



CHIEF FINANCIAL
OFFICER

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 22, 2021

Ms. Evelyn Peterson
P.O. Box 267
Middleton, ID 83644

Dear Ms. Peterson:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your e-mail received on August 10, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21229A073), requesting the NRC to help dismiss the (FY) 2021 annual fees totaling \$25,100.00 which were invoiced to BHP Enterprises on July 1, 2021 (invoice LFB 21-3216).

The NRC assesses annual fees to licensees as prescribed in Part 171 of Title 10 of the Code of Federal Regulations (10 CFR Part 171). The regulations in 10 CFR Part 171 conform to the Nuclear Energy Innovation and Modernization Act (NEIMA), which requires the NRC to recover, to the maximum extent practicable, approximately 100 percent of its annual budget less certain amounts excluded from this fee-recovery requirement. Consistent with the regulations in 10 CFR Part 171, the NRC assesses annual fees based on the license authorization, not on the licensee's actual use of licensed material.

In your August 10, 2021 e-mail, you described medical circumstances that the NRC should consider in support of your request. On August 16, 2021, you submitted NRC Form 526, "Certification of Small Entity Status for the Purposes of Annual Fees Imposed Under 10 CFR Part 171." On August 17, 2021, the NRC Form 526 was approved for BHP Enterprises, and the FY 2021 annual fees for BHP Enterprises were reduced from a total of \$25,100 (fee category 3N for \$18,100 and fee category 1D for \$7,000) to a total of \$1,800 (\$900 for both fee categories 3N and 1D).

The NRC has established regulations for granting fee exemptions under 10 CFR 171.11, "Exemptions," for which licensees may apply in accordance with 10 CFR 171.9, "Communications." Although your e-mail does not specifically cite a particular regulation requesting a fee exemption, the NRC has reviewed your request pursuant to the regulations at 10 CFR 171.11(c) and under Footnote 1 of 10 CFR 171.16. Section 171.11(c) states the following:

The Commission may, upon application by an interested person or on its own initiative, grant an exemption from the requirements of this part that it determines is authorized by law and otherwise in the public interest.

NRC regulations in Footnote 1 of 10 CFR 171.16 specify when an annual fee may be prorated upon termination of a materials license. Footnote 1 of 10 CFR 171.16 provides as follows:

Annual fees will be assessed based on whether a licensee held a valid license with the NRC authorizing possession and use of radioactive material during the current FY. The annual fee is waived for those materials licenses and holders of certificates, registrations, and approvals who either filed for termination of their licenses or approvals or filed for possession only/storage licenses before October 1 of the current FY, and permanently ceased licensed activities entirely before this date. Annual fees for licensees who filed for termination of a license, downgrade of a license, or for a possession-only license during the FY and for new licenses issued during the FY will be prorated in accordance with the provisions of §171.17. . .

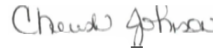
The NRC recognizes that you are currently in the process of working with our Region IV office to properly dispose of the nuclear material on license number 11-27365-01 and complete NRC Form 314, "Certificate of Disposition of Materials." To avoid any annual fees in FY 2022, you will need to submit your NRC Form 314 or file for a possession only/storage license before October 1, 2021.

Under 10 CFR 171.11(c), the NRC may grant an exemption from the requirements of 10 CFR Part 171 if the exemption is authorized by law and otherwise in the public interest. The information you provided, along with continuation of work being done with our Region IV office, allows me to grant—based on the case-specific facts and exceptional circumstances involved here—a one-time exemption of the FY 2021 annual fees that were invoiced on LFB 21-3216 and reduced to the small entity amount of \$1,800.

Please contact Mr. Billy Blaney of my staff, at (301) 415-5092, for any fee-related questions.

Sincerely,

re:



Signed by Johnson, Cherish
on 09/22/21

Cherish K. Johnson
Chief Financial Officer

SUBJECT: LETTER TO EVELYN PETERSON IN RESPONSE TO A FEE EXEMPTION E-MAIL
(BHP ENTERPRISES, 10 CFR PART 171 FEES), dated September 22, 2021

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ADAMS: Yes No Initials: WB SUNSI Review: WB

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**ADAMS Accession No: ML21230A023 (Package); ML21229A073 (Incoming);
ML21230A027 (Response letter)**

*concurrent w/comments

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NAME	WBlaney	JJacobs	JGibbs-Nicholson	MBlair (JGibbs-Nicholson for)	ARossi
DATE	08/23/2021	08/23/2021	08/23/2021	08/23/2021	08/31/2021
OFFICE	OGC	OCFO/DOB	OCFO/DOB	DCFO	CFO
NAME	MAIbert ^{NLO}	RAIwein	JEShay	LBFicks	CKJohnson
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