

DOCKETED  
USNRC



**HITACHI**

April 19, 2011 (9:05 am)  
OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

GE Hitachi Nuclear Energy

Patricia L. Campbell  
Vice President, Washington Regulatory Affairs

1299 Pennsylvania Avenue, NW  
Ninth Floor  
Washington, DC 20004  
USA

T 202-637-4239  
[patricia.l.campbell@ge.com](mailto:patricia.l.campbell@ge.com)

MFN 11-143

10 CFR Parts 170 and 171

April 18, 2011

Via E-Mail

Secretary  
U.S. Nuclear Regulatory Commission  
ATTN: Rulemakings and Adjudications Staff  
Washington, DC 20555-0001

Subject: Proposed Rule, Revision of Fee Schedules; Fee Recovery for FY 2011,  
(76 Fed. Reg. 14748, March 17, 2011, NRC-2011-0016, RIN 3150-AI93)

The U.S. Nuclear Regulatory Commission (NRC) published the subject proposed rule regarding revision of NRC fee schedules for Fiscal Year ("FY") 2011. GE Hitachi Nuclear Energy ("GEH") provides comments below on the proposed rule.

**Effort Factors for Fuel Cycle Facilities in Category 1(A)2(c)**

In NRC FY 2011 Proposed Fee Rule Work Papers supporting the rulemaking, for Vallecitos SNM-960, the current regulatory effort for safety oversight of "Scrap/Waste" is assigned as a *moderate* level of effort. The current level of effort does not appear to be related to the scope of activities authorized directly by SNM-960.<sup>1</sup>

Currently, Vallecitos License SNM-960 is the single license in this category of "other" fuel cycle facilities, and it is identified as a Hot Cell facility. The "Scrap/Waste" level of regulatory effort for Vallecitos should more appropriately be assigned a "low" level of effort for NRC safety oversight, as the generation of scrap and waste is low for activities in the Hot Cell facility under the SNM-960 license (e.g., estimates of waste generated under SNM-960 licensed activities is on the order of  $\leq 1$  cubic feet of Class B/C waste per year). By correcting this regulatory effort factor in the working papers (see table on page 45 of 131) and in Table VII of the proposed rule (see 76 Fed.Reg. 14755), the annual fees for SNM-960 can be adjusted to the appropriate level in the final rule.

<sup>1</sup> GEH recognizes that the level of effort was established in the 1999 fee rule (64 Fed.Reg. 31447, June 10, 1999) as part of the 1999 re-baselining.

### **Billing Inspection Costs**

The NRC indicates that in the first quarter of Fiscal Year 2011, it began implementing a process to bill the licensee for any inspection costs incurred during the quarter even if the inspection is still ongoing. GEH supports this change in imposing the charges more timely to the inspection activities.

### **Annual Fees**

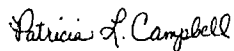
The NRC proposes that the fee-relief surplus be used to decrease all licensees' annual fees. GEH supports this application of the surplus. However, with the proposed rebaselined annual fees, fees are higher for four classes of licensees, including fuel cycle facilities. The NRC states that the increase in the fuel facilities class annual fees is "primarily due to increased support for licensing amendments, and rulemaking for regulatory framework for reprocessing." 76 Fed.Reg. 14754. GEH understands that the NRC is considering establishing this framework for licensing a reprocessing facility as a fuel facility (currently, NRC regulations in 10 CFR Part 50 address a reprocessing facility). From a review of the working papers, it appears that the entire budgeted amount has been included in the annual fees for fuel cycle facilities, even though the ability to license a reprocessing facility could benefit other licensees. GEH supports the NRC actions associated with this effort, but the NRC should consider whether some portion of the costs should be spread over other license classes.

### **Hourly Rates**

The hourly rate has increased over the 2010 hourly rate, due largely to "agency overhead budgeted resources." The NRC states that this will allow it to further streamline costs and more efficiently manage resources. GEH encourages the NRC's efforts and looks forward to future efficiencies in managing resources and controlling fees through these efforts.

Please contact me if you have any questions regarding these comments.

Sincerely,



Patricia L. Campbell

## Rulemaking Comments

---

**From:** Campbell, Patricia L (GE Power & Water) [patriciaL.campbell@ge.com]  
**Sent:** Monday, April 18, 2011 4:50 PM  
**To:** Rulemaking Comments  
**Subject:** Comments on NRC-2011-0016  
**Attachments:** MFN 11-143.pdf