



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

031

AE49-1
PDR

APR 26 1993

MEMORANDUM FOR: Those on Attached List

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

SUBJECT: NOTICE OF PROPOSED RULEMAKING -- 100 PERCENT
FEE RECOVERY -- FY 1993 AND U.S. COURT OF APPEALS
REMAND DECISION

On April 14, 1993, the Executive Director for Operations signed a proposed rule that would establish the fees necessary to recover approximately 100% of NRC's FY 1993 budget. The proposed rule was published in the Federal Register on April 23, 1993, for a 30-day comment period.

The proposed FY 1993 fees are based on the same methods, approaches and policies used to develop the FYs 1991 and 1992 fees. However, under the proposed rule, FY 1993 fees for most licensees will increase compared to FY 1992 fees because:

- (1) The amount that must be recovered has increased from approximately \$492.5M to \$518.9M.
- (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 amendments to 10 CFR Part 170 would (1) increase the cost per professional staff-hour from \$123 per hour to \$132 per hour; and (2) revise all flat fees for radioisotope programs.

The proposed amendments to Part 171 would (1) revise 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.

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 \$3.3M
Uranium Recovery Facilities	\$58,800 to \$167,500	\$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 \$1,800
Materials Users (other)	\$580 to \$16,550	\$800 to \$28,120
Other Licensees	\$55,700 to \$336,150	\$65,000 to \$382,220

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 proposed 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 mailed a copy of the proposed rule.

For questions concerning implementation of the proposed rule, please contact Leah Tremper on 492-8741 for power, test and research reactors and, Doug Weiss on 492-7716 for questions relating to materials and fuel cycle licenses.

/s/ Ronald M. Scroggins

Ronald M. Scroggins
Deputy Chief Financial
Officer/Controller

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Addressees for Memorandum from R. Scroggins dated APR 26 1997

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Robert M. Bernero, Director, Office of Nuclear Material Safety
and Safeguards
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