

From: Edward Baker
To: Ann Norris; Rita Hoskins
Date: 1/12/04 3:36PM
Subject: Re: Fee Rule

Ann,

We agree with the changes and your explanation.

Ed

>>> Ann Norris 01/12/04 01:53PM >>>

Please see attached sections on the import/export licenses in the FY04 fee rule. Please review and provide any comments to me by 3:00 p.m. today. Feel free to make redline/strikeout changes.

I also put the following justification in the rule for the changes. Please feel free to make corrections or modifications:

Additionally, the NRC is proposing to modify §170.21 category K. and §170.31 category 15 to clarify the import and export licenses language. This clarification is being made to reflect the current work being performed under these categories and to ensure consistency with 10 CFR Part 110.

From: Ann Norris
To: Baker, Edward; Hoskins, Rita
Date: 1/12/04 1:53PM
Subject: Fee Rule

Please see attached sections on the import/export licenses in the FY04 fee rule. Please review and provide any comments to me by 3:00 p.m. today. Feel free to make redline/strikeout changes.

I also put the following justification in the rule for the changes. Please feel free to make corrections or modifications:

Additionally, the NRC is proposing to modify §170.21 category K. and §170.31 category 15 to clarify the import and export licenses language. This clarification is being made to reflect the current work being performed under these categories and to ensure consistency with 10 CFR Part 110.

SCHEDULE OF FACILITY FEES

(See footnotes at end of table)

Facility categories and type of fees

Fees^{1,2}

K. Import and export licenses:

Licenses for the import and export only of production and utilization facilities or the export only of components for production and utilization facilities issued under 10 CFR Part 110.

1. Application for import or export of production and utilization facilities³ (including reactors and other facilities) and exports of components requiring Commission and Executive Branch review, for example, actions under 10 CFR 110.40(b).

Application-new license	\$10,300
Amendment	\$10,300

2. Application for export of reactor and other components requiring Executive Branch review only, for example, those actions under 10 CFR 110.41(a)(1)-(8).

Application-new license

		\$6,000
	Amendment	\$6,000
3.	Application for export of components requiring only the assistance of the Executive Branch to obtain foreign government assurances.	
	Application-new license	\$1,900
	Amendment	\$1,900
4.	Application for export of facility components and equipment (examples provided in 10 CFR 110, Appendix A, Items (5) through (9)) not requiring Commission or Executive Branch review, or obtaining foreign government assurances.	
	Application-new license	\$1,300
	Amendment	\$1,300
5.	Minor amendment of any active export or import license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms or conditions or to the type of facility or component authorized for export and therefore, do not require in-depth analysis or review or consultation with the Executive Branch, U.S. host state, or foreign government authorities.	

Amendment

\$240

¹ Fees will not be charged for orders issued by the Commission under §2.202 of this chapter or for amendments resulting specifically from the requirements of these types of Commission orders. Fees will be charged for approvals issued under a specific exemption provision of the Commission's regulations under Title 10 of the Code of Federal Regulations (e.g., 10 CFR 50.12, 73.5) and any other sections in effect now or in the future, regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form. Fees for licenses in this schedule that are initially issued for less than full power are based on review through the issuance of a full power license (generally full power is considered 100 percent of the facility's full rated power). Thus, if a licensee received a low power license or a temporary license for less than full power and subsequently receives full power authority (by way of license amendment or otherwise), the total costs for the license will be determined through that period when authority is granted for full power operation. If a situation arises in which the Commission determines that full operating power for a particular facility should be less than 100 percent of full rated power, the total costs for the license will be at that determined lower operating power level and not at the 100 percent capacity.

² Full cost fees will be determined based on the professional staff time and appropriate contractual support services expended. For applications currently on file and for which fees are determined based on the full cost expended for the review, the professional staff hours expended for the review of the application up to the effective date of the final rule will be determined at the professional rates in effect at the time the service was provided. For those applications currently on file for which review costs have reached an applicable fee ceiling established by the June 20, 1984, and July 2, 1990, rules, but are still pending completion of the review, the cost incurred after any applicable ceiling was reached through January 29, 1989, will

not be billed to the applicant. Any professional staff-hours expended above those ceilings on or after January 30, 1989, will be assessed at the applicable rates established by §170.20, as appropriate, except for topical reports whose costs exceed \$50,000. Costs which exceed \$50,000 for any topical report, amendment, revision or supplement to a topical report completed or under review from January 30, 1989, through August 8, 1991, will not be billed to the applicant. Any professional hours expended on or after August 9, 1991, will be assessed at the applicable rate established in §170.20.

³ Imports only of major components for end-use at NRC-licensed reactors are now authorized under NRC general import license.

15. Import and Export licenses:

Licenses issued under part 110 of this chapter for the import and export only of special nuclear material, source material, tritium and other byproduct material, and the export only of heavy water, or nuclear grade graphite.

- A. Application for export or import of nuclear materials, including radioactive waste requiring Commission and Executive Branch review, for example, those actions under 10 CFR 110.40(b). This category includes application for export and import of radioactive waste.

Application - new license	\$10,300
Amendment	\$10,300

- B. Application for export or import of nuclear material, including radioactive waste, requiring Executive Branch review, but not Commission review. This category includes application for the export and import of radioactive waste and requires NRC to consult with domestic host state authorities, low-level radioactive waste _____, the U.S. Environmental Protection Agency, etc.

Application - new license	\$6,000
Amendment	

	\$6,000
C. Application for export of nuclear material, for example, routine reloads of low enriched uranium reactor fuel and/or natural uranium source material requiring only the assistance of the Executive Branch to obtain foreign government assurances.	
Application - new license	\$1,900
Amendment	\$1,900
D. Application for export or import of nuclear material, including radioactive waste, not requiring Commission or Executive Branch review, or obtaining foreign government assurances. This category includes application for export or import of radioactive waste where the NRC has previously authorized the export or import of the same form of waste to or from the same or similar parties located in the same country, requiring only confirmation from the receiving facility and licensing authorities that the shipments may proceed according to previously agreed understandings and procedures.	
Application - new license	\$1,300
Amendment	\$1,300
E. Minor amendment of any active export or import license, for example, to extend the expiration date, change domestic information,	

or make other revisions which do not involve any substantive changes to license terms and conditions or to the type/quantity/chemical composition of the material authorized for export and therefore, do not require in-depth analysis, review, or consultations with other Executive Branch, U.S. host state, or foreign government authorities.

Amendment

\$240

From: Ann Norris
To: Baker, Edward; Hoskins, Rita
Date: 1/12/04 12:18PM
Subject: Question

For the FY03 fee rule, we changed the import/export categories based on information that we received from your office. Unfortunately, I don't recall who provided the information. It appears that we are now changing what we put in the fee rule last year and I wanted to make sure you are aware of what your office submitted to us last year. Please advise. Thanks.

The NRC is also proposing to expand fee Category 15.A. of \$170.31 to include all categories of radioactive waste import license applications, and to modify Category 15.B. of \$170.31 to exclude these types of import license applications. This change is being proposed because all applications for the import of radioactive waste must be reviewed by the Executive Branch and require the involvement of all states and compacts, as well as extensive coordination within the NRC. Therefore, the NRC efforts for the waste import license applications are more closely aligned with the efforts for the other types of export and import licenses currently covered by Category 15.A.