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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 170 and 171

RIN: 3150-AG95

Revision of Fee Schedules; Fee Recovery for FY 2002

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending the licensing, inspection, and annual fees charged to its applicants and licensees. The amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which requires that the NRC recover approximately 96 percent of its budget authority in fiscal year (FY) 2002, less the amounts appropriated from the Nuclear Waste Fund (NWF) and the General Fund. The amount to be recovered for FY 2002 is approximately \$479.4 million.

EFFECTIVE DATE: (Insert 60 days after publication in the Federal Register).

ADDRESSES: The comments received and the agency work papers that support these final changes to 10 CFR Parts 170 and 171 are available electronically at the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html>. From this site, the

is not changing its practice for
NRC will continue to address exemption requests for first-of-a-kind licensing actions on a case-by-case basis under §170.11(b). *and will continue to address such exemption requests*

The NRC believes the modifications to the fee waiver criteria language have the potential to save both NRC and industry resources because the industry will have more definitive guidelines on the types of submission that will be granted a fee waiver. The NRC believes these clarifications will better inform the industry, so they will not request fee waivers for those types of special projects which do not meet the waiver criteria. Further, it is unclear how relocating the fee waiver criteria to the exemption section of part 170 adds any formality to the process or how such purported formality will cost the industry or NRC resources and time as some commenters contend. Moving the criteria neither changes the process nor enhances its legal status. The NRC believes that it is more appropriate to have the fee exemption provisions for special projects with the existing part 170 fee exemption provisions.

The NRC, in this final rule, is revising the fee waiver criteria to clarify the fee exemption provisions. In addition, the exemption section of §170.11 is being revised to include the language that was previously located in footnote 4 to §170.21 and footnote 5 to §170.31.

3. Invoice Information.

Comment. One commenter asserted that NRC's invoices lack adequate explanations of the work done by NRC staff and NRC contractors. The commenter urged the NRC to continue its efforts to provide invoices that contain more detailed information on the specific costs. While recognizing that this would require major revisions to NRC's billing system, the commenter contended that the change would serve the NRC, its licensees, and the public well.