

Proposed Issuance Date: ASAP

PRESS RELEASE ROUTING

HEADLINE: NRC Board Licensing, Inspection and Annual Fees Rule

	<u>PRINTED REVIEWER NAME</u>	<u>OFFICE</u>	<u>INITIALS</u>	<u>DATE</u>
<input checked="" type="checkbox"/>	<u>Jesse L. Funches</u>		<u>[Signature]</u>	<u>3/19/02</u>
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SIGNIFY ANY SPECIAL ACTION OR ISSUANCE THAT IS REQUIRED BEFORE PRESS RELEASE GOES OUT:

March 15, 2002
(7:56AM)

OPA

DRAFT

(Source: Notice of Rulemaking)

NRC AMENDS LICENSING, INSPECTION AND ANNUAL FEES RULE

The Nuclear Regulatory Commission is amending its regulations for the licensing, inspection and annual fees it charges to ^{affiliants and} licensees for fiscal year 2002.

The agency is required to collect nearly all of its operating budget through two types of fees. One type is for NRC services such as licensing and inspection activities. The other is an annual fee paid by all licensees, which recovers ^{generic} general regulatory expenses and other costs not recovered through fees for specific services. These fees are contained in Commission regulations 10 CFR Part 170 (licensing and inspection services) and 10 CFR Part 171 (annual fees).

^{By} Under law, the NRC must recover \$479.5 million, or about 96 percent of its budget, for fiscal year (FY) 2002 (October 1, 2001 - September 30, 2002). This does not include \$23.7 million appropriated from the Nuclear Waste Fund for high-level waste activities. Neither does it include \$36 million appropriated for NRC's activities related to homeland security. Funding

for these activities is excluded from license fee revenues by law. The total amount to be recovered is about \$26.2 million more than last year.

The annual fees proposed by the NRC have been determined under the "re-baselining" method. The Commission decided to re-baseline annual fees this year based on the changes in the magnitude of the budget to be recovered through fees. Re-baselined annual fees would result in increased annual fees for a majority of licensees, including power reactors, fuel facility licensees, and radiography and broad-scope medical licensees. Annual fees would decrease for other categories of licensees, including non-power research reactors.

~~Annual fees would also decrease for certain uranium recovery licensees based on the proposal to allocate costs included in the annual fee for the uranium recovery class of licensees to both Uranium Mill Tailings Radiation Control Act Title I and II licensees.~~

There is ~~also~~ a \$6 increase over FY 2001 in the hourly labor rate proposed for NRC services performed in the reactor program, and an \$8 increase for services performed in the nuclear materials program. The proposed hourly rates are \$156 for the reactor program activities and \$152 for the nuclear material 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 proposed FY 2002 annual fees for some licensees are as follows:

<u>Categories of Licensees</u>	<u>FY 2001 Annual Fee</u>	<u>FY 2002 Annual Fee</u>
Operating Power Reactors (including spent fuel storage/ reactor decommissioning annual fee)	\$2,753,000	\$2,869,000
High-enriched Uranium Fuel Facility	\$3,545,000	\$4,073,000
Low-enriched Uranium Fuel Facility	\$1,146,000	\$1,366,000
Uranium Recovery (Conventional Mills)	94,300	77,700
Radiographers	12,500	13,700
Broad Scope Medical	24,200	26,200
Distribution of Radiopharmaceuticals	3,900	4,500

The NRC is also proposing to clarify the Part 170 fee waiver provision for topical reports and certain other ^{documents} requests submitted to the NRC for review, ^{and approval} to clarify that the ^a Part 171 annual fee exemption provision for reactors applies only to reactors licensed to operate; and to revise Part 171 to specifically authorize the assessment of annual fees to holders of Part 52 combined licenses after the Commission has authorized operation of the reactors.

Written comments on the proposed amendments to 10 CFR Parts 170 and 171 of the Commission's regulations should be received within 30 days after publication in the Federal Register. They should be addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555-0001, ATTN: Rulemakings and Adjudications staff. Comments also may be faxed to 301-415-1101, or submitted via the NRC's electronic rulemaking Web site, at <http://www.nrc.gov>. Select "rulemaking" from the tool bar and then "rulemaking forum."

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