



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

AE 49-2
PDR
017

JUL 15 1993

MEMORANDUM FOR: Carlton C. Kammerer, Director
Office of State Programs

FROM: Jesse Funches
Deputy Controller

SUBJECT: FINAL RULE -- 100 PERCENT RECOVERY --
FY 1993

Enclosed for your information and appropriate use is a copy of the Final Notice of rulemaking relating to the FY 1993 NRC license, inspection and annual fees that is scheduled to be published in the Federal Register in the next few days.

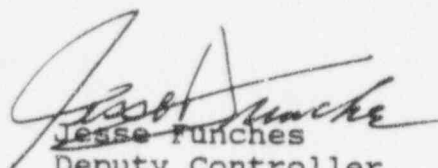
Please note that based on the March 16, 1993, U.S. Court of Appeals of the District of Columbia remand decision relating to portions of the FY 1991 and FY 1992 annual fee schedules, the Commission has decided: (1) not to use the ability to passthrough costs as a factor for any licensees when setting 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 actions 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 allocation NRC LLW budgeted generic costs.

Carlton C. Kammerer

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Although OC will make distribution of the final rule to all Agreement and Nonagreement States, OSP should request that Agreement States make distribution of the final rule to their licensees since the final rule would continue to assess Part 170 fees to those Agreement State licensees who perform work in Nonagreement States under the reciprocity provisions of \$150.20.

Thank you for your assistance in this matter.


Jesse Funches
Deputy Controller

Enclosure:
As stated