



U.S. Nuclear Regulatory
Commission

Materials Annual Fee Billing Handbook

160009



Office of the Chief Financial Officer

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U.S. Nuclear Regulatory
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QUESTIONS ABOUT YOUR MATERIALS ANNUAL FEE

GENERAL QUESTIONS

Q What is it for?

A The invoice is for the FY 1997 ANNUAL FEE for the license listed on the invoice.

Q Why did we get it if we paid our renewal fee?

A It is not a renewal fee.

Q Our license has been extended - why are we being billed?

A You may have recently been notified that your license has been extended by 5 years. This invoice is not related to the 5-year extension. Any refunds of renewal fees paid are being processed separately - the enclosed invoice is due and payable.

Q What period does this cover?

A It covers the period October 1, 1996, through September 30, 1997.

Q What is the anniversary month?

A Effective with the FY 1996 annual fees, the invoices for the annual fees have been issued for the "anniversary month" of the license, which is stated on the invoice. The anniversary month is the month the license was originally issued.

Q I recently paid my FY 1996 annual fee - why am I getting another invoice so soon?

A Last year we began billing most materials licensees on the basis of the anniversary month in which the license was issued. Because the FY 1996 final fee rule was effective June 11, 1996, licensees whose anniversary months were October through June received annual fee invoices

in June 1996. Under the new billing method, some licensees will unavoidably receive two annual fee invoices during the 12-month transition period. Each invoice is for a different fiscal year.

Q We have more than one license - why didn't we get invoices for all of them?

A If you have multiple licenses or approvals and they have different anniversary months, you will no longer receive all of the annual fee invoices at once - they will be issued for the anniversary month of each license or approval.

ANNUAL CERTIFICATION OF SMALL ENTITY STATUS FOR THE PURPOSES OF ANNUAL FEES IMPOSED UNDER 10 CFR PART 171 (also see pages 11-14)

Q What is it?

A Licensees who meet U.S. Nuclear Regulatory Commission's (NRC's) size standards for a small entity must complete the enclosed NRC Form 526 in order to qualify for the reduced annual fee.

Q If we qualified last year, why is the bill for the full amount?

A A new form is required for each year and for each invoice you receive. Because a licensee's "size," or the size standards, may change from year to year, the invoice reflects the full fee and a new form must be completed and returned for the fee to be reduced to the small entity fee. **YOU WILL NOT BE ISSUED A NEW INVOICE FOR THE REDUCED AMOUNT.** The completed form, the payment of the appropriate small entity fee, and the "Payment Copy" of the invoice should be mailed to the address listed on the invoice.

PLEASE READ THE INSTRUCTIONS ON THE BACK OF NRC FORM 526 CAREFULLY BEFORE COMPLETING THE FORM.

Q We do not qualify as a small entity - should the form be completed, and what do we do with the form if we don't qualify?

A Licensees who do not meet NRC's size standards for a small entity should disregard NRC Form 526, and should send payment for the invoiced amount and the "Payment Copy" of the invoice to the address listed on the invoice.

TERMINATION REQUESTS

Q Our license was terminated - why did we receive an invoice?

A THE ANNUAL FEE IS NOT WAIVED FOR TERMINATION REQUESTS FILED AFTER OCTOBER 1, 1996. The full invoiced amount is due. However, if you file a termination request between October 1, 1996, and March 31, 1997, the fee will be prorated 50 percent and refunds of any overpayment will be processed. The annual fee is not prorated for termination requests filed after March 31, 1997.

Q How can we avoid the annual fee for next year?

A To avoid the FY 1998 (October 1, 1997, through September 30, 1998) annual fee, you must request termination, or an amendment for possession or storage only, before October 1, 1997, and must permanently cease licensed activities before October 1, 1997.

NRC'S FEE SCHEDULES

Our fee schedules are published for notice and comment rulemaking in the *Federal Register*.

Copies of the proposed and final fee schedules are also mailed to each licensee.

If you need a copy of the current fee schedule, please ask the telephone receptionist or license fee staff and we will be glad to furnish you one.

PAYMENT DUE DATE/PAYMENT METHODS

Q When is the payment due?

A The payment due date is the invoice date. Interest will be charged for any payments not received within 30 days of the invoice date.

FAILURE TO MAIL THE PAYMENT AND THE "PAYMENT COPY" OF THE INVOICE TO THE ADDRESS ON THE INVOICE MAY RESULT IN LATE CHARGES.

Q Where do I send the payment?

A The payment address is a post office lockbox for the bank and only regular mail or U. S. Postal Service Express Mail can be accepted.

Send Check Payment

to our post office lockbox bank in St. Louis:

U. S. Nuclear Regulatory Commission
License Fee and Accounts Receivable Branch
P. O. Box 954514
St. Louis, MO 63195-4514

Fedwire/TFCS

For sending a Fedwire through a Federal Reserve Bank for credit to our account at the U. S. Treasury, see section entitled "Procedures for Electronic Funds Transfer."

Late Payment Charges

See "Interest," "Penalty," and "Administrative Charges" under section entitled "Terms and Conditions"

Disputed Debts

See section entitled "NRC Procedures for Extending Payment Dates of Annual Fee Invoices."

TERMS AND CONDITIONS

NOTICE: This invoice shows the annual fee assessed for your licensed program. Fees are assessed in accordance with the schedules in 10 CFR Part 171. The suspension, revocation or termination of a license does not relieve the licensee of its responsibility for any debt(s). The fee(s) and associated interest, penalties, and administrative costs, if any, constitute a debt to the United States pursuant to Federal law, and the invoice is the demand for payment required under Federal law and implementing regulations. The NRC will not accept or execute any purchase order submitted by a licensee as a condition to the licensee paying the debt. The NRC also reserves the right not to accept or execute any claim form or other document submitted by a licensee as a condition to the licensee paying the debt.

TERMS: Payment is due immediately and should be made payable to the U.S. Nuclear Regulatory Commission by check, draft, money order, or electronically (Electronic Data Interchange, Automated Clearing House Electronic Funds Transfer). Where specific payment instructions are provided on the bills, payment should be made accordingly, e.g., bills of \$5,000 or more will normally indicate payment by electronic funds transfer. With respect to Federal agencies, payment by the On-line Payment and Collection System (OPAC's) will be accepted.

INTEREST: Interest will be assessed to the extent authorized under common law or in accordance with 31 U.S.C. 3717, and will accrue from the invoice date at the annual rate of 5%. However, interest will be waived if payment is received within 30 days from the invoice date. For NRC debt collection procedures, refer to 10 CFR Part 15.

PENALTY: A penalty charge will be assessed on any portion of a debt that is subject to the provisions of 31 U.S.C. 3717 and delinquent for more than 90 days (at the annual rate of 6%). This charge will be calculated on or after the 91st day of delinquency, but will accrue from the date the debt became delinquent. For this purpose, a debt is "delinquent" if it has not been paid by the invoice date.

ADMINISTRATIVE CHARGE: The NRC is required to assess an administrative charge incurred as a result of a delinquent debt subject to the provisions of 31 U.S.C. 3717. Administrative costs may include costs incurred in obtaining a credit report, or in using a private debt collector, to the extent they are attributable to the delinquency. The minimum administrative charge is \$10 a month.

USE OF CONSUMER REPORTING AGENCIES AND CONTRACTING FOR COLLECTION SERVICES: In addition to assessing interest, penalties and administrative costs, the NRC may report a debt that has been delinquent for 90 days to a consumer reporting agency (credit bureau) and may refer the delinquent debt to a private debt collection contractor in order to recover the delinquent debt. The debt collection contractor is entitled to add their collection fee to the debt. The NRC may also pursue collection or litigation of delinquent debt through the Department of Justice, the Internal Revenue Service and the Department of the Treasury for administrative offset and tax refund offset. The debtor will be liable for all collection fees incurred with the collection of this debt.

10 CFR 170.41 FAILURE BY LICENSEE TO PAY PRESCRIBED FEES AND

10 CFR 171.23 ENFORCEMENT: In any case where the Commission finds that a licensee has failed to pay a prescribed fee or files a false certification with respect to qualifying as a small entity under the Regulatory Flexibility Criteria, the Commission will not process any application and may suspend or revoke any license or approval issued to the licensee or may issue an order with respect to licensed activities as the Commission determines to be appropriate or necessary to carry out the provisions of these Parts. The filing of a false certification to qualify as a small entity under subsection 171.16(c) of 10 CFR Part 171 may also result in punitive action pursuant to 18 U.S.C. 1001.

10 CFR 170.51 RIGHT TO REVIEW AND APPEAL OF PRESCRIBED FEES: All debtors' requests for review of the fees assessed, and appeal or disagreement with the prescribed fee, must be submitted in writing in accordance with the provisions of 10 CFR 15.31, "Disputed Debts."

PROCEDURES FOR EXTENDING PAYMENT DATES OF ANNUAL FEE INVOICES

Annual fees are billed in accordance with the schedules contained in 10 CFR Part 171. Interest on the amount billed accrues from the invoice date, but will be waived if the amount due is paid within 30 days after said date. If the 30-day period is extended, interest will be waived provided the debt is paid before the expiration of the extended period. The 30-day period may be extended, at NRC's discretion, in accordance with the following procedures:

1. The NRC must receive the debtor's written request for an extension of the period, before expiration of the 30-day period. The request should explain why the debt is incorrect in fact or in law (10 CFR 15.31). If the request is not received within the 30-day period, it will automatically be denied. Telephone requests for extensions will not be considered. Requests for extensions of the 30-day period should be submitted to:

U. S. Nuclear Regulatory Commission
Office of the Chief Financial Officer
Division of Accounting and Finance
License Fee and Accounts Receivable Branch
Mail Stop: T-9 E10
Washington, DC 20555-0001

2. The debtor's explanation must have merit for the NRC to extend the 30-day period. A request is deemed to have merit if it causes the NRC to question whether the amount originally billed is correct.

A. If the explanation has merit, the NRC will notify the debtor in writing that the request is granted and that the 30-day period will be extended to a certain date. This date will be stated on the revised invoice and will be approximately 15 days after the date the revised invoice is mailed. The amount on the revised invoice will constitute a final determination of the existence or amount of the debt. A final determination by the NRC for this purpose need not await the outcome of litigation or further administrative review. Further extensions of this date, stated on the revised invoice, will not be granted. If the amount on the revised invoice is not paid on or before the date stated on the invoice, interest from the date of the original invoice will become due and payable.

B. The NRC may, at its discretion, meet with the debtor's representative to discuss further evidence or arguments supporting the debtor's contention.

C. A request for an extension may be granted either with respect to the entire amount originally billed or with respect to a portion of the amount originally billed. In the latter case, the remainder of such amount will remain due and payable as originally billed and if not paid on or before that date, interest from the date of the original invoice will become due and payable.

D. If the debtor's explanation does not have merit and does not cause the NRC to question whether the amount originally billed is correct, the request will be denied. Failure of the NRC to notify a debtor before the end of the 30-day period that a request for an extension has been denied will not constitute grounds for a waiver of interest.

E. The assertion that the invoice is unsupported by detailed data does not constitute an explanation of why the amount billed is incorrect in fact or in law. If the debtor views information furnished with the invoice as insufficient for the purpose of a request for an extension, the debtor should seek the necessary information as soon as possible so that a request for extension can be submitted within the 30-day period.

3. If an extension of the 30-day period is granted and the amount originally billed remains unchanged, such extension will be stated on the revised invoice as provided for in item 2A.

4. NRC records in support of billed fees are not subject to audit by non-governmental entities. However, copies of records desired by a debtor can be made available to the debtor if they are reproduced at the debtor's expense. For any charges that may be assessed, refer to 10 CFR Part 9.

5. The NRC will refund to a debtor any amount that is later determined to be an overpayment, including interest, if any, that was paid by the debtor on such amount. The NRC is not authorized to pay interest on any part of an annual fee that was paid to the NRC and is later refunded.

PROCEDURES FOR ELECTRONIC FUNDS TRANSFER

The NRC can receive funds through the U.S. Department of the Treasury (Treasury) Fedwire Deposit System. The basic wire message format below complies with the Federal Reserve Board's standard structured third-party format for all electronic funds transfer (EFT) messages. A sample of an EFT message to Treasury and a narrative description of each field follow:

(1)	021030004			(2)
(3)	(4)	(5)		
(6)				
(7) (8)	TREAS NYC/CTR /			
(9)	BNF=/AC-31000001 OBI=			
(10)				

- | Field | Content |
|------------------------------|---|
| (1) RECEIVER-DFI# | - Treasury's ABA number for deposit messages is 021030004. |
| (2) TYPE-SUBTYPE-CD | - The type and subtype code will be provided by the sending bank. |
| (3) SENDER-DFI# | - This number will be provided by the sending bank. |
| (4) SENDER-REF# | - The 16-character reference number is inserted by the sending bank at its discretion. |
| (5) AMOUNT | - The transfer amount must be punctuated with commas and decimal point; use of the "\$" is optional. This item will be provided by the depositor. |
| (6) SENDER-DFI-NAME | - This information is automatically inserted by the Federal Reserve Bank. |
| (7) RECEIVER-DFI-NAME | - Treasury's name for deposit messages is "TREAS NYC." This name should be entered by the sending bank. |

(8) **PRODUCT CODE** - A product code of "CTR" for customer transfer should be the first data in the RECEIVER-TEXT field. Other values may be entered, if appropriate, using the ABA's options. A slash must be entered after the product code.

(9) **AGENCY LOCATION CODE (ALC)** - THIS ITEM IS OF CRITICAL IMPORTANCE. IT MUST APPEAR ON THE FUNDS TRANSFER DEPOSIT MESSAGE IN THE PRECISE MANNER AS STATED TO ALLOW FOR THE AUTOMATED PROCESSING AND CLASSIFICATION OF THE FUNDS TRANSFER MESSAGE TO THE AGENCY LOCATION CODE OF THE APPROPRIATE AGENCY. The ALC identification sequence can, if necessary, begin on one line and end on the next line; however, the field tag "BNF=" must be on one line and cannot contain any spaces. NRC's 8-digit ALC is:

BNF=/AC-31000001

(10) **THIRD-PARTY INFORMATION** - The Originator to Beneficiary Information field tag "OBI=" is used to signify the beginning of the free-form third-party text. All other identifying information to enable the NRC to identify the deposit, for example, NRC annual fee invoice number, description of fee - 10 CFR 171 annual fee, and licensee name, should be placed in this field.

The optimum format for fields 7, 8, 9, and 10 using an 8-digit ALC is as follows:

TREAS NYC/CTR/BNF=/AC-31000001 OBI=

The optimum format, shown above, will allow 219 character positions of information following the "OBI=" indicator.

If the licensee's bank is not a member of the Federal Reserve System, the non-member bank must transfer the necessary information and funds to a member bank, which then must transfer the information and funds to the local Federal Reserve Bank.

For transfer of funds from local Federal Reserve Banks to be recorded on the same day, the transfer must be received at the New York Federal Reserve Bank by 4 p.m., EST. Otherwise, the deposit will be recorded on the next workday.

SMALL ENTITY COMPLIANCE GUIDE FISCAL YEAR 1997

Introduction

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires all Federal agencies to prepare a written guide for each "major" final action as defined by the Act. The NRC's fee rule published annually to comply with the Omnibus Budget Reconciliation Act of 1990 (OBRA-90) which requires the NRC to collect approximately 100 percent of its budget authority each year through fees meets the thresholds for being considered "major" under the SBREFA. Therefore, in compliance with the law, this small entity compliance guide has been prepared for FY 1997. The purpose of this guide is to assist small entities in complying with the NRC fee rule.

This guide is designed to aid NRC materials licensees. The information provided in this guide may be used by licensees to determine whether they qualify as a small entity under NRC regulations and are therefore eligible to pay reduced FY 1997 annual fees assessed under 10 CFR Part 171. Licensees who meet NRC's size standards for a small entity must complete NRC Form 526 in order to qualify for the reduced annual fee. NRC Form 526 will accompany each annual fee invoice mailed to materials licensees. The completed form, along with the appropriate small entity fee and the payment copy of the invoice, should be mailed to the

U.S. Nuclear Regulatory Commission
License Fee and Accounts Receivable Branch
P.O. Box 954514
St. Louis, MO 63195-4514.

The NRC, in compliance with the Regulatory Flexibility Act of 1980 (RFA), has established separate annual fees for those materials licensees who meet the NRC's size standards for small entities. These size standards, developed in consultation with the Small Business Administration, were revised by the NRC effective May 11, 1995. The small entity size standards are found in 10 CFR 2.810 of the NRC's regulations. To comply with the RFA, the NRC has established two tiers of small entity fees. These fees are found in 10 CFR 171.16(c) of the fee regulations.

NRC Definition of Small Entity

The NRC has defined small entity in consultation with the Small Business Administration. The definition is codified in NRC's regulations at 10 CFR 2.810.

Under the NRC regulation, small entities are:

1. Small business - a for-profit concern that provides a service or a concern not engaged in manufacturing with average gross receipts of \$5 million or less over its last 3 completed fiscal years;
2. Manufacturing industry - a manufacturing concern with an average number of 500 or fewer employees based upon employment during each pay period for the preceding 12 calendar months;
3. Small organization - a not-for-profit organization which is independently owned and operated and has annual gross receipts of \$5 million or less;
4. Small governmental jurisdiction - a government of city, county, town, township, village, school district or special district with a population of less than 50,000;
5. Small educational institution - an educational institution supported by a qualifying small governmental jurisdiction, or one that is not state or publicly supported and has 500 or fewer employees¹

NRC Small Entity Fees

The NRC has established two tiers of small entity fees for licensees that qualify under the NRC's size standards. Currently, these fees are as follows:

<u>Small Business Not Engaged in Manufacturing and Small Not-For Profit Organizations (Gross Annual Receipts)</u>	<u>Maximum Annual Fee Per Licensed Category</u>
\$350,000 to \$5 million	\$1,800
Less than \$350,000	\$400
<u>Manufacturing entities that have an average of 500 employees or less</u>	
35 to 500 employees	\$1,800
Less than 35 employees	\$400
<u>Small Governmental Jurisdictions (including publicly supported educational institutions) (Population)</u>	
20,000 to 50,000	\$1,800
Less than 20,000	\$400
<u>Educational Institutions that are not State or Publicly Supported, and have 500 Employees or Less</u>	
35 to 500 employees	\$1,800
Less than 35 employees	\$400

¹ An educational institution referred to in the size standards is an entity whose primary function is education, whose programs are accredited by a nationally recognized accrediting agency or association, who is legally authorized to provide a program of organized instruction or study, who provides an educational program for which it awards academic degrees, and whose educational programs are available to the public.

To pay a reduced annual fee, a licensee must use NRC Form 526, enclosed with the fee bill, to certify that it meets NRC's size standards for a small entity. About 1,400 licensees certify each year that they qualify as a small entity under the NRC size standards and pay a reduced annual fee. Approximately 900 licensees pay the small entity fee of \$1,800 while 500 licensees pay the lower-tier small entity fee of \$400.

Instructions for Completing NRC Form 526

1. File a separate NRC Form 526 for each annual fee invoice received.

2. Complete all items on NRC Form 526 as follows:

a. The license number and invoice number must be entered exactly as they appear on the annual fee invoice.

b. The Standard Industrial Classification (SIC) Code should be entered if it is known.

c. The licensee's name and address must be entered as they appear on the invoice. Name and/or address changes for billing purposes must be annotated on the invoice. Correcting the name and/or address on NRC Form 526 or on the invoice does not constitute a request to amend the license. Any request to amend a license is to be submitted to the respective licensing staffs in the NRC Regional or Headquarters Offices.

d. Check the appropriate size standard under which the licensee qualifies as a small entity. Check one box only. Note the following:

(1) The size standards apply to the licensee, not the individual authorized users listed in the license.

(2) Gross annual receipts as used in the size standards includes all revenue in whatever form received or accrued from whatever sources, not solely receipts from licensed activities.

(3) A licensee who is a subsidiary of a large entity does not qualify as a small entity.

(4) The owner of the entity, or an official empowered to act on behalf of the entity, must sign and date the small entity certification.

3. The NRC sends invoices to its licensees for the full annual fee, even though some entities qualify for reduced fees as a small entity. Licensees who qualify as a small entity and file NRC Form 526, which certifies eligibility for small entity fees, may pay the reduced fee, which for a full year is either \$1,800 or \$400, for each fee category shown on

the invoice depending on the size of the entity. Licensees granted a license during the first six months of the fiscal year and licensees who file for termination or for a possession only license and permanently cease licensed activities during the first six months of the fiscal year pay only 50 percent of the annual fee for that year. Such an invoice states the "Amount Billed Represents 50% Proration." This means the amount due from a small entity is not the prorated amount shown on the invoice but rather one-half of the maximum annual fee shown on NRC Form 526 for the size standard under which the licensee qualifies, resulting in a fee of (either \$900 or \$200) for each fee category billed instead of the full annual fee of \$1,800 or \$400.

4. A new small entity form is required to be filed with the NRC each fiscal year in order to qualify for reduced fees for that fiscal year. Because a licensee's "size" or the size standards, may change from year to year, the invoice reflects the full fee and a new form must be completed and returned for the fee to be reduced to the small entity fee. LICENSEES WILL NOT BE ISSUED A NEW INVOICE FOR THE REDUCED AMOUNT. The completed form, 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 and Accounts Receivable Branch
P.O. Box 954514
St. Louis, MO 63195-4514.**

5. Questions regarding fee bills may be posed orally or in writing. Please call the license fee staff at 301-415-7554 or write to the

**U.S. Nuclear Regulatory Commission
Washington, DC 20555
Attention: Office of the Chief Financial Officer.**

To CONTACT US BY PHONE

ALL GENERAL LICENSE
FEE INQUIRIES:

Receptionist: 301-415-7554

ADDITIONAL SPECIFIC NUMBERS:

FUNCTION	RESPONSIBLE STAFF	TELEPHONE
Past Due Notices	Leah Tremper	301-415-7347
Lockbox Receipts	Lynda Venson	301-415-6063
Fedwire Receipts	Kisha Bush	301-415-6058
Small Entity Certifications	Cheryl Phillips	301-415-6089
Other Questions:		
Exempt Distribution Licenses	Sandra Kimberley	301-415-6096
Sealed Source and Device Registrations	Sandra Kimberley	301-415-6096
Quality Assurance Program Approvals	Maurice Messier	301-415-6087
Other Licensees Located in:		
Region I		
CT, DC, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VT	Brenda Brown	301 415-6055
Region II		
AL, FL, GA, KY, MS, NC, PR, SC, TN, VA, VI, WV	Rita Messier	301-415-6067
Region III		
IA, IL, IN, MI, MN, MO, OH, WI	Shirley Crutchfield	301-415-6097
Region IV		
AK, AR, AZ, CA, CO, Guam, HI, ID, KS, LA, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, WY	Rita Messier	301-415-6067

Call us at 301-415-7554 if you still have questions
after reading this handbook.

Our license fee staff can help you with questions
concerning your license, registration, and approval and

your invoice. Our hours are 7:30 a.m. - 4:15 p.m.
(EST) weekdays (except Federal holidays). Mon-
days and Fridays are peak calling days. We are most
easily reached Tuesday through Thursday.
Our telephone receptionist can forward your call
directly to the voice mail of one of our staff or take
down all the necessary information. During peak
billing cycles it may not always be possible to speak
immediately to license fee staff, but someone will call
you back - usually within two workdays.

Have your license number and invoice number
available before you call to facilitate the directing of
your call.

To CONTACT US IN WRITING

LETTERS...(DO NOT SEND
ANNUAL FEE PAYMENTS TO THIS
ADDRESS)...If you have other
questions, please write to:

U. S. Nuclear Regulatory Commission
Office of the Chief Financial Officer
Division of Accounting and Finance
License Fee and Accounts Receivable Branch
Mail Stop: T-9 E10
Washington, DC 20555-0001

To assist us in providing a prompt response please
include your license number, invoice number, if appli-
cable, and a daytime number (including the area code)
where you can be reached.

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US NPC-01PM
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QWEN-EE7
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DC 20555