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OPA

## D R A F T

Final

(Source: Proposed Rule and SECY-03-0194)

### REVISED TO CORRECT DOLLAR AMOUNTS

## NRC PROPOSES TO AMEND<sup>S</sup> LICENSING, INSPECTION AND ANNUAL FEES RULE

The Nuclear Regulatory Commission is ~~proposing to~~<sup>ing</sup> amend its regulations for the licensing, inspection and annual fees it charges applicants and licensees for fiscal year (FY) 2004.

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

545.3

By law, the NRC must recover \$545.6 million, which represents 92 percent of its budget for FY 2004 (October 1, 2003 - September 30, 2004) less the ~~\$33.1~~<sup>32.9</sup> million appropriated from the Nuclear Waste Fund for high-level waste activities. The amount to be recovered in FY 2004 includes \$51.1 million appropriated for NRC's activities related to homeland security. The total amount to be recovered is about ~~\$19.3~~<sup>19.0</sup> million more than last year.

The ~~proposed~~ annual fees have been determined under the "re-baselining" method. The Commission decided to re-baseline annual fees this year based on the changes in the total budget and the magnitude of the budget allocated to certain classes of licensees. Re-baselined annual fees ~~would~~ <sup>will</sup> result in increased annual fees compared to FY 2003 fees for three classes of licensees (power reactors, rare earth mills and transportation) and decreased annual fees for three classes (spent fuel storage/reactor decommissioning, non-power reactors, and fuel facilities).

Finally, in two classes, material users and uranium recovery, most categories (or sub-classes) of licensees ~~would~~ <sup>will</sup> have decreased annual fees while others ~~would~~ <sup>will</sup> have increased annual fees.

The ~~proposed~~ FY 2004 annual fees include the following representative classes/categories of licensees:

<u>Class/Category of Licensees</u>	<u><del>Proposed</del> FY 2004 Annual Fee</u>	
Power Reactors (Including spent fuel storage/reactor decommissioning annual fee)	<del>\$3,342,000</del>	3,283,000
Rare Earth Mills	<del>\$187,900</del>	157,600
Transportation-Approvals (Users and Fabricators)	<del>\$91,400</del>	91,300
Spent Fuel Storage/Reactor Decommissioning	<del>\$207,000</del>	203,000
Non-Power Reactors	<del>\$62,600</del>	62,500
High-enriched Uranium Fuel Facility	<del>\$5,342,000</del>	4,573,000

Low-enriched Uranium Fuel Facility	\$1,791,000	1,533,000
Uranium Recovery (Conventional Mills)	\$14,600	14,500
Radiographers	\$12,000	11,900
Broad Scope Medical	\$25,100	25,000
Distribution of Radiopharmaceuticals	\$4,500 ✓	
Gauge Users (Category 3P)	\$1,900	2,500

↑ need to clarify since there are multiple 'gauge' categories. we have clarified in the rule.

~~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 the February 2 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://ruleforum.llnl.gov>. This site provides the ability to upload comments as files (in any format), if a user's browser supports that function.~~

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A copy of the final rule will be published in the Federal Register in the near future.

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(This language is from the FY03 final release.)