

(STP-04-008, February 2004, Other, 10 CFR 170, 171, Recovery Fee)

February 5, 2004

ALL AGREEMENT STATES, MINNESOTA, PENNSYLVANIA

DRAFT RULE -- 92 PERCENT FEE RECOVERY FOR FISCAL YEAR 2004 (STP-04- 008)

The U.S. Nuclear Regulatory Commission (NRC) would like to inform the Agreement States of a proposed rulemaking to modify 10 CFR Parts 170 and 171 regarding the licensing, inspection, and annual fees to recover approximately 92 percent of its fiscal year (FY) 2004 budget authority. The amendments are necessary in order to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which mandates that NRC recover through fees approximately 92 percent of its FY 2004 budget authority, less the amount appropriated from the Department of Energy administered Nuclear Waste Fund. The proposed rule indicates the fees assessed to those Agreement State licensees who perform work in Non-Agreement States under the reciprocity provisions of 10 CFR 150.20. The proposed rule was published in the *Federal Register* on February 2, 2004 (69 FR 4865). The *Federal Register* notice (FRN) requests **comments by March 3, 2004**.

The proposed rule was sent to each State under separate cover, with a memorandum summarizing the proposed changes. The proposed rule was also made available on the NRC web site (http://ruleforum.llnl.gov/cgi-bin/rulemake?source=FEE04_PRULE&st=prule). The reciprocity fee can be found at the end of the Schedule of Materials Fees on page 4878 of the February 2, 2004 FRN. The reciprocity fee remains at \$1500 for FY 2004.

Please inform your licensees of the proposed fee rule and how they can access it. If you have any questions regarding this notice, please contact the individual listed below.

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