



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

Office of Public Affairs

Telephone: 301/415-8200

Washington, DC 20555-001

E-mail: opa@nrc.gov

Web Site: <http://www.nrc.gov/OPA>

No. 05-032

February 22, 2005

NRC PROPOSES TO AMEND LICENSING, INSPECTION AND ANNUAL FEES RULE

The Nuclear Regulatory Commission is proposing to amend its regulations for the licensing, inspection and annual fees it charges applicants and licensees for fiscal year (FY) 2005.

The agency is required by Congress to recover for the Treasury 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; this fee is calculated using an hourly rate. 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 NRC regulations 10 CFR Part 170 (fees for licensing and inspection services) and 10 CFR Part 171 (annual fees). These fees are paid to the U.S. Treasury and go into the general fund.

By law, the NRC must recover 90 percent of its budget for FY 2005 (Oct. 1, 2004 - Sept. 30, 2005) from fees, less the amount (\$68.5 million) appropriated from the Nuclear Waste Fund for high-level waste activities. The total amount to be recovered in FY 2005 is \$540.7 million, about \$4.6 million less than last year, when the mandate was to recover 92 percent of the agency's budget. After accounting for carryover and billing adjustments, the net amount to be recovered is approximately \$538 million.

Under the proposed rule, the hourly rates used to assess Part 170 fees would change to allow the funds recovered to reflect more accurately the resources NRC expends providing licensee-specific services. The proposal also reflects higher salaries and benefits resulting from the Government-wide pay raise. The new hourly rates (\$205 for the Nuclear Reactor Safety Program and \$198 for the Nuclear Materials and Waste Safety Program) would not alter the total amount of fees recovered from licensees, though it would change the apportionment of fees charged to Part 170 and Part 171. Fees not recovered under Part 170 would still be recovered under Part 171 to collect the 90 percent of the budget for FY 2005.

Annual fees for FY 2005 have been determined under the "re-baselining" method because of the magnitude of budget changes for certain classes of licensees. Re-baselining fees would result in decreased annual fees compared to FY 2004 for five classes of licenses (power reactors, test and research reactors, spent fuel storage/reactor decommissioning, rare earth mills, and transportation), and increased annual fees for two classes (fuel facilities and uranium recovery). Most materials users would have increased annual fees.

The proposed FY 2005 annual fees include the following:

<u>Class/category of licenses</u>	<u>FY 2005 Annual fee</u>
Operating Power Reactors (including Spent Fuel Storage/Reactor Decommissioning annual fee)	\$3,067,000
Spent Fuel Storage/Reactor Decommissioning	\$164,000
Test and Research Reactors (Nonpower Reactors)	\$54,400
High Enriched Uranium Fuel Facility	\$5,383,000
Low Enriched Uranium Fuel Facility	\$1,612,000
UF ₆ Conversion Facility	\$691,000
Rare Earth Mills	\$71,000
Transportation:	
Users/Fabricators	\$80,200
Users Only	\$4,300
Typical Materials Users:	
Radiographers	\$12,800
Well Loggers	\$4,100
Gauge Users (Category 3P)	\$2,500

The proposed rule was published today in the *Federal Register*. Written comments on the proposed fee changes should be received by March 24. They should be addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, ATTN: Rulemakings and Adjudications Staff. Comments may also be e-mailed to SECY@nrc.gov, faxed to (301) 415-1011, or submitted online via the NRC's rulemaking Web site at <http://ruleforum.llnl.gov>.

###

which the licensee qualifies, resulting in a fee of either \$1,150 or \$250 for each fee category billed (instead of the full small entity annual fee of \$2,300 or \$500).

Licensees must file a new small entity form (NRC Form 526) with the NRC each fiscal year to qualify for reduced fees in that year. Because a licensee's "size," or the size standards, may change from year to year, the invoice reflects the full fee and licensees must complete and return form 526 for the fee to be reduced to the small entity fee

amount. LICENSEES WILL NOT RECEIVE A NEW INVOICE FOR THE REDUCED AMOUNT. The completed NRC Form 526, the payment of the appropriate small entity fee, and the "Payment Copy" of the invoice should be mailed to the U.S. Nuclear Regulatory Commission, License Fee Team at the address indicated on the invoice.

If you have questions regarding the NRC's annual fees, please contact the license fee staff at (301) 415-7554, e-mail the fee staff at fees@nrc.gov, or write to the U.S. Nuclear

Regulatory Commission, Washington, DC 20555-0001, Attention: Office of the Chief Financial Officer.

False certification of small entity status could result in civil sanctions being imposed by the NRC under the Program Fraud Civil Remedies Act, 31 U.S.C. 3801 *et seq.* NRC's implementing regulations are found at 10 CFR part 13.

[FR Doc. 05-3128 Filed 2-18-05; 8:45 am]
BILLING CODE 7590-01-P