

No. 93-51  
Tel. 301-504-2240

FOR IMMEDIATE RELEASE  
(Monday, April 26, 1993)

NRC PROPOSES CHANGES IN FEE SCHEDULES;  
SEEKS COMMENTS ON COURT DECISION

The Nuclear Regulatory Commission is proposing to amend its licensing, inspection and annual fee schedules to recover approximately 100 percent of its fiscal year 1993 budget.

The Commission also is seeking comments on its reconsideration of issues remanded by the U.S. Court of Appeals for the D.C. Circuit in a March 16 ruling relating to portions of the fiscal year 1991 fee schedule. The Court remanded to the Commission, for further consideration, the decision to exempt nonprofit educational institutions from the fee schedule on the grounds, in part, that they are unable to pass through the costs of the fees to their customers. Also remanded was the decision to allocate the generic costs associated with low-level radioactive waste management activities by groups of licensees rather than by individual licensee.

The proposed revisions implement the requirements of the Omnibus Budget Reconciliation Act of 1990 which requires the NRC to recover approximately 100 percent of its budget authority, less appropriations from the Nuclear Waste Fund, for fiscal years 1991 through 1995 by assessing license and annual fees. The amount to be recovered in fiscal year 1993 is \$540 million, less approximately \$21.1 million appropriated from the Nuclear Waste Fund.

Since the NRC's fiscal year 1993 budget has increased, compared to fiscal years 1991 and 1992, the fees for most licensees represent increases over previous years. The proposed revisions include an increase in the amount of annual fees assessed licensees operating nuclear power plants from about \$3.1 million to about \$3.2 million. For some fee categories, the fees also increase because there are now fewer licensees from whom to recover relatively fixed generic costs.

In addition, the proposed amendments, among other things, would:

-- increase the agency-wide professional hourly rate, which is used to determine Part 170 licensing and inspection fees, from \$123 to \$132 per hour;

-- revise the flat license and inspection fees to reflect the most recent estimated average number of professional staff hours per licensing action or inspection;

-- establish a single inspection fee instead of different fees for routine and nonroutine inspections;

-- exempt from fiscal year 1993 annual fees those licensees and holders of certificates, registration and approvals who either filed for termination of their license or approval, or for a possession only/storage license before October 1, 1992, and were capable of permanently ceasing licensed activities entirely before October 1, 1992; and

-- continue a maximum annual fee of \$1,800 per licensed category for those licensees who qualify as a small entity under the NRC's size standards.

Written comments on the proposed fiscal year 1993 fee schedules and on the proposed alternatives for addressing the U.S. Court of Appeals' remand issues should be received by May 24, 1993. They should be addressed to the Secretary of the Commission, Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

#