

<sup>9</sup> Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions who also hold nuclear medicine licenses under Categories 7B or 7C.

<sup>10</sup> This includes Certificates of Compliance issued to DOE that are not under the Nuclear Waste Fund.

<sup>11</sup> See 10 CFR 171.15(c).

<sup>12</sup> See 10 CFR 171.15(c).

<sup>13</sup> No annual fee is charged for this category because the cost of the general license registration program will be recovered through 10 CFR Part 170 fees.

(e) The activities comprising the surcharge are as follows:

(1) LLW disposal generic activities;

(2) Activities not directly attributable to an existing NRC licensee or class(es) of licensees; e.g., international cooperative safety program and international safeguards activities; support for the Agreement State program; Site Decommissioning Management Plan (SDMP) activities; and

(3) Activities not currently assessed licensing and inspection fees under 10 CFR Part 170 based on existing law or Commission policy (e.g., reviews and inspections of nonprofit educational institutions and reviews for Federal agencies; activities related to decommissioning and reclamation; and costs that would not be collected from small entities based on Commission policy in accordance with the Regulatory Flexibility Act).

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Dated at Rockville, Maryland, this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

For the Nuclear Regulatory Commission.

\_\_\_\_\_  
 Jesse L. Funches,  
 Chief Financial Officer. Distribution:

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DOCUMENT NAME: g:\daf\farb\2002proposed fee rule.wpd

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

March 12, 2002

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MEMORANDUM TO: Multiple Addressees  
(See Attached List)

FROM: Diane B. Dandois, Chief *Diane B. Dandois*  
License Fee and Accounts Receivable Branch  
Division of Accounting and Finance  
Office of the Chief Financial Officer

SUBJECT: PROPOSED NOTICE OF RULEMAKING -- 10 CFR PARTS 170  
AND 171 -- 96 PERCENT FEE RECOVERY FOR FY 2002

Attached for your concurrence is a proposed rule for the FY 2002 fees to be assessed to recover 96 percent of the NRC's FY 2002 budget authority. In order to meet the requirement to assess and collect the fees by September 30, 2002, this proposed rule must be published by March 29, 2002.

Please note that in order to meet the expedited schedule for the FY 2002 rule, we are providing each addressee a separate concurrence copy. Please provide your concurrence as quickly as possible, but no later than COB, Wednesday, March 13, 2002.

If you have any questions, please contact Glenda Jackson on 415-6057. Thank you for your assistance in this matter.

Attachment: As stated

- cc: M. Virgilio, NMSS  
S. Collins, NRR  
D. Lee, OIG  
H. Bell, OIG  
S. Reiter, OCIO

*3/13  
Change  
made*

(a) \*\*\*\*\*

(1) A special project that is a request/report submitted to the NRC --

(i) In response to a Generic Letter or NRC Bulletin that does not result in an amendment to the license, does not result in the review of an alternate method or reanalysis to meet the requirements of the Generic Letter, or does not involve an unreviewed safety issue;

(ii) In response to an NRC request (at the Associate Office Director level or above) to resolve an identified safety, safeguards, or environmental issue, or to assist NRC in developing a rule, regulatory guide, policy statement, generic letter, or bulletin; or

(iii) As a means of exchanging information between industry organizations and the NRC for the specific purpose of supporting the NRC's generic regulatory improvements or efforts.

(A) This fee exemption applies only when: (1) it has been demonstrated that the report/request has been submitted to the NRC specifically for the purpose of supporting NRC's development of generic guidance and regulations (e.g., rules, regulations, guides and policy statements); and (2) the NRC, at the time the document is submitted, plans to use it for one of the purposes given in paragraph (iii)(A)(1) of this paragraph, even if ultimately the NRC does not use the document as planned.

✓ *see*  
*(in case of*  
*an add'l*

*(in this case, the exemption applies)*

(B) An example of the type of document that meets the fee exemption criteria is a topical report that is submitted to the NRC for the specific purpose of supporting the NRC's development of a Regulatory Guide, and which the NRC plans to use in the development of that Regulatory Guide.

(C) This fee waiver provision does not apply to reports/requests submitted for NRC review that will provide a special benefit to identifiable recipients, such as the industry, vendors, or others regulated by the NRC. Fees will not be waived for reports/requests that are not submitted specifically for the purpose of supporting the NRC's generic regulatory improvements or efforts, because the primary beneficiary of the NRC's review and approval of such documents

✓ *Didn't*  
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*the way*