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PROPOSED RULE PR 71, 170 & 171
(56 FR 14874)

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DEPARTMENT OF ENGINEERING AND CONSTRUCTION

County of Allegheny

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HERBERT C. HIGGINBOTHAM, II, P.E.
DIRECTOR

May 13, 1991

United States Nuclear
Regulatory Commission
Docketing and Service Branch
Washington, DC 20555

RE: Proposed Changes to 10 CFR
Parts 170 and 171

Dear Mr. Secretary:

After reviewing the proposed changes to 10 CFR Parts 170 and 171, I am concerned about the revision of section 170.11 (a) (9) and (11) which previously exempted State and County agencies from licensing and inspection fees. We currently hold a license to possess and use soil-density gauges. If the proposed amendments are enacted, we would be required under category 3P to pay a license renewal fee of \$500.00 and an inspection fee of \$1200.00.

Our current operating budget has been reduced due to recent cutbacks in Pennsylvania and Federal highway funds which we receive for highway and bridge projects. The reduction in our operating budget along with the proposed increases for license renewal and inspection would force this department to sell the gauges. Allegheny County would eliminate a valuable service to the taxpayers of this region.

It is my sincere hope that the NRC will consider the effects the proposed changes would have on municipal governments who hold these licenses and consider repealing the changes to section 170.11 (a) (9) and (11).

Very truly yours,

Herbert C. Higginbotham, II
Herbert C. Higginbotham, II, P.E.
Director

HCH/SRD/nm
Attachment

CC: Deputy Director Connors/G.F.
S.R. Dornetto/MTARS
C.J. Kailing, Jr./
Legislative Affairs

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

- N O T I C E -

THIS DOCUMENT CONTAINS IMPORTANT INFORMATION RELATING TO SIGNIFICANT PROPOSED REVISIONS TO THE NUCLEAR REGULATORY COMMISSION'S LICENSE FEE REGULATIONS IN 10 CFR PARTS 170 AND 171. THE PROPOSED CHANGES AFFECT ALL APPLICANTS FOR AND HOLDERS OF NRC LICENSES, CERTIFICATES AND APPROVALS, INCLUDING THOSE CURRENTLY EXEMPT FROM FEES.

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material or equipment being exported and the type of action (new license or amendment). Any review of a route approval required in conjunction with an import license will also be assessed fees under Part 170.

Holders of licenses authorizing depleted uranium as shielding only in devices and containers who were previously exempt from fees under § 170.11(a)(8) will be subject to the proposed fees. Similarly, the NRC proposes to assess fees to State and local governments and Indian Tribes and Indian organizations. These licensees were previously exempted from fees under § 170.11(a)(9) and (11). Under the proposed rule, these licensees will pay the licensing and inspection fees established in Part 170 for the fee category(ies) applicable to the license. For example, a State agency that is authorized to possess and use a soil-density gauge containing radioactive material will pay the applicable fees for fee category (3P). These licensees plus Federal agencies with NRC licenses or certificates will also become subject to the new annual fees established in Part 171 for nonpower reactor licenses and materials licenses. At this time, the Commission is not proposing to charge fees to nonprofit educational institutions but comments are specifically requested on whether the Commission should assess fees to these institutions.

The NRC estimates that approximately \$79.5 million will be

assess an annual charge for these generic costs. Because uranium enrichment provides indirect benefits to operating power reactors, Option 1 is proposed (i.e., recover the cost through annual charges to operating power reactors). Once the NRC issues a uranium enrichment facility license, the Commission will reconsider the assessment of generic costs attributable to uranium enrichment facilities.

Activities and budgeted costs not currently assessed 10 CFR Part 170 licensing and inspection fees based on Commission policy.

The second major category of costs covers those activities for which a specific identifiable applicant or licensee receives NRC services and for which fees could be assessed under Part 170. However, fees are not currently assessed for these activities as a result of existing Commission fee exemption and fee deferral policy decisions.

The first group of activities includes license reviews and inspections for nonprofit educational institutions, (i.e., license reviews and inspections of certain nonpower reactors and materials users). Currently these expenses, approximately \$2.2 million, are exempted from Part 170 licensing and inspection fees (§ 170.11(a)(4)). This exemption is based on the Commission's long-standing policy of exempting educational institutions that use materials for the teaching and training of students or

material issued pursuant to Part 34 of this chapter for industrial radiography operations:

Application - New license	\$3,000
Renewal	\$1,800
Amendment	\$490
Inspections: ^{2/}	
Routine	\$1,200
Nonroutine	\$2,500

P. All other specific byproduct material licenses, except those in Categories 4A through 9D:

Application - New license	\$500
Renewal	\$500
Amendment	\$380
Inspections:	
Routine	\$1,200
Nonroutine	\$1,200

4. Waste disposal and processing:

A. Licenses specifically authorizing the receipt of waste byproduct material, source material or special nuclear material from other persons for the purpose of commercial disposal by land disposal by the