposed rule. Therefore, the annual fee payments were not included in our fiscal year 1994 and 1995 budgets.

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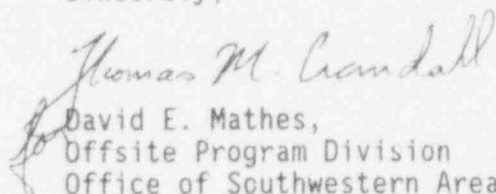
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Finally, in order for the UMTRA Project to pay fees to the NRC, we will need a contract by which billing can be received and payment made. We will need to discuss how this can be accomplished within the necessary timeframes to meet your payment schedule as stated in the proposed rule.

We will contact your office in the near future to arrange a meeting or a telephone conference to discuss our concerns. If you should have any questions in the interim, please contact me at 301-903-7222.

Sincerely,


Thomas M. Crandall

David E. Mathes,
Offsite Program Division
Office of Southwestern Area Programs
Environmental Restoration

cc:

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