

034

AE 49-1

PDR

Mr. Aaron D. Edmondson
Subcommittee on Energy and Water Development
Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515

APR 26 1993

Dear Mr. Edmondson:

Enclosed is a copy of the proposed rule to recover 100% of the FY 1993 NRC budget through fees as required by the Omnibus Budget Reconciliation Act of 1990. The proposed rule was published in the Federal Register on April 23, 1993, and provides for a 30-day comment period. I am also enclosing a summary of the proposed rule.

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

Enclosed also 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 provides for a 90-day comment period.

Please call me if you have questions or need additional information concerning the proposed rule.

Sincerely,

/s/ Ronald M. Scroggins

Ronald M. Scroggins
Deputy Chief Financial
Officer/Controller

Enclosures:
As stated

IDENTICAL LETTER TO:
Mr. Proctor W. Jones
Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate
Washington, D.C. 20510



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Summary

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 increase 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.

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, including fuel fabrication facilities, uranium recovery facilities, 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 for the District of Columbia remand decision relating to portions of the FY 1991 and FY 1992 fee schedules.