

IMPORTANT NOTICE

April 19, 1993

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

SUBJECT: PROPOSED 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 for public comment the enclosed Notice of Proposed Rulemaking. This notice proposes 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. The amount to be recovered for FY 1993 is \$518.9 million.

The proposed rule would affect all applicants, licensees, and holders of Certificates of Compliance, registrations of sealed sources and devices and approvals of quality assurance programs. The proposed revisions would increase the fees for most individuals and organizations currently subject to fees. However, the proposed rule does not change the basic approach, policies, and methodology used in FYs 1991 and 1992 for calculating the Part 170 professional hourly rate, the Part 170 specific materials licensing and inspection flat fees, and the Part 171 annual fees.

The major changes proposed to Parts 170 and 171 would:

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;
- (b) Increase the flat fees for most radioisotope programs.

2. Part 171:

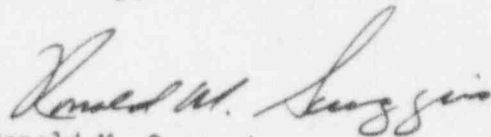
- (a) Revise the Part 171 annual fees assessed to reactor and materials licensees and incorporate the specific statutory exemption provided in the Energy Policy Act of 1992 for certain Federally owned nonpower (research) reactors. Under this proposed rule, annual fees for most licenses will increase because (1) the amount that must be recovered has increased from approximately \$492.5 million for FY 1992 to \$518.9 million for FY 1993 and (2) 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.

The proposed rule also requests public comments on portions of the FY 1991 and FY 1992 fee schedules remanded to the Commission by the March 16, 1993, decision of the U.S. Court of Appeals for the District of Columbia Circuit.

All parties desiring to submit written comments for consideration should send them to the Secretary of the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, within 30 days from publication in the Federal Register. Questions relating to the proposed revisions should be directed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Office of the Controller.

The NRC will also publish in April 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. You will be sent a copy of that notice.

Sincerely,



Ronald M. Scroggins
Deputy Chief Financial
Officer/Controller

Enclosure:
Notice of Proposed Rulemaking

2. Part 171:

- (a) Revise the Part 171 annual fees assessed to reactor and materials licensees and incorporate the specific statutory exemption provided in the Energy Policy Act of 1992 for certain Federally owned nonpower (research) reactors. Under this proposed rule, annual fees for most licenses will increase because (1) the amount that must be recovered has increased from approximately \$492.5 million for FY 1992 to \$518.9 million for FY 1993 and (2) 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.

The proposed rule also requests public comments on portions of the FY 1991 and FY 1992 fee schedules remanded to the Commission by the March 16, 1993, decision of the U.S. Court of Appeals for the District of Columbia Circuit.

All parties desiring to submit written comments for consideration should send them to the Secretary of the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, within 30 days from publication in the Federal Register. Questions relating to the proposed revisions should be directed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Office of the Controller.

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Ronald M. Scroggins
Deputy Chief Financial
Officer/Controller

Enclosure:
Notice of Proposed Rulemaking

OFFICE: OC	OC	OC
NAME: JHolloway	JFunches	RMSchroggins
DATE: 4/1/93	4/1/93	4/15/93

OFFICIAL RECORD COPY

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The proposed rule would affect all applicants, licensees, and holders of Certificates of Compliance, registrations of sealed sources and devices and approvals of quality assurance programs. The proposed revisions would increase the fees for most individuals and organizations currently subject to fees. However, the proposed rule does not change the basic approach, policies, and methodology used in FYs 1991 and 1992 for calculating the Part 170 professional hourly rate, the Part 170 specific materials licensing and inspection flat fees, and the Part 171 annual fees.

The major changes proposed to Parts 170 and 171 would:

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;
- (b) Increase the flat fees for most radioisotope programs.

2. Part 171:

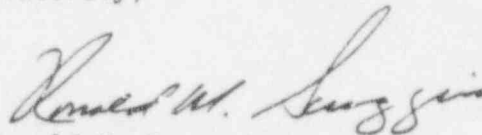
- (a) Revise the Part 171 annual fees assessed to reactor and materials licensees and incorporate the specific statutory exemption provided in the Energy Policy Act of 1992 for certain Federally owned nonpower (research) reactors. Under this proposed rule, annual fees for most licenses will increase because (1) the amount that must be recovered has increased from approximately \$492.5 million for FY 1992 to \$518.9 million for FY 1993 and (2) 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.

The proposed rule also requests public comments on portions of the FY 1991 and FY 1992 fee schedules remanded to the Commission by the March 16, 1993, decision of the U.S. Court of Appeals for the District of Columbia Circuit.

All parties desiring to submit written comments for consideration should send them to the Secretary of the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, within 30 days from publication in the Federal Register. Questions relating to the proposed revisions should be directed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Office of the Controller.

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Sincerely,



Ronald M. Scroggins
Deputy Chief Financial
Officer/Controller

Enclosure:
Notice of Proposed Rulemaking



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

April 20, 1993

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AE49-1
PDR

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 proposing to amend its fee regulations in 10 CFR Parts 170 and 171. The proposed amendments to the Commission's fee regulations would revise the fees currently charged to individuals and companies licensed by the NRC.

The proposed amendments to 10 CFR Part 170, which assess license and inspection fees for specific identifiable services would: (1) increase the cost per professional staff-hour for all full cost fees; and (2) revise all flat fees for radioisotope programs 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.

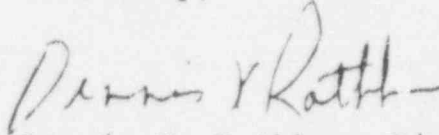
The proposed amendments to 10 CFR Part 171, which assess annual fees for costs not recovered through 10 CFR Part 170, would establish the amount of the FY 1993 annual fees to be assessed to operating reactors, fuel cycle licensees, transportation certificate holders, and materials licensees. Most of the FY 1993 annual fees would be 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.

The proposed rule also requests public comments 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 fee schedules.

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Bjg

Enclosed is a copy of the proposed rule which is being transmitted to the Federal Register for publication. This notice provides for a 30-day public comment period.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dennis K. Rathbun", with a horizontal line extending from the end of the signature.

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: Proposed Revision
to 10 CFR Parts
170 and 171

cc: Senator Alan K. Simpson



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

AE49-1
POR

April 20, 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.

In order to comply with the law, the Commission is proposing to amend its fee regulations in 10 CFR Parts 170 and 171. The proposed amendments to the Commission's fee regulations would revise the fees currently charged to individuals and companies licensed by the NRC.

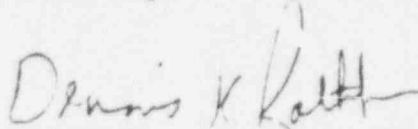
The proposed amendments to 10 CFR Part 170, which assess license and inspection fees for specific identifiable services would: (1) increase the cost per professional staff-hour for all full cost fees; and (2) revise all flat fees for radioisotope programs to reflect the increased cost per professional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

The proposed amendments to 10 CFR Part 171, which assess annual fees for costs not recovered through 10 CFR Part 170, would 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 would be 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.

The proposed rule also requests public comments 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 fee schedules.

Enclosed is a copy of the proposed rule which is being transmitted to the Federal Register for publication. This notice provides for a 30-day public comment period.

Sincerely,

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Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: Proposed Revision
to 10 CFR Parts
170 and 171

cc: Representative Michael Bilirakis



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

April 20, 1993

AE49-1
PDR

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.

In order to comply with the law, the Commission is proposing to amend its fee regulations in 10 CFR Parts 170 and 171. The proposed amendments to the Commission's fee regulations would revise the fees currently charged to individuals and companies licensed by the NRC.

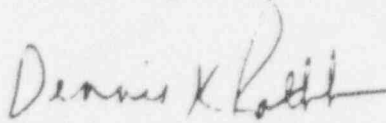
The proposed amendments to 10 CFR Part 170, which assess license and inspection fees for specific identifiable services would: (1) increase the cost per professional staff-hour for all full cost fees; and (2) revise all flat fees for radioisotope programs to reflect the increased cost per professional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

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Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: Proposed Revision
to 10 CFR Parts
170 and 171

cc: Representative Barbara Vucanovich



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

AE49-1
POR

April 20, 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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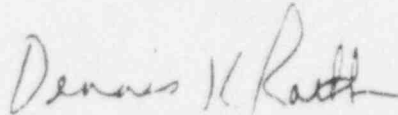
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Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: Proposed Revision
to 10 CFR Parts
170 and 171

cc: Senator Mark O. Hatfield



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

AE 49-1
PDR

April 20, 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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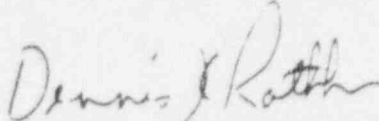
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Office of Congressional Affairs

Enclosure: Proposed Revision
to 10 CFR Parts
170 and 171

cc: Senator Pete V. Domenici



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

AE49-1
PDR

April 20, 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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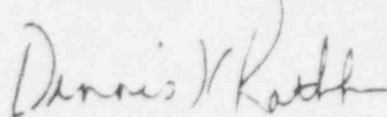
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Office of Congressional Affairs

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to 10 CFR Parts
170 and 171

cc: Representative John R. Kasich