



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

(FSME-09-013, March, Program, Fee Recovery)

March 4, 2009

ALL AGREEMENT STATES, MICHIGAN, NEW JERSEY, VIRGINIA

PROPOSED RULE - FEE RECOVERY FOR FISCAL YEAR 2009
(FSME-09-013)

Purpose: This is to inform you that the U.S. Nuclear Regulatory Commission (NRC) has published a proposed rule to modify 10 CFR Parts 170 and 171 regarding the licensing, inspection and annual fees to recover approximately 90 percent of its fiscal year (FY) 2009 budget authority.

Background: 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 90 percent of its FY 2009 budget authority, less the amount appropriated from the Nuclear Waste Fund, for Waste Incidental to Reprocessing, and generic homeland security costs. The proposed rule would modify 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 March 2, 2009 (Volume 74, Number 39 Page 9129-9157). The *Federal Register* notice (FRN) requests comments by April 1, 2009.

Discussion: 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 Federal eRulemaking Portal at: <http://www.Regulations.gov>. The reciprocity fee can be found at the end of the Schedule of Materials Fees on page 9146 of the March 2, 2009 FRN. The reciprocity fee is to be increased from \$1,400 for FY 2008 to \$1,800 for FY 2009. Please inform your licensees of the proposed fee rule and how they can access it.

If you have any questions regarding this correspondence, please contact me at 301-415-3340 or the individual named below.

POINT OF CONTACT: Rebecca Erickson
TELEPHONE: 301-415-7126

E Mail: Rebecca.Erickson@nrc.gov
Fax: (301)415-5387

/RA/

Robert J. Lewis, Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs