

Proposed Issuance Date: URGENT

PRESS RELEASE ROUTING

HEADLINE: NRC Amends Licensing, Inspection  
& Annual Fees Rule

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(Source: OCFO Rulemaking Package)

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### *NRC AMENDS LICENSING, INSPECTION AND ANNUAL FEES RULE*

The Nuclear Regulatory Commission is amending its regulations for the licensing, inspections and annual fees it charges to licensees for fiscal year (FY) 2001.

The agency is statutorily required to collect about 98 percent (2 percent less than last year) of its budget this year through two types of fees. One is for NRC services such as licensing and inspection activities. The other is an annual fee paid by all licensees, which recovers generic regulatory expenses and other costs not recovered from fees for specific services. These fees are set out in Commission regulations 10 CFR Part 170 (licensing and inspection fees) and 10 CFR Part 171 (annual fees).

The NRC must recover \$453.3 million for FY 2001 (October 1, 2000 - September 30, 2001). This does not include \$21.6 million appropriated from the Nuclear Waste Fund for high-level waste activities. Neither does it include \$3.2 million appropriated for NRC's selected regulatory reviews and assistance provided to federal agencies and states. Funding for these

activities is excluded from license fee revenues by law. The total amount to be recovered is about \$6.3 million more than last year.

The annual fees have been determined under the re-baseline method, which establishes new baseline fees. The Commission decided to re-baseline annual fees this year after considering factors such as the amount of the budget allocated to various classes of licensees and complex issues related to fairness and stability of the fees. Re-baselined annual fees result in reduced annual fees for a majority of licensees, including power reactors, uranium recovery licensees, radiography and broad-scope medical licensees. Annual fees will increase for other categories of licensees, such as fuel-fabrication facilities and distributors of radio-pharmaceuticals.

There is also a \$6 increase over FY 2000 in the hourly labor rate for NRC services performed in the reactor program, and a \$1 increase for NRC services performed in the nuclear materials program. The hourly rates are \$150 for the reactor program activities and \$144 for the nuclear materials program activities.

In accordance with the Regulatory Flexibility Act that requires agencies to consider the impacts of rule changes on small businesses, the NRC reviewed its fees established in FY 2000 for such businesses. It has concluded that a change to the reduced annual fees for small entities is not warranted for this fiscal year.

The final FY 2001 annual fees for some licensees are as follows:

<u>Categories of Licensees</u>	<u>FY 2000 Annual Fee</u>	<u>FY 2001 Annual Fee</u>
Operating Power Reactors (including spent fuel storage/reactor decommissioning annual fee)	\$2,815,000	\$2,753,000
High-enriched Uranium Fuel Facility	3,327,000	3,545,000
Low-enriched Uranium Fuel Facility	1,116,000	1,146,000
Uranium Recovery (Conventional Mills)	132,000	94,300
Radiographers	14,900	12,500
Broad Scope Medical	28,100	24,200
Distribution of Radiopharmaceuticals	3.800	3.900

Other changes include a fee of \$450 to be assessed for each annual registration of generally licensed devices, consistent with the recent revisions to the Commission's regulations in 10 CFR Parts 30, 31 and 32 establishing the registration program. Assessment of the registration fee will begin after the generally licensed devices currently in use are first registered with the agency.

As a streamlining measure, the NRC is eliminating fees now assessed to Agreement State licensees for revisions they file related to the types and locations of licensed activities they conduct in areas under NRC jurisdiction based on the agency's reciprocity provisions. The

fees assessed for the initial applications for reciprocity filed by these Agreement State licensees will increase from \$1,200 to \$1,400 to recover the costs of processing the revisions.

The final rule will be published with additional details in an upcoming edition of *The Federal Register*.

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