

NRC INCREASES Licensing FEES

The Nuclear Regulatory Commission is changing its licensing, inspection and annual fee schedules to recover approximately 100 percent of its Fiscal Year 1991 budget from fees. The revisions result in a substantial increase to fees currently charged and impose fees on many organizations that are currently fee-exempt.

The revisions implement requirements of the Omnibus Budget Reconciliation Act of 1990 which directs the NRC to recover approximately 100 percent of its budget authority for Fiscal Years 1991 through 1995 by assessing license and annual fees. The amount to be recovered through these fees is the NRC total budget (\$465 million for Fiscal Year 1991) less the amount appropriated from the Department-of-Energy-administered Nuclear Waste Fund (\$19.7 million for Fiscal Year 1991). In Fiscal Year 1991, \$445.3 million must be collected through fees by September 30, 1991.

In Fiscal Year 1990 the NRC recovered approximately 45 percent of its budget from fees and the appropriation from the Nuclear Waste Fund, as required by a previous law.

The revisions to Part 171 include an increase in the amount of annual fees assessed for operating power reactors--from approximately \$1 million to approximately \$2.8 million--and the assessment of annual fees for the first time for fuel fabrication facilities, independent spent fuel storage facilities, uranium mills, transportation quality assurance approval holders and hospitals, doctors, irradiators, nuclear gauge users and other nuclear materials licensees. Also assessed an annual fee for the first time are holders of registrations for sealed capsules and devices, and Federal agencies that are licensed by the NRC.

In addition, the revisions to Part 170:

- (1) Raise the cost per professional-staff hour for all full-cost fees from \$92 per hour to \$115 per hour;
- (2) Increase all flat fees for material licensees and applicants by 25 percent based on the increased hourly rate;
- (3) Add inspection fees for inspections related to transportation casks, packages, shipping containers and vendor quality~! assurance programs; inspection of manufacturers and initial distributors of sealed capsules and

devices containing radioactive material; and inspections of Agreement State licensees who perform work at temporary job sites in locations under NRC jurisdiction, such as radiographers. (Agreement States are states that have accepted authority, through agreement with the SRC, over the licensing of radioactive materials--but not nuclear reactors--within the state);

(4) Remove the ceiling of \$50,000 established for the review of "topical reports" (a special procedure by which NRC reviews industry-submitted reports or, specific "important-to-safety" subjects and may approve them for subsequent referencing, rather than requiring repetitive reviews for the same subject); and

(5) Revoke the existing exemptions for fees for licenses issued to an agency of a state or its political subdivisions and licenses issued to Indian Tribes and organizations.

Major changes from the proposed fees published in the Federal Register on April 12 reflect the Commission's careful review of the 448 public comments that were received and include:

(1) Establishment of a maximum annual fee of \$1,800 for small entities that meet the NRC's size requirements and recovery of the costs not collected from small entities from all large entities;

(2) Discontinuance of the deferral of license review fees for standardized reactor designs;

(3) Assessment of a \$600 application fee to Agreement State licensees working in non-Agreement States under a reciprocity general license to recover the NRC costs for reciprocity-> review;

(4) Elimination of an annual fee for spent fuel storage and transportation cask Certificates of Compliance and assessment of all generic costs to the specifically and generally-licensed users;

(5) Elimination of the low-level radioactive waste surcharge to nuclear medicine licensees, other than broad medical licensees, and uranium recovery licensees, since their wastes are either held for decay or primarily disposed of on site and do not require disposal at a licensed facility~.

(6) Elimination of separate annual fees for depleted uranium used as shielding and included in licenses covered by other fee categories since the shielding requires little or no additional generic effort beyond that required for the primary licensed activities; and

(7) Adjustment of the annual fee for fuel facility and uranium recovery licensees to more appropriately reflect NRC costs.

The amendments to Parts 170 and 171 of the Commission's regulations will become effective on August 9, 1991.

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