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PDR

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

FROM: Jesse Funches
Deputy Controller

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

Enclosed for your information and appropriate use is a copy of the Notice of Proposed rulemaking relating to the FY 1993 NRC license, inspection and annual fees that was published in the Federal Register on April 23, 1993, for a 30-day public comment period.

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

Also enclosed is a Federal Register notice dated April 19, 1993, which requests public comment on NRC fee policy in accordance with the requirements of the Energy Policy Act of 1992. The notice allows for 90-day comment period.

Thank you for your assistance in this matter.

Original signed by Jesse Funches

Jesse Funches
Deputy Controller

Enclosure:
As stated

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OFFICE:	OC	OC
NAME:	JHolloway	JFunches
DATE:	04/23/93	04/23/93
REQUEST COPY:	YES/NO	YES/NO

OFFICIAL RECORD COPY



UNITED STATES NUCLEAR REGULATORY COMMISSION

Office of Public Affairs
Washington, D.C. 20555

No. 93-51
Tel. 301-504-2240

FOR IMMEDIATE RELEASE
(Monday, April 26, 1993)

NRC PROPOSES CHANGES IN FEE SCHEDULES; SEEKS COMMENTS ON COURT DECISION

*See Release
side*

The Nuclear Regulatory Commission is proposing to amend its licensing, inspection and annual fee schedules to recover approximately 100 percent of its fiscal year 1993 budget.

The Commission also is seeking comments on its reconsideration of issues remanded by the U.S. Court of Appeals for the D.C. Circuit in a March 16 ruling relating to portions of the fiscal year 1991 fee schedule. The Court remanded to the Commission, for further consideration, the decision to exempt nonprofit educational institutions from the fee schedule on the grounds, in part, that they are unable to pass through the costs of the fees to their customers. Also remanded was the decision to allocate the generic costs associated with low-level radioactive waste management activities by groups of licensees rather than by individual licensee.

The proposed revisions implement the requirements of the Omnibus Budget Reconciliation Act of 1990 which requires the NRC to recover approximately 100 percent of its budget authority, less appropriations from the Nuclear Waste Fund, for fiscal years 1991 through 1995 by assessing license and annual fees. The amount to be recovered in fiscal year 1993 is \$540 million, less approximately \$21.1 million appropriated from the Nuclear Waste Fund.

Since the NRC's fiscal year 1993 budget has increased, compared to fiscal years 1991 and 1992, the fees for most licensees represent increases over previous years. The proposed revisions include an increase in the amount of annual fees assessed licensees operating nuclear power plants from about \$3.1 million to about \$3.2 million. For some fee categories, the fees also increase because there are now fewer licensees from whom to recover relatively fixed generic costs.

In addition, the proposed amendments, among other things, would:

- increase the agency-wide professional hourly rate, which is used to determine Part 170 licensing and inspection fees, from \$123 to \$132 per hour;

-- revise the flat license and inspection fees to reflect the most recent estimated average number of professional staff hours per licensing action or inspection;

-- establish a single inspection fee instead of different fees for routine and nonroutine inspections;

-- exempt from fiscal year 1993 annual fees those licensees and holders of certificates, registration and approvals who either filed for termination of their license or approval, or for a possession only/storage license before October 1, 1992, and were capable of permanently ceasing licensed activities entirely before October 1, 1992; and

-- continue a maximum annual fee of \$1,800 per licensed category for those licensees who qualify as a small entity under the NRC's size standards.

Written comments on the proposed fiscal year 1993 fee schedules and on the proposed alternatives for addressing the U.S. Court of Appeals' remand issues should be received by May 24, 1993. They should be addressed to the Secretary of the Commission, Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.