

that are billed on the anniversary date of the license are those covered by fee categories 1C, 1D, 2A(2) Other Facilities, 2A(3), 2A(4), 2B, 2C, 3A through 3P, 4B through 9D, 10A, and 10B.

Dated at Rockville, Maryland, this 31st day of May, 2001.

For the Nuclear Regulatory Commission.



Jesse L. Funches,
Chief Financial Officer.

Copy of signed rule
marked w/ 90.1B/
corrections

5/31/01

Cost control measures that a class of licensees might take do not affect the amount of the budget that the NRC is required to recover from that class through annual fees. Similarly, as the NRC has indicated in several previous fee rulemakings, the NRC does not set fees based on factors such as size, ability to pay, or other economic factors. In order to meet the requirements of OBRA-90, the NRC is unable to reduce the fees assessed to one class of licensees without increasing the fees assessed to other classes. Therefore, as stated previously, the NRC has only given consideration to the effects it is required to consider by law. As reflected in the Regulatory Flexibility Analysis, Appendix A to this final rule, the NRC has determined that a maximum annual fee for small entities strikes a balance between the fee recovery requirements of OBRA-90, as amended, and the requirement of the Regulatory Flexibility Act to consider means to reduce the impact of the fees on small entities.

In FY 1995, after notice and comment rulemaking, the NRC established the current methodology for determining annual fees for fuel facilities. This methodology results in the reasonable grouping of fuel facility licenses into fee categories according to the licensed operations and the level, scope, depth of coverage, and rigor of generic regulatory programmatic efforts. The programmatic efforts reflect the safety and safeguards significance associated with the authorized nuclear material and use/activity, and the commensurate generic regulatory program (i.e., scope, depth and rigor). A matrix depicts the categorization of the fuel facility licenses based on these factors.

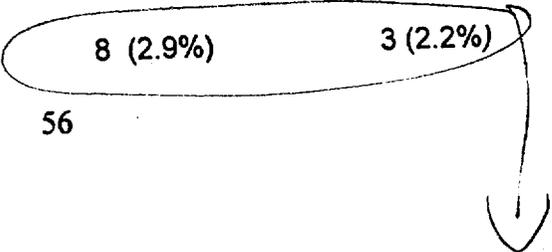
The NRC has modified the matrix based on the notification referenced by one commenter that, prior to March 31, 2001, it had permanently ceased certain licensed operations. The revised matrix reflects the licensee's cessation of conversion of uranium hexafluoride (UF₆) to

The methodology is applied as follows. First, a fee category is assigned based on the nuclear material and activity authorized by the license or certificate. Although a licensee/certificate holder may elect not to fully utilize a license/certificate, it is still used as the source for determining authorized nuclear material possession and use/activity. Next, the category and license/certificate information are used to determine where the licensee/certificate holder fits into the matrix. The matrix depicts the categorization of licensee/certificate holders by authorized material types and use/activities and the relative programmatic effort associated with each category. The programmatic effort (expressed as a value in the matrix) reflects the safety and safeguards risk significance associated with the nuclear material and use/activity and the commensurate generic regulatory program (i.e., scope, depth, and rigor).

The effort factors for the various subclasses of fuel facility licensees are summarized in the table below.

TABLE VI - Effort Factors for Fuel Facilities

<u>Facility type</u>	<u>Number of Facilities</u>	<u>Effort Factors</u>	
		<u>Safety</u>	<u>Safeguards</u>
High Enriched Uranium Fuel	2	91 (33.5%)	76 (55.1%)
Enrichment	2	70 (25.7%)	34 (24.6%)
Low Enriched Uranium Fuel	4	85 (31.3%)	23 (16.7%)
UF ₆ Conversion	1	8 (2.9%)	3 (2.2%)
		56	



Limited Operations	1	12 (4.4%)	0 (0%)
Facility			
Others	1	6 (2.2%)	2 (1.4%)

Applying these factors to the safety, safeguards, and surcharge components of the \$17.4 million total annual fee amount for the fuel facility class results in the annual fees for each licensee within the subcategories of this class summarized in the table below.

TABLE VII - Annual Fees for Fuel Facilities

<u>Facility type</u>	<u>FY 2001 Annual Fee</u>
High Enriched Uranium Fuel	\$3,545,000
Uranium Enrichment	2,208,000
Low Enriched Uranium	1,146,000
UF ₆ Conversion	509,000
Limited Operations Facility	467,000
Others	340,000

b. Uranium Recovery Facilities

The FY 2001 budgeted cost, including surcharge costs, to be recovered through annual fees assessed to the uranium recovery class is approximately \$1.5 million. Of this amount, \$654,000 will be assessed to DOE to recover the costs associated with DOE sites under the