



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

AE 49-2  
PDR  
021

JUL 16 1993

MEMORANDUM FOR: Those on Attached List

FROM: Ronald M. Scroggins  
Deputy Chief Financial  
Officer/Controller

SUBJECT: FINAL NOTICE OF RULEMAKING -- 100 PERCENT  
FEE RECOVERY -- FY 1993

On July 9, 1993, the Executive Director for Operations signed a final rule that would establish the fees necessary to recover approximately 100 percent of NRC's FY 1993 budget. The rule will be published in the Federal Register within the next few days.

The final rule makes three substantive changes to the 10 CFR Part 171 annual fees as follows: (1) nonprofit educational institutions will be assessed annual fees; (2) the method of calculating the low-level waste (LLW) surcharge has changed; and (3) the NRC will not use the ability to passthrough costs to customers as a factor for any licensee when setting annual fees. These changes implement the Commission decisions of June 25, 1993, regarding issues remanded by the U.S. Court of Appeals.

The changes resulting from the Court remand will be made retroactive to FY 1991. 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 LLW 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 final amendments to Part 170 will (1) change the cost per professional staff-hour from \$123 per hour to \$132 per hour; and (2) revise, consistent with the CFO Act, all flat fees for radioisotope programs.

In addition to the substantive changes noted in the second paragraph, the final amendments to Part 171 will (1) increase, in most cases, the amount of the annual fees assessed to operating reactors, fuel cycle licensees and materials licensees; and (2) incorporate the specific statutory exemption provided in the Energy Policy Act of 1992 for certain Federally owned nonpower research reactors.

Under the final rule, 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 \$492.5M to \$518.9M.
- (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.

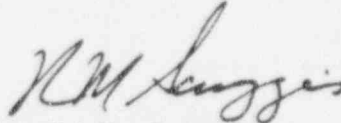
A comparison of the FY 1993 proposed annual fees to those assessed for FY 1992 are as follows:

<u>Class of Licensees</u>	<u>Range of Annual Fees</u>	
	<u>FY 1992</u>	<u>FY 1993</u>
Operating Power Reactors	\$3.0M to \$3.1M	\$3.2M to \$3.3M
Fuel Facilities	\$0.5M to \$2.3M	\$0.7M to \$3.1M
Uranium Recovery Facilities	\$58,800 to \$167,650	\$21,220 to \$58,220
Transportation Approval Holders	\$1,650 to \$62,950	\$1,120 to \$67,520
Materials Users (small entity)	\$400 to \$1,800	\$400 to \$800
Materials Users (other)	\$580 to \$16,550	\$810 to \$28,020
Other Licensees	\$55,700 to \$336,150	\$61,200 to \$380,120

We recommend that you provide this information to those members of your staff most likely to come in contact with licensees (e.g., project managers, section leaders, and inspectors).

Copies of the final rule will be provided to all branch chiefs and above in the headquarters program offices as well as the regional offices as part of the standard distribution process for rulemaking. In addition, all NRC licensees will be sent a copy of the final rule.

If you or your staff have questions concerning implementation of the final rule, please contact Leah Tremper on 492-8741 for questions relating to power, test and research reactors and Doug Weiss on 492-7716 for questions relating to materials and fuel cycle licenses.

A handwritten signature in dark ink, appearing to read "RM Scroggins". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ronald M. Scroggins  
Deputy Chief Financial  
Officer/Controller

Addressees for Memorandum from R. Scroggins dated JUL 16 1993

Eric S. Beckjord, Director, Office of Nuclear Regulatory Research  
Robert M. Bernero, Director, Office of Nuclear Material Safety  
and Safeguards  
Paul E. Bird, Director, Office of Personnel  
James L. Blaha, Assistant for Operations, OEDO  
Stephen G. Burns, Director, Office of Commission Appellate  
Adjudication  
Samuel J. Chilk, Secretary, Office of the Secretary of  
the Commission  
B. Paul Cotter, Jr., Chairman, Atomic Safety and Licensing  
Board Panel  
Gerald Cranford, Director, Office of Information Resources  
Management  
Joseph Fouchard, Director, Office of Public Affairs  
Ben B. Hayes, Director, Office of Investigations  
Edward L. Jordan, Director, Office for Analysis and Evaluation of  
Operational Data  
Carlton Kammerer, Director, Office of State Programs  
James Lieberman, Director, Office of Enforcement  
Vandy L. Miller, Director, Office of Small & Disadvantaged  
Business Utilization & Civil Rights  
Dade W. Moeller, Chairman, Advisory Committee on Nuclear Waste  
Thomas E. Murley, Director, Office of Nuclear Reactor Regulation  
Patricia G. Norry, Director, Office of Administration  
William C. Parler, General Counsel  
Dennis K. Rathbun, Director, Office of Congressional Affairs  
Ronald M. Scroggins, Deputy Chief Financial Officer/Controller  
Paul S. Shewmon, Chairman, Advisory Committee on Reactor Safeguards  
James H. Snizek, Deputy Executive Director for Nuclear Reactor  
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Michael L. Springer, Director, Office of Consolidation  
Carlton Stoiber, Director, Office of International Programs  
James M. Taylor, Executive Director for Operations, OEDO  
Hugh L. Thompson, Jr., Deputy Executive Director for Nuclear  
Materials Safety, Safeguards and Operations Support, OEDO  
David C. Williams, Inspector General  
Thomas T. Martin, Regional Administrator, RI  
Stewart D. Ebnetter, Regional Administrator, RII  
John B. Martin, Regional Administrator, RIII  
James L. Milhoan, Regional Administrator, RIV  
Bobby H. Faulkenberry, Regional Administrator, RV