



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

AG 08-2
PDR

1999 JUL -7 PM 2:58

July 6, 1999

MEMORANDUM TO: Glenda Jackson
Office of the Chief Financial Officer

FROM: David L. Meyer, Chief *DL Meyer*
Rules and Directives Branch
Division of Administrative Services
Office of Administration

SUBJECT: REVIEW OF THE CORRECTION TO THE FINAL RULE, "REVISION
OF FEE SCHEDULES; 100% FEE RECOVERY, FY 1999"

The Rules and Directives Branch has reviewed and concurs, subject to our markup, on the correction to the final rule concerning the licensing, inspection, and annual fees charged to its applicants and licensees in compliance with the Omnibus Budget Reconciliation Act of 1990. We have attached a marked copy of the notice that presents our comments.

If you have any questions regarding our review, please contact me at 415-7162.

Attachment: As stated

Dray

[7590-01-P]

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 170 and 171

RIN: 3150-AG08

Revision of Fee Schedules; 100% Fee Recovery, FY 1999; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final Rule; Correction.

SUMMARY: *This document corrects a final rule appearing in the Federal Register on*
~~The NRC is making the following technical corrections to the final rule which appeared in the Federal Register on June 10, 1999 (64 FR 31448). This action is necessary to correct typographical and printing errors.~~

FOR FURTHER INFORMATION CONTACT: Glenda Jackson, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone 301-415-6057. *De*

SUPPLEMENTARY INFORMATION:

concerning the licensing, inspection, and annual fees charged to its applicants and licensees in compliance with the Omnibus Budget Reconciliation Act of 1990.

P1. On page 31458, in the second column, in the first complete paragraph, in lines 17 and 18, the words "the NRC reviewer's title" are removed and replaced with "a brief description of the work being performed".

P2. On page 31466, in the second column, under ~~5.6(2)~~ ^{5.6(a)}, the word "no" is removed.

in the sixth line,

§170.12 [Corrected]

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P3. On page 31470, in the first column, paragraph (7) is corrected to read: ^{(ii) and (iii) are redesignated as paragraphs (ii)(B) and (ii)(C), respectively, and a new paragraph (ii)(A) is added to} read as follows:

(b)

(7) (i) The full cost of review for a standardized design approval or certification that has been deferred prior to the effective date of the rule must be paid by the holder of the design approval, the applicant for certification, or other entity supplying the design to an applicant for a construction permit, combined license issued under 10 CFR Part 52, or operating license, as appropriate, in five (5) equal installments. An installment is payable each of the first five times the approved/certified design is referenced in an application for a construction permit, combined license issued under 10 CFR Part 52, or operating license. In the case of a standard design certification, the applicant for certification shall pay the installment, unless another entity is supplying the design to the applicant for the construction permit, combined license, or operating license, in which case the other entity shall pay the installment.

(ii)(A) In the case of a design ^{that} which has been approved but not certified and for which no application for certification is pending, if the design is not referenced, or if all costs are not recovered within five years after the date of the preliminary design approval (PDA), or the final

design approval (FDA), the applicant shall pay the costs, or remainder of those costs, at that time.

(B) In the case of a design which has been approved and for which an application for certification is pending, no fees are due until after the certification is granted. If the design is not referenced, or if all costs are not recovered, within fifteen years after the date of certification, the applicant shall pay the costs, or remainder of those costs, at that time.

(C) In the case of a design for which a certification has been granted, if the design is not referenced, or if all costs are not recovered, within fifteen years after the date of the certification, the applicant shall pay the costs for the review of the application, or remainder of those costs, at that time.

§171.15 [Corrected]

4. On page 31475, in the second column, the heading for §171.15 is corrected to read:

"§171.15 Annual Fees: Reactor licenses and independent spent fuel storage licenses."

§171.16 [Corrected]

5. On pages 31477 through 31479, in the table in §171.16(d), insert "\$" before each amount listed under the heading "Annual Fees¹²³".

add insert

Insert on page 3

§171.16 [Corrected]

5. We are correcting the table in §171.16(d), "Schedule of Materials Annual Fees and Fees for Government Agencies Licensed by NRC," in the following manner:

a. On pages 31477 through 31479, insert "\$" before each amount listed under the heading "Annual fees¹²³."

b. On page 31477, under 1.B, remove the sentence "See 10 CFR part 171.15(c)," and under the heading "Annual fees¹²³," insert "N/A¹¹".

c. On page 31479, under 10.A, under the heading "Annual fees¹²³," the word "N" is corrected to read "N/A".

d. On page 31479, under 13.B, remove the sentence "N/A (See 10 CFR Part 171.15(c)," and under the heading "Annual fees¹²³," insert "N/A¹¹".

e. On page 31479, footnote 11 is added to read as follows: "¹¹ Annual fees for this category of licensees are assessed under 171.15(c)."

6. On page 31477, in the table in §171.16(d), under the heading "Category of materials licenses", number 1.B. is revised to read "B. Licenses for receipt and storage of spent fuel at an independent spent fuel storage installation (ISFSI)," and under the heading "Annual Fees¹²³", number 1.B. is revised to read "N/A¹¹."

7. On page 31479, in the table in §171.16(d), for number 10.A., Certificates of Compliance or other package approvals issued for design of casks, packages, and shipping containers, Other Casks, under the heading "Annual Fees¹²³," the word "N" is revised to read "N/A".

8. On page 31479, in the table in §171.16(d), under the heading "Category of materials licenses", number 13.B. is revised to read "B. General licenses for storage of spent fuel under 10 CFR 72.210", and under the heading "Annual Fees¹²³", number 13.B. is revised to read "N/A¹¹."

9. On page 31479, footnote 11. is added to the table in §171.16(d) to read "11. Annual fees for this category of licensees are assessed under §171.15(c)."

JP Dated at Rockville, Maryland, this ___ day of _____, 1999.

For the Nuclear Regulatory Commission.

Jesse L. Funches,
Chief Financial Officer.

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