



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

AE 49-2
PDR
014

IMPORTANT NOTICE

July 14, 1993

TO: ALL PARTS 30, 40, 50, 61, 70, 71, 72, 73, AND 110 LICENSEES,
APPLICANTS AND REACTOR VENDORS

SUBJECT: FINAL REVISIONS TO 10 CFR PARTS 170 AND 171 ON LICENSE,
INSPECTION, AND ANNUAL FEES FOR FY 1993 AND U.S. COURT OF APPEALS
REMAND DECISION

Within the next few days, the U.S. Nuclear Regulatory Commission will publish in the Federal Register the enclosed Final Notice of Rulemaking. This notice makes revisions to the fee requirements of 10 CFR 170 ("Fees for Facilities and Materials Licenses and Other Regulatory Services . . .") and 171 ("Annual Fees for Reactor Operating Licenses and Fuel Cycle Licenses and Materials Licenses, Including Holders of Certificates of Compliance, Registrations, and Quality Assurance Program Approvals and Government Agencies Licensed by the NRC"). These revisions are being made to implement Public Law 101-508 passed by the Congress on November 5, 1990, which mandates that the NRC recover approximately 100 percent of its budget authority less the appropriation from the Nuclear Waste Fund in FY 1993. In addition, the final rule implements a decision of the U.S. Court of Appeals for the District of Columbia Circuit dated March 16, 1993. The amount to be recovered for FY 1993 is \$518.9 million.

The final rule will affect all applicants, licensees, and holders of Certificates of Compliance, registrations of sealed sources and devices and approvals of quality assurance programs, including nonprofit educational institutions. The final revisions will in most cases increase the fees currently charged to individuals and organizations licensed by the NRC.

The major changes to Parts 170 and 171 will:

1. Part 170:

- (a) Amend 10 CFR 170.20 to change the cost per professional staff hour for all full cost fees from \$123 per hour to \$132 per hour; and
- (b) Revise the flat fees for most radioisotope programs consistent with the Chief Financial Officers Act which requires that the fees assessed reflect the costs to the Agency of providing the services.

2. Part 171:

- (a) Increase, in most cases, the amount of the annual fees assessed to operating reactors, fuel cycle licensees and materials licensees;
- (b) revoke the exemption for nonprofit educational institutions and require them to pay annual fees based on the fee categories into which they fall;
- (c) make clear that the NRC will not use passthrough as a factor for any licensee when setting annual fees; and
- (d) change the method for calculating the low-level waste surcharge to NRC licensees who generate low-level waste.

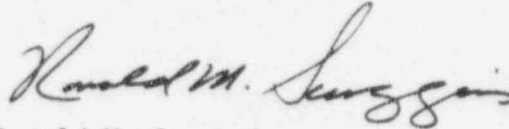
The FY 1993 annual fees for most licensees have increased compared to FY 1992 fees because:

- (1) The amount that must be recovered has increased from approximately \$492.5 million to \$518.9 million.
- (2) The Part 170 licensing and inspection fees, used as a proxy to determine the materials annual fees, have increased.
- (3) Comparatively fewer licensees are available to pay for the higher costs of regulatory activities not covered under 10 CFR Part 170 for some classes of licensees.

In the near future, the NRC will separately publish final FY 1991 and FY 1992 fee schedules revising the surcharges assessed to certain licensees. These revisions result from the elimination of the nonprofit educational institution exemption and from changing the method of allocating NRC low-level waste budgeted generic costs. Requests for refunds resulting from these changes are not to be filed with the NRC prior to publication of these schedules.

The NRC also published on April 19, 1993, a notice soliciting public comment on the NRC's fee policy and associated legislation in accordance with Section 2903(c) of the Energy Policy Act of 1992. The comment period for that notice expires July 19, 1993.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ronald M. Scroggins". The signature is fluid and cursive, with the first name "Ronald" being more prominent and the last name "Scroggins" written in a continuous script.

Ronald M. Scroggins
Deputy Chief Financial
Officer/Controller

Enclosure:
Final Notice of Rulemaking



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 14, 1993

AE 49-2
PDR
015

The Honorable Tom Bevill, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Public Law 101-508, the Omnibus Budget Reconciliation Act of 1990, requires that the NRC recover 100 percent of its budget authority, less the appropriation from the Nuclear Waste Fund, for fiscal years 1991 through 1995 by assessing license and annual fees. For FY 1993, the NRC must collect approximately \$518.9 million through these fees as compared to \$492.5 million for FY 1992.

In order to comply with the law, the Commission is amending its fee regulations in 10 CFR Parts 170 and 171. The amendments to the Commission's fee regulations will, in most cases, increase the fees currently charged to individuals and companies licensed by the NRC.

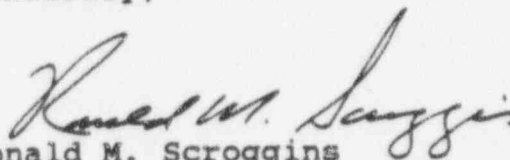
The amendments to 10 CFR Part 170, which assess license and inspection fees for specific identifiable services will: (1) increase the cost per professional staff-hour for all full cost fees; and (2) revise all flat fees for radioisotope programs consistent with the Chief Financial Officers Act to reflect the increased cost per professional staff hour and the current estimate of the average hours required to process licensing actions or to conduct inspections.

The amendments to 10 CFR Part 171, which assess annual fees for costs not recovered through 10 CFR Part 170, will establish the amount of the FY 1993 annual fees to be assessed to operating reactors, fuel cycle licensees, transportation certificate holders, and materials licensees. Most of the FY 1993 annual fees have increased as compared to FY 1992. However, those NRC licensees that can qualify as a small entity under the NRC's size standards would be eligible to pay reduced annual fees. For example, a licensee with gross annual receipts of \$250,000 to \$3.5 million would pay a maximum annual fee of \$1,800. Those licensees with gross annual receipts of less than \$250,000 would pay an annual fee of \$400.

Based on the March 16, 1993, U.S. Court of Appeals of the District of Columbia remand decision relating to portions of the FY 1991 and FY 1992 annual fee schedules, the Commission has decided: (1) not to use the ability to passthrough costs as a factor for any licensee when setting annual fees for a class of licensees; (2) to revoke the exemption from annual fees for nonprofit educational institutions; and (3) to change the method for calculating the low level waste (LLW) surcharge to NRC licensees who generate LLW. The Commission believes these decisions are consistent with the court's decision. The changes are being applied retroactively to FY 1991 and FY 1992. Therefore, in the near future, the NRC will separately publish final FY 1991 and FY 1992 fee schedules revising the surcharges assessed to certain licensees. These revisions result from the elimination of the nonprofit educational exemption and from changing the method of allocating NRC LLW budgeted generic costs. Requests for refunds are not to be filed with the NRC prior to publication of these schedules. The total amount of the refunds for FY 1991 and FY 1992 is estimated to be \$7 million.

Enclosed is a copy of the final rule which is being transmitted to the Federal Register for publication.

Sincerely,


Ronald M. Scroggins
Deputy Chief Financial
Officer/Controller

Enclosure: Final Revision
to 10 CFR Parts
170 and 171

cc: Representative John T. Myers



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 14, 1993

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AE 49-2
PDR
016

The Honorable Joseph Lieberman, Chairman
Subcommittee on Clean Air and Nuclear Regulation
(Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Public Law 101-508, the Omnibus Budget Reconciliation Act of 1990, requires that the NRC recover 100 percent of its budget authority, less the appropriation from the Nuclear Waste Fund, for fiscal years 1991 through 1995 by assessing license and annual fees. For FY 1993, the NRC must collect approximately \$518.9 million through these fees as compared to \$492.5 million for FY 1992.

In order to comply with the law, the Commission is amending its fee regulations in 10 CFR Parts 170 and 171. The amendments to the Commission's fee regulations will, in most cases, increase the fees currently charged to individuals and companies licensed by the NRC.

The amendments to 10 CFR Part 170, which assess license and inspection fees for specific identifiable services will: (1) increase the cost per professional staff-hour for all full cost fees; and (2) revise all flat fees for radioisotope programs consistent with the Chief Financial Officers Act to reflect the increased cost per professional staff hour and the current estimate of the average hours required to process licensing actions or to conduct inspections.

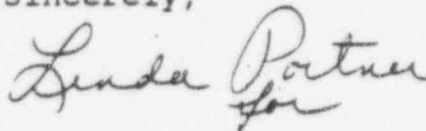
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Sincerely,

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Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: Final Revision
to 10 CFR Parts
170 and 171

cc: Senator Alan K. Simpson



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

AE 49-2
PDR

July 14, 1993

The Honorable Martin Olav Sabo, Chairman
Committee on the Budget
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Public Law 101-508, the Omnibus Budget Reconciliation Act of 1990, requires that the NRC recover 100 percent of its budget authority, less the appropriation from the Nuclear Waste Fund, for fiscal years 1991 through 1995 by assessing license and annual fees. For FY 1993, the NRC must collect approximately \$518.9 million through these fees as compared to \$492.5 million for FY 1992.

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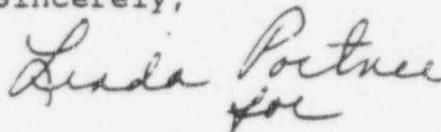
The amendments to 10 CFR Part 170, which assess license and inspection fees for specific identifiable services will: (1) increase the cost per professional staff-hour for all full cost fees; and (2) revise all flat fees for radioisotope programs consistent with the Chief Financial Officers Act to reflect the increased cost per professional staff hour and the current estimate of the average hours required to process licensing actions or to conduct inspections.

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Sincerely,

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Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: Final Revision
to 10 CFR Parts
170 and 171

cc: Representative John R. Kasich



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

AE49-2
PDR

July 14, 1993

The Honorable Jim Sasser, Chairman
Committee on Budget
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Public Law 101-508, the Omnibus Budget Reconciliation Act of 1990, requires that the NRC recover 100 percent of its budget authority, less the appropriation from the Nuclear Waste Fund, for fiscal years 1991 through 1995 by assessing license and annual fees. For FY 1993, the NRC must collect approximately \$518.9 million through these fees as compared to \$492.5 million for FY 1992.

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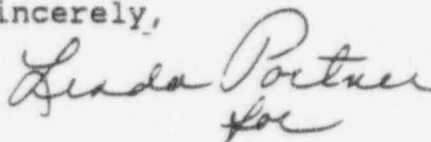
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Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: Final Revision
to 10 CFR Parts
170 and 171

cc: Senator Pete V. Domenici



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

AE 49-2
PDR

July 14, 1993

The Honorable J. Bennett Johnston, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Public Law 101-508, the Omnibus Budget Reconciliation Act of 1990, requires that the NRC recover 100 percent of its budget authority, less the appropriation from the Nuclear Waste Fund, for fiscal years 1991 through 1995 by assessing license and annual fees. For FY 1993, the NRC must collect approximately \$518.9 million through these fees as compared to \$492.5 million for FY 1992.

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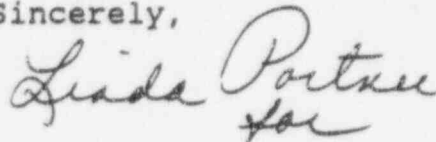
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Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: Final Revision
to 10 CFR Parts
170 and 171

cc: Senator Mark O. Hatfield



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

AE 49-2
PDR

July 14, 1993

The Honorable Richard H. Lehman, Chairman
Subcommittee on Energy and Mineral Resources
Committee on Natural Resources
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Public Law 101-508, the Omnibus Budget Reconciliation Act of 1990, requires that the NRC recover 100 percent of its budget authority, less the appropriation from the Nuclear Waste Fund, for fiscal years 1991 through 1995 by assessing license and annual fees. For FY 1993, the NRC must collect approximately \$518.9 million through these fees as compared to \$492.5 million for FY 1992.

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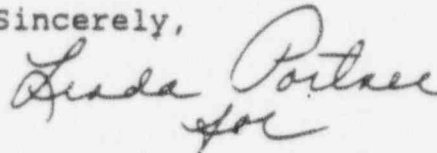
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Sincerely,



Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: Final Revision
to 10 CFR Parts
170 and 171

cc: Representative Barbara Vucanovich



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

AE49-2

PDR

July 14, 1993

The Honorable Philip Sharp, Chairman
Subcommittee on Energy and Power
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Public Law 101-508, the Omnibus Budget Reconciliation Act of 1990, requires that the NRC recover 100 percent of its budget authority, less the appropriation from the Nuclear Waste Fund, for fiscal years 1991 through 1995 by assessing license and annual fees. For FY 1993, the NRC must collect approximately \$518.9 million through these fees as compared to \$492.5 million for FY 1992.

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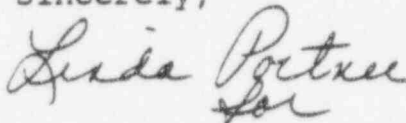
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Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: Final Revision
to 10 CFR Parts
170 and 171

cc: Representative Michael Bilirakis