FY 2012
PROPOSED
FEE RULE
WORK PAPERS

FY 2012

Proposed Fee Rule

Work Papers

The supporting information to the FY 2012 Proposed Fee Rule is contained in the following work papers. The items identified in the Table of Contents are located behind a corresponding Tab. At the beginning of each Tab is a cross reference, if appropriate, to the location of the subject matter and Tables found within the Proposed Fee Rule Document. For example, a reference to "**Section III.**" is the supporting information for: **Section III.** Proposed Action **A.** Amendments to 10 CFR Part 170 **1.** Hourly Rate.

The complete outline of the FY 2012 Proposed Fee Rule showing the Section and Table titles is located immediately following the Table of Contents.

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Budget and Fee Recovery

Section III

Table I

The NRC's total budget authority for FY 2012 is $1,038.1 million. The non-fee items include $0.8 million for WIR activities, and $26.7 million for generic homeland security activities. Based on the 90 percent fee-recovery requirement, the NRC will have to recover approximately $909.5 million in FY 2012 through Part 170 licensing and inspection fees and Part 171 annual fees. The amount required by law to be recovered through fees for FY 2012 would be $6.3 million less than the amount estimated for recovery in FY 2011, a decrease of less than one percent.

The FY 2012 fee recovery amount is decreased by $8.5 million to account for billing adjustments (i.e., for FY 2012 invoices that the NRC estimates will not be paid during the fiscal year, less payments received in FY 2012 for prior year invoices). This leaves approximately $901 million to be billed as fees in FY 2012 through Part 170 licensing and inspection fees and Part 171 annual fees.

The NRC estimates that $371.4 million would be recovered from Part 170 fees in FY 2012. This represents an increase of less than 1 percent as compared to the estimated Part 170 collections of $369.3 million for FY 2011. The remaining $529.6 million would be recovered through the Part 171 annual fees in FY 2012, which is a decrease of approximately 3 percent compared to estimated Part 171 collections of $546.9 million for FY 2011.

See Tab "Budget Authority (FY 2012)" for supplemental information on the distribution of budgeted FTE and contract dollars.

Budget and Fee Recovery
FY 2012
($ in Millions)
(Individual dollar amounts may not add to totals due to rounding)

	FY 2012
NRC Budget Authority	$1,038.1
Nuclear Waste Fund, Waste Incidental to Reprocessing, General Fund, generic homeland security activities	-$27.5
Balance	$1,010.6
Fee Recovery Rate for FY 2012	x .90
Total Amount to be Recovered For FY 2012	$909.5
Carryover from Prior Year	$0.0
Amount to be Recovered Through Fees and Other Receipts	$909.5
Estimated amount to be recovered through Part 170 fees and other receipts	-$371.4
Estimated amount to be recovered through Part 171 annual fees	$538.1
Part 171 billing adjustments	-$8.5
Adjusted Part 171 annual fee collections required	$529.6

2/2/2012

Part 170 Fees

Section III.A

Part 170 Fees

Determination of Hourly Rate

Section III.A

Table II

Proposed Hourly Rate is $274

The NRC's hourly rate is derived by dividing the sum of recoverable budgeted resources for (1) mission direct program salaries and benefits; (2) mission indirect salaries and benefits and contract activity; and (3) agency corporate support and Inspector General (IG), by mission direct full-time equivalent (FTE) hours. The only budgeted resources excluded from the hourly rate are those for mission direct contract activities.

The NRC has reviewed data from its time and labor system to determine if the annual direct hours worked per direct FTE estimate requires updating for the FY 2012 fee rule. Based on this review of the most recent data available, the NRC determined that 1,371 hours is the best estimate of direct hours worked annually per direct FTE. This estimate excludes all non-direct activities, such as training, general administration, and leave.

DETERMINATION OF HOURLY RATE
CALCULATION OF FTE RATES BY PROGRAM
(S&Bs only - no overhead)

This is for the purpose of converting FTE to $.

PROGRAM	(1) Total FTE	(2) Total S&B($,K):	(2)/(1) FTE Rate ($)
NUCLEAR REACTOR SAFETY	1,781	275,944	154,981
General Fund	23	4,853	214,712
NUCLEAR MATERIAL SAFETY (Excl. NWF & General Fund)	474	73,477	154,981
NWF & General Fund	38	8,024	213,407
MANAGEMENT AND SUPPORT	1,580	244,808	154,981
NWF & General Fund	1	215	214,700
INSPECTOR GENERAL	58	9,584	165,240
TOTAL	3,953	616,904	

MISSION DIRECT RESOURCES

(in actual $)	nonlabor	labor
NUCLEAR REACTOR SAFETY (BUDGET PROGRAM)	$124,639,000	$275,943,880
NUCLEAR MATERIALS AND WASTE SAFETY (BUDGET PROGRAM	$22,171,000	$73,476,500
TOTAL	$146,810,000	$349,420,380

PROGRAM OVERHEAD (or MISSION INDIRECT) RESOURCES

(in actual $)	nonlabor	labor
NUCLEAR REACTOR SAFETY (BUDGET PROGRAM)	$20,394,000	$0
NUCLEAR MATERIALS AND WASTE SAFETY (BUDGET PROGRAM	$5,459,000	$0
TOTAL	$25,853,000	$0

AGENCY OVERHEAD (or MANAGEMENT AND SUPPORT) RESOURCES

(in actual $)	nonlabor	labor
TOTAL	$218,400,000	$253,927,332

TOTALS	Total ($)
Direct Labor	$349,885,324
Direct Nonlabor (excl. from hourly rates)	$162,490,000
Program Overhead Labor	$0
Program Overhead Nonlabor	$25,853,000
Agency Overhead Labor	$253,927,332
Agency Overhead Nonlabor	$218,400,000
TOTAL	$1,010,555,656

DETERMINATION OF HOURLY RATE CONTINUED

Total included in hourly rates:	% total	value
Direct Labor	41.26%	$349,885,324
Program Overhead	3.05%	$25,853,000
Agency Overhead	55.69%	$472,327,332
Total	100.00%	$848,065,656
less offsetting receipts*		$28,735
total in hourly rates**		$848,036,921

Direct FTE	2,258
FTE rate** ('total in hourly rates' divided by 'direct FTE')	$375,649
Mission direct hours worked annually	1,371
FTE converted to hours ('FTE rate' divided by 'Mission direct hours worked annually')	3,095,170
hourly rate** ('total in hourly rates' divided by 'FTE converted to hours')	$274

*Calculation of offsetting receipts

	Total	%	value
FOIA	$9,485	100%	$9,485
INDEMNITY	$19,250	100%	$19,250
TOTAL			$28,735

**Since offsetting receipts can not be used to offset total fee collections, offsetting receipts are not subtracted from numerator for FTE rate. Per fee policy documents, we can subtract these receipts when calculating hourly rates.

Part 170 Fees

Licensing Fees

Section III.A.2

Flat application fees are calculated by multiplying the average professional staff hours needed to process the licensing actions by the proposed professional hourly rate ($274 for FY 2012). The agency estimates the average professional staff hours every other year as part of its biennial review of fees which performed in FY 2011.

DETERMINATION OF MATERIALS PART 170 APPLICATION FEES
and Average Inspection Costs **
FY 2012

FY2012 Hourly Rate
$274

Materials Part 170 Fee Category	FY 2012 Estimated Professional Process Time (Hours)*	FY 2012 Fee/Cost (Professional Time x FY 2012 Hourly Rate)	FY 2012 Fee/Cost (Rounded)
1. Special Nuclear Material			
1C. Industrial Gauges			
Inspection Costs**	7.7	$2,110	$2,100
New License	4.6	$1,260	$1,300
1D. All Other SNM Material			
Inspection Costs**	12.9	$3,534	$3,500
New License	9.3	$2,548	$2,500
2. Source Material			
2B. Shielding			
Inspection Costs**	5.6	$1,534	$1,500
New License	2.2	$603	$600
2C. All Other Source Material			
Inspection Costs**	15.4	$4,219	$4,200
New License	19.7	$5,398	$5,400
3. Byproduct Material			
3A. Mfg-Broad Scope			
Inspection Costs**	43.1	$11,809	$11,800
New License	46.8	$12,823	$12,800
3B. Mfg-Other			
Inspection Costs**	13.6	$3,726	$3,700
New License	16	$4,384	$4,400
3C. Mfg/Distribution Radiopharmaceuticals			
Inspection Costs**	17	$4,658	$4,700
New License	23.7	$6,493	$6,500
3D. Distribution Radiopharmaceuticals/No Process			
Inspection Costs**	0	$0	$0
New License	0	$0	$0
3E. Irradiators/Self-Shielded			
Inspection Costs**	11.5	$3,151	$3,200
New License	11.5	$3,151	$3,200
3F. Irradiators < 10,000 Ci			
Inspection Costs**	15.7	$4,302	$4,300
New License	23.4	$6,411	$6,400
3G. Irradiators => 10,000 Ci			
Inspection Costs**	43	$11,781	$11,800
New License	223.2	$61,154	$61,200
3H. Exempt Distribution/Device Review			
Inspection Costs**	7.8	$2,137	$2,100
New License	15.6	$4,274	$4,300
3I. Exempt Distribution/No Device Review			
Inspection Costs**	11	$3,014	$3,000
New License	41.8	$11,453	$11,500

DETERMINATION OF MATERIALS PART 170 APPLICATION FEES
and Average Inspection Costs **
FY 2012

FY2012 Hourly Rate
$274

Materials Part 170 Fee Category	FY 2012 Estimated Professional Process Time (Hours)*	FY 2012 Fee/Cost (Professional Time x FY 2012 Hourly Rate)	FY 2012 Fee/Cost (Rounded)
3J. General License Distribution/Device Review			
Inspection Costs**	8.1	$2,219	$2,200
New License	7.2	$1,973	$2,000
3K. General License Distribution/No Device Review			
Inspection Costs**	7	$1,918	$1,900
New License	4.1	$1,123	$1,100
3L. R&D-Broad			
Inspection Costs**	15.7	$4,302	$4,300
New License	19.7	$5,398	$5,400
3M. R&D-Other			
Inspection Costs**	11.5	$3,151	$3,200
New License	12.7	$3,480	$3,500
3N. Service License			
Inspection Costs**	15.8	$4,329	$4,300
New License	23.3	$6,384	$6,400
3O. Radiography			
Inspection Costs**	18.5	$5,069	$5,100
New License	14.5	$3,973	$4,000
3P. All Other Byproduct Material			
Inspection Costs**	12	$3,288	$3,300
New License	5.5	$1,507	$1,500
3R1. Radium-226 (less than or equal to 10x limits in 31.12)			
Inspection Costs**	24.2	$6,630	$6,600
New License	9.2	$2,521	$2,500
3R2. Radium-226 (more than 10x limits in 31.12)			
Inspection Costs**	12	$3,288	$3,300
New License	5.5	$1,507	$1,500
3S. Accelerator Produced Radionuclides			
Inspection Costs**	15.3	$4,192	$4,200
New License	23.7	$6,493	$6,500
4. Waste Disposal/Processing			
4B. Waste Packaging			
Inspection Costs**	17.2	$4,713	$4,700
New License	30.8	$8,439	$8,400
4C. Waste-Prepackaged			
Inspection Costs**	12.4	$3,397	$3,400
New License	18	$4,932	$4,900
5. Well Logging			
5A. Well Logging			
Inspection Costs**	14.1	$3,863	$3,900
New License	12.1	$3,315	$3,300

DETERMINATION OF MATERIALS PART 170 APPLICATION FEES
and Average Inspection Costs **
FY 2012

FY2012 Hourly Rate
$274

Materials Part 170 Fee Category	FY 2012 Estimated Professional Process Time (Hours)*	FY 2012 Fee/Cost (Professional Time x FY 2012 Hourly Rate)	FY 2012 Fee/Cost (Rounded)
6. Nuclear Laundries			
6A. Nuclear Laundry			
Inspection Costs**	21.7	$5,946	$5,900
New License	79.7	$21,837	$21,800
7. Human Use			
7A. Teletherapy			
Inspection Costs**	11.6	$3,178	$3,200
New License	32.1	$8,795	$8,800
7B. Medical-Broad			
Inspection Costs**	30.2	$8,274	$8,300
New License	31.2	$8,548	$8,500
7C. Medical-Other			
Inspection Costs**	12.1	$3,315	$3,300
New License	10	$2,740	$2,700
8. Civil Defense			
8A. Civil Defense			
Inspection Costs**	24.2	$6,630	$6,600
New License	9.2	$2,521	$2,500
9. Device, product or sealed source evaluation			
9A. Device evaluation-commercial distribution			
Application - each device	28	$7,672	$7,700
9B. Device evaluation - custom			
Application - each device	32.4	$8,877	$8,900
9C. Sealed source evaluation - commercial distribution			
Application - each source	37.8	$10,357	$10,400
9D. Sealed source evaluation - custom			
Application - each source	3.8	$1,041	$1,040
10. Transportation			
10B. Evaluation - Part 71 QA program			
Application - approval	14.2	$3,891	$3,900
17. Master Materials License[1]			
Inspection Costs**	235.7	$64,579	$64,600
New License	540	$147,953	$148,000

NOTES:

Rounding: <$1000 rounded to nearest $10,
=or>$1000 and <$100,000 rounded to nearest $100,
=or>$100,000 rounded to nearest $1,000

* hours based on FY 2011 Biennial Review
** Inspection costs are used in computation of the Annual fees for the category
[1] Beginning with FY 2011 fee rule, the Master Materials License Part 170 application fee was eliminated. Per FSME's recommendation in their Biennial Review, the fee for a new MML license will be fully costed based on the hours spent on reviewing a new application.

Part 170 Fees

Export and Import Fees

Section III.A.2

Flat application fees are calculated by multiplying the average professional staff hours needed to process the licensing actions by the proposed professional hourly rate ($274 for FY 2012). The agency estimates the average professional staff hours every other year as part of its biennial review of fees. The NRC conducted a biennial review for the FY 2011 fee rule, which included license and amendment applications for import and export licenses.

DETERMINATION OF MATERIALS PART 170 APPLICATION FEES
and Average Inspection Costs **
FY 2012

FY2012 Hourly Rate
$274

Materials Part 170 Fee Category	FY 2012 Estimated Professional Process Time (Hours)*	FY 2012 Fee/Cost (Professional Time x FY 2012 Hourly Rate)	FY 2012 Fee/Cost (Rounded)

DETERMINATION OF EXPORT AND IMPORT PART 170 FEES
FY 2012

FY 2012 Hourly Rate = $274

Export and Import Part 170 Fees Category	FY 2012 Estimated Professional Process Time **(Hours)***	FY 2012 Fee/Cost (Professional Time x FY 2011 Hourly Rate)	FY 2012 Fee/Cost (Rounded)
10 CFR 170.21, Category K Subcategory			
1	65	17,809	17,800
2	35	9,590	9,600
3	16	4,384	4,400
4	10	2,740	2,700
5	5	1,370	1,400
10 CFR 170.31, Category 15 Subcategory			
A	65	17,809	17,800
B	35	9,590	9,600
C	16	4,384	4,400
D	10	2,740	2,700
E	5	1,370	1,400
F	55	15,069	15,100
G	32	8,768	8,800
H	20	5,480	5,500
I	1	274	270
J	55	15,069	15,100
K	32	8,768	8,800
L	20	5,480	5,500
M	0	0	0
N	0	0	0
O	0	0	0
P	0	0	0
Q	0	0	0
R	5	1,370	1,400

NOTES:

The application fees and amendment fees are the same for each subcategory because, per discussion with IP representatives, the processing time is the same for a new license or an amendment to the license.

Rounding: <$1000 rounded to nearest $10,
=or>$1000 and <$100,000 rounded to nearest $100,
=or>$100,000 rounded to nearest $1,000

* data based on FY 2011 Biennial Review

Part 170 Fees

Reciprocity Fees - Agreement State Licensees

Section III.A.2.

The application fee for Agreement State licensees who conduct activities under the reciprocity provisions of 10 CFR 150.20 is determined using FYs 2008 and 2009 data and the FY 2012 hourly rate. The FYs 2008 and 2009 reciprocity fee data was provided as part of the FY 2011 biennial review of fees.

DETERMINATION OF RECIPROCITY PART 170 FEES
FY 2012

NOTES:

The reciprocity application and revision fees are determined using FYs 2008 and 2009 data*, and the FY 2012 hourly rate.
The reciprocity application fee includes average costs for inspections, average costs for processing initial filings of NRC Form 241, and average costs for processing revisions to the initial filings of NRC Form 241.

FY 2012 Hourly Rate: **$274**

Average inspection costs: Reciprocity Part 170 Fee Fee Category 16		**Avg Inspection Costs (Avg. no. of hours for insp. x hourly rate)**	**Total Amount**
Inspection		$6,400	
Number of FY08 Inspections Conducted	13		
Number of FY09 Inspections Conducted	15		
Total	28		$89,600
Average for the 2 years	14		
Initial 241s		$900	
Number of FY08 Completions	165		
Number of FY09 Completions	174		
Total	339		$152,550
Average for the 2 years	169.5		
Revised 241s		$400	
Number of FY08 Completions	382		
Number of FY09 Completions	354		
Total	736		$147,200
Average for the 2 years	368		

APPLICATION FEE:

Amount for inspections [Cost/Initial 241]	$529
Amount for initial filing of NRC Form 241[Cost/Initial 241]	$900
or revisions to initial filing of NRC Form 241 [Cost/Initial 241]	$868
Total Application Fee	$2,297
Application Fee Rounded	**$2,300**

* data based on FY 2011 Biennial Review

Part 170 Fees

General License Registration Fees

Section III.A.2.

This fee under byproduct material is for registration of a device(s) generally licensed under part 31 of this chapter.

DETERMINATION OF GENERAL LICENSE REGISTRATION FEE , FY 2012
(FEE CATEGORY 3Q)

FSME GL Program		Total GL Resources	% Supporting Registrable GLs	Total Supporting Registrable GLs
budgeted FTE				
	Regions			
	HQ			0.10
budgeted contract $				
	Regions			$0
	HQ			$190,000
full cost of FTE		$375,649		$375,649
total budgeted resources, FSME GL Program (equals full cost of FTE + contract $)				$227,565
portion of budgeted resources associated w/fee exempt GLs (nonprofit educational)				$10,696
net to be recovered				$216,869
fee assuming 600 registrable GLs				$361
fee, rounded				$400

Data source for FSME GL Program resources is FSME FY 12 C-3 per Jamie Green's email dated 9/2/11.
Data based on the NRC budget documents and 10/27/11 email from Dennis Sollenberger(FSME GL program).

Part 171 Annual Fees

Section III.B.

Part 171 Annual Fees

Application of Fee-Relief Adjustment and LLW Surcharge

Section III.B.1

Table III
Table IV

The NRC applies the 10 percent of its budget that is excluded from fee recovery under OBRA-90, as amended (fee relief), to offset the total budget allocated for activities which do not directly benefit current NRC licensees. The budget resources for these fee-relief activities are totaled, and then reduced by the amount of the NRC's fee relief. Any difference between the fee relief and the budgeted amount of these activities results in a fee relief adjustment (increase or decrease) to all licensees' annual fees, based on their percent of the budget (i.e., over 80 percent is allocated to power reactors each year).

The FY 2012 budgeted resources for NRC's fee-relief activities are $91.1 million. The NRC's 10 percent fee relief amount in FY 2012 is $101.1 million, leaving $10 million fee-relief surplus that will reduce all licensees' annual fees based on their percentage share of the budget. The FY 2012 budget for fee-relief activities is lower than FY 2011, primarily due to a decrease in budgeted resources for nonprofit educational exemptions, international activities, support agreement state licensees and generic decommissioning reclamation activities.

Separately, the NRC has continued to allocate the low-level waste (LLW) surcharge based on the volume of LLW disposal of three classes of licensees, operating reactors, fuel facilities, and materials users.

Fee-Relief Activity-Rebaseline

FY 2012 FEE-RELIEF ACTIVITIES AND LLW GENERIC SURCHARGE

FTE rate: $375,649

	DIRECT RESOURCES		Less Part 170	FEE AMOUNT
	$,M	FTE	materials decommissioning revenue, $ M	($,M)
TOTAL NRC				
NONPROFIT EDUCATIONAL EXEMPTION	0.72	28		11.21
INTERNATIONAL ACTIVITIES	0.69	22		8.95
SMALL ENTITY SUBSIDY				6.47
AGREEMENT STATE OVERSIGHT	1.80	25		11.04
REGULATORY SUPPORT TO AGREEMENT STATES	2.83	39		17.45
ISL RULE/GENERAL LICENSEES/MOLY99/FELLOWSHIPS & SCHOLARSHIP	17.05	13		21.94
DECOMMISSIONING/RECLAMATION GENERIC	2.04	45	4.74	14.02
LLW GENERIC SURCHARGE	0.69	8		3.85
TOTAL	25.83	179.3		94.91

To meet the 90% fee recovery requirement for FY 2012, the Fee-Relief Activities are reduced by 10% of NRC's FY 2012 net budget authority (appropriation less Non-Recoverable Fee Items1, as shown below)

	($,M)
Fee-Relief Activity (Total above less LLW generic surcharge)[2]	91.06
Budget Authority minus NWF, Gen Fund, & generic HLS	1010.56
Percent reduction in fee recovery amount for FY 2012	10.0%
Reduction in annual fee recovery amount for FY 2012	101.06
Delta, Fee-Relief Activity (less generic LLW) and reduction in fee recovery amt	-10.00
Generic LLW Surcharge amount	3.85
Net adjustment to fee assessments	**-6.15**

DISTRIBUTION OF ADJUSTMENT TO FEE ASSESSMENTS

	LLW GENERIC SURCHARGE		FEE-RELIEF ACTIVITIES		TOTAL ADJUSTMENT
	PERCENT	$,M	PERCENT	$,M	$,M
POWER REACTORS	60%	2.3	86.03%	-8.6	-6.2974
SPENT FUEL STORAGE/REACTOR DECOMMISSIONING	0	0	3.31%	-0.3	-0.3312
TEST AND RESEARCH REACTORS	0	0	0.19%	0.0	-0.0188
FUEL FACILITIES	32%	1.2	6.08%	-0.6	0.6053
MATERIALS	9%	0.335	2.82%	-0.282	0.0529
TRANSPORTATION	0	0	0.53%	-0.1	-0.0527
RARE EARTH FACILITIES	0	0	0.00%	0.0	0.0000
URANIUM RECOVERY	0	0	1.05%	-0.1	-0.1046
TOTAL	100	3.85	100.00%	-10.0	**-6.15**

NOTES:

[1]Non-Recoverable Fee Items: NWF, WIR and generic homeland security

[2]Generic LLW activities are not considered a fairness and equity issue because licensees will benefit from these activities

Mission Direct Budgeted Resources Allocated to Nonprofit Education Exemption Fee-Relief Category

FEE-RELIEF ALLOCATION DETERMINED BY OCFO, IN CONSULTATION WITH PROGRAM OFFICES	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
PRODUCT LINE / PRODUCTS:						
Oversight						
Allegations & Investigations	0	0.0	0	0.0	0	0.0
Construction Inspection	0	0.0	0	0.0	0	0.0
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Enforcement	0	0.0	0	0.0	0	0.0
Mission IT	3	0.0	4	0.0	(1)	0.0
Part 50	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Vendor Inspection	0	0.0	0	0.0	0	0.0
Training	0	0.0	0	0.0		
Mission Training	27	0.2	118	0.2	(91)	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	30	0.2	122	0.2	(92)	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
PRODUCT LINE/PRODUCTS:						
Licensing						
Research & Test Reactors	588	18.7	859	24.0	(271)	(5.3)
Oversight					0	0.0
Allegations & Investigations	0	0.0	0	0.0	0	0.0
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Enforcement	1	0.1	1	0.1	0	0.0
Event Evaluation	0	0.0	0	0.0	0	0.0
Inspection	0	0.0	0	0.0	0	0.0
Mission IT	8	0.1	12	0.1	(4)	0.0
Research & Test Reactor Insp.	0	4.7	0	4.7	0	0.0
Security	0	0.0	0	0.0	0	0.0
Training						
Mission Training	39	0.4	40	0.4	(1)	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	636	24.0	912	29.3	(277)	(5.3)
Grand Total Nuclear Reactor Safety	666	24.2	1,034	29.5	(369)	(5.3)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
PRODUCT LINE/PRODUCTS:						
Licensing						
Licensing Actions	4	1.4	4	1.3	0	0.1
Mission IT	8	0.0	8	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Oversight						
Allegations & Investigations	0	0.6	0	0.2	0	0.4
Enforcement	2	0.2	1	0.2	1	0.0
Event Evaluation	0	0.0	1	0.0	(1)	0.0
Inspection	9	1.0	8	0.8	1	0.2
Mission IT	6	0.0	6	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Research						
Materials Research	2	0.0	4	0.0	(3)	0.0
Rulemaking						
Rulemaking	1	0.0	0	0.1	1	(0.1)
Training						
Mission Training	16	0.0	15	0.0	1	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0

Mission Direct Budgeted Resources Allocated to Nonprofit Education Exemption Fee-Relief Category

FEE-RELIEF ALLOCATION DETERMINED BY OCFO, IN CONSULTATION WITH PROGRAM OFFICES	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
Total Direct Resources	48	3.2	47	2.6	1	0.6
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
PRODUCT LINE/PRODUCTS:						
Licensing						
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Environmental Reviews	0	0.0	0	0.0	0	0.0
Licensing Support	0	0.0	0	0.0	0	0.0
Mission IT	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Storage Licensing	1	0.0	1	0.1	0	(0.1)
Transportation Certification	7	0.3	17	0.2	(10)	0.1
Oversight						
Inspection	0	0.1	0	0.1	0	0.0
Rulemaking						
Rulemaking (PL)	2	0.1	0	0.0	2	0.1
Security	0	0.0	0	0.0	0	0.0
Travel						
Mission Travel	0	0.0	4	0.0	(4)	0.0
Training						
Mission Training	1	0.0	1	0.0	(0)	0.0
Total Direct Resources	11	0.5	23	0.4	(12)	0.1
Grand Total Nuclear Materials & Waste Safety	59	3.7	70	3.0	(11)	0.7
TOTAL Nonprofit Education Exemption	725	27.9	1,104	32.5	(379)	(4.6)
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract $)	$11,213		$13,245		($2,032)	

The nonprofit educational Fee-Relief category includes resources originally allocated to the test and research reactor, materials users, and transportation fee classes, that are prorated to the Fee-Relief Activities based on the number nonprofit educational institution licensees in each fee class (approx. 87%, 5%, and 3%, respectively).

Mission Direct Budgeted Resources Allocated to International Activities Fee-Relief Category

	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
PRODUCT LINE / PRODUCTS:						
International Activities						
Multilateral/Bilateral	0	3.0	5,683	7.0	(5,683)	(4.0)
Oversight						
Allegations & Investigations	0	0.0	0	0.0	0	0.0
Construction Inspection	0	0.0	0	0.0	0	0.0
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Enforcement	0	0.0	0	0.0	0	0.0
Mission IT	1	0.0	0	0.0	1	0.0
Part 50	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Vendor Inspection	0	0.0	0	0.0	0	0.0
Training						
Mission Training	8	0.0	0	0.0	8	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	9	3.0	5,683	7.0	(5,674)	(4.0)
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
PRODUCT LINE/PRODUCTS:						
International Activities						
Licensing Import/Export	0	1.0	0	1.0	0	0.0
Multilateral/Bilateral	0	2.0	78	2.0	(78)	0.0
Oversight						
Allegations & Investigations	0	0.0	0	0.0	0	0.0
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Enforcement	0	0.0	0	0.0	0	0.0
Event Evaluation	0	0.0	0	0.0	0	0.0
Inspection	0	0.0	0	0.0	0	0.0
Mission IT	2	0.0	0	0.0	2	0.0
Research & Test Reactor Insp.	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Training						
Mission Training	5	0.1	0	0.0	5	0.1
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	7	3.1	78	3.0	(71)	0.1
Grand Total Nuclear Reactor Safety	16	6.1	5,761	10.0	(5,745)	(3.9)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
PRODUCT LINE/PRODUCTS:						
International Activities						
Conventions & Treaties	200	3.3	200	3.3	0	0.0
Licensing Import/Export	0	0.4	0	0.4	0	0.0
Multilateral/Bilateral	88	0.3	88	0.3	0	0.0
Total Direct Resources	288	4.0	288	4.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
PRODUCT LINE/PRODUCTS:						
International Activities						
Multilateral/Bilateral	0	5.0	0	2.0	0	3.0
Licensing Import/Export	0	1.0	0	2.0	0	(1.0)
Training						
Mission Training	60	0.1	0	0.0	60	0.1
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	60	6.1	0	4.0	60	2.1
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
PRODUCT LINE/PRODUCTS:						
International Activities						
Multilateral/Bilateral	100	4.0	100	2.8	0	1.2
Mission Training						
Training	3	0.0	0	0.0	3	0.0
Total Direct Resources	103	4.0	100	2.8	3	1.2

Mission Direct Budgeted Resources Allocated to International Activities Fee-Relief Category

	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
PRODUCT LINE/PRODUCTS:						
International Activities						
Multilateral/Bilateral	200	1.5	117	2.3	83	(0.8)
Licensing						
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Environmental Reviews	0	0.0	0	0.0	0	0.0
Licensing Support	0	0.0	0	0.0	0	0.0
Mission IT	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Storage Licensing	19	0.1	19	0.1	0	0.0
Transportation Certification	0	0.2	0	0.2	0	0.0
Training						
Mission Training	3	0.0	0	0.0	3	0.0
Total Direct Resources	222	1.8	136	2.6	86	(0.8)
Grand Total Nuclear Materials & Waste Safety	673	15.9	524	13.4	149	2.5
TOTAL INTERNATIONAL ACTIVITIES	689	22.0	6,285	23.4	(5,596)	(1.4)
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract $)	$8,961		$15,029		($6,068)	

Mission Direct Budgeted Resources Allocated to Agreement State Oversight Fee-Relief Category

	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
PRODUCT LINE */ PRODUCTS:*						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Reactor Safety	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
PRODUCT LINE/PRODUCTS:						
Oversight						
Allegations & Investigations	0	0.0	0	0.0	0	0.0
Enforcement	0	0.0	0	0.0	0	0.0
Event Evaluation	0	0.0	0	0.0	0	0.0
Inspection	0	0.0	0	0.0	0	0.0
Mission IT	0	0.0	131	0.0	(131)	0.0
Security	134	0.8	134	0.7	0	0.1
State Tribal and Federal Programs						
Agreement States	186	22.9	207	26.4	(21)	(3.5)
Mission IT	323	0.0	323	0.0	0	0.0
Travel						
Agreement State Travel	1,052	0.0	1,415	0.0		
Training						
Mission Training	96	0.6	121	0.6	(25)	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	1,791	24.3	2,331	27.7	(540)	(3.4)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
PRODUCT LINE/PRODUCTS:						
Licensing						
Decommissioning Licensing Actions	0	0.0	0	0.0	0	0.0
Uranium Recovery Lic. Actions	0	0.3	0	0.1	0	0.2
Mission Training						
Training	4	0.0	5	0.0	(1)	0.0
Rulemaking						
Rulemaking Support	0	0.0	313	2.8		
Total Direct Resources	4	0.3	318	2.9	(314)	(2.6)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Materials & Waste Safety	1,795	24.6	2,649	30.6	(854)	(6.0)
TOTAL AGREEMENT STATE OVERSIGHT	1,795	24.6	2,649	30.6	(854)	(6.0)
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract $)	$11,036		$14,080		($3,044)	

Mission Direct Budgeted Resources Allocated to Agreement State Regulatory Support Fee-Relief Category

FEE-RELIEF ALLOCATION DETERMINED BY OCFO, IN CONSULTATION WITH PROGRAM OFFICES						
	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
PRODUCT LINE / PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Reactor Safety	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
PRODUCT LINE/PRODUCTS:						
Event Response						
Response Operations	0	1.3	0	1.3	0	0.0
Response Programs	0	1.6	0	1.2	0	0.4
International Activities						
Multilateral/Bilateral	0	0.0	0	0.0	0	0.0
Licensing						
Licensing Actions	59	7.9	116	8.0	(58)	(0.1)
Mission IT	1,166	2.6	1,232	2.6	(67)	0.0
Security	0	0.0	0	0.0	0	0.0
Oversight						
Allegations & Investigations	0	0.0	0	0.0	0	0.0
Enforcement	0	3.5	0	3.5	0	0.0
Event Evaluation	0	4.4	0	4.3	0	0.1
Inspection	0	7.7	0	7.7	0	0.0
Mission IT	904	0.0	915	0.0	(11)	0.0
Security	0	0	0	0.0	0	0.0
Rulemaking						
Rulemaking	52	5.2	56	4.7	(4)	0.5
Research						
Materials Research	220	2.6	601	2.6	(381)	0.0
State Tribal and Federal Programs						
Agreement States	0	0.0	0	0.0	0	0.0
Liaison	20	1.6	20	1.8	0	(0.2)
Travel						
Agreement State Travel	0	0.0	0	0.0	0	0.0
Training						
Mission Training	409	0.5	391	0.4	18	0.1
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	2,829	38.9	3,331	38.1	(502)	0.8
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
PRODUCT LINE/PRODUCTS:						
Licensing						
Decommissioning Licensing Actions	0	0.0	0	0.9	0	(0.9)
Uranium Recovery Lic. Actions	0	0.0	0	0.0	0	0.0
Mission Training						
Training	6	0.0	17	0.0	(11)	0.0
Rulemaking						
Rulemaking Support	0	0.0	0	0.0	0	0.0
Total Direct Resources	6	0.0	17	0.9	(11)	(0.9)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Materials & Waste Safety	2,835	38.9	3,348	39.0	(513)	(0.1)

Mission Direct Budgeted Resources Allocated to Agreement State Regulatory Support Fee-Relief Category

FEE-RELIEF ALLOCATION DETERMINED BY OCFO, IN CONSULTATION WITH PROGRAM OFFICES							
	FY12		FY11		Difference		
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE	
TOTAL AGREEMENT STATE REGULATORY SUPPORT	2,835	38.9	3,348	39.0	(513)	(0.1)	
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract $)	$17,447		$17,917		($470)		

The Agreement State regulatory support Fee-Relief category includes resources originally allocated to the materials users , that are prorated to the surcharge based on the number licensees in Agreement States in each fee class (approx. 87%).

Mission Direct Budgeted Resources Allocated to
In-situ Leach Facilities Rulemaking, Unregistered General Licensees, MOLY 99 and Fellowships Scholarships
Fee-Relief Category

	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
PRODUCT LINE / PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
PRODUCT LINE/PRODUCTS:						
Licensing						
Research & Test Reactors	1,004	6.3	0	0.0	1,004	6.3
Total Direct Resources	1,004	6.3	0	0.0	1,004	6.3
Grand Total Nuclear Reactor Safety	1,004	6.3	0	0.0	1,004	6.3
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
PRODUCT LINE/PRODUCTS:						
Oversight						
Allegations & Investigations	0	0.0	0	0.0	0	0.0
Enforcement	0	0.0	0	0.0	0	0.0
Event Evaluation	0	0.0	0	0.0	0	0.0
Inspection	355	2.2	357	1.9	(2)	0.3
Mission IT	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Rulemaking						
Rulemaking	0	1.0	0	0.0	0	1.0
Training						
Mission Training	14	0.0	8	0.0	6	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	369	3.2	365	1.9	4	1.3
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
PRODUCT LINE/PRODUCTS:						
Licensing						
Decommissioning Licensing Actions	0	0.0	0	0.0	0	0.0
Uranium Recovery Lic. Actions	0	0.5	0	0.3	0	0.2
Mission Training						
Training	1	0.0	0	0.0	1	0.0
Total Direct Resources	1	0.5	0	0.3	1	0.2
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Materials & Waste Safety	370	3.7	365	2.2	5	1.5
PROGRAM: CORPORATE SUPPORT						
Outreach						
Grants to Universities	0	0.0	4,717	1.0	(4,717)	(1.0)
Nuclear Education Grants	15,000	0.0	5,000	0.0	10,000	0.0
Outreach & Compliance Coord. Pgm.	680	3.0	680	2.0	0	1.0
Grand Total Corporate Support	15,680	3.0	10,397	3.0	5,283	0.0
TOTAL ISL/MOLY99/GENERAL LICENSEES/FELLOWSHIPS & SCHOLARSHIPS	17,054	13.0	10,762	5.2	6,292	7.8

Mission Direct Budgeted Resources Allocated to
In-situ Leach Facilities Rulemaking, Unregistered General Licensees, MOLY 99 and Fellowships Scholarships
Fee-Relief Category

	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract $)	$21,937		$12,708		$9,230	

In FY 2012, the Appropriations Bill includes $15 M funding for fellowships and scholarships. It is included with this Fee-Relief category for fee calculation and comparison purposes. In addition, NRC has included in this fee relief category the production of medical isotopes (MOLY-99), which currently have no existing licensees.

Mission Direct Budgeted Resources Allocated to Generic Decommissioning and Reclaimation Fee-Relief Category

	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
PRODUCT LINE */ PRODUCTS:*						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Reactor Safety	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
PRODUCT LINE/PRODUCTS:						
Oversight						
Allegations & Investigations	0	0.1	0	0.1	0	0.0
Event Evaluation	25	0.7	73	0.8	(48)	(0.1)
Rulemaking						
Rulemaking	0	0.6	20	4.6	(20)	(4.0)
Training						
Mission Training	167	0.2	184	0.2	(17)	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	192	1.6	277	5.7	(85)	(4.1)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
PRODUCT LINE/PRODUCTS:						
Licensing						
Decomm. Enviromental Reviews	182	2.4	489	4.4	(307)	(2.0)
Decomm. Licensing Actions	1,358	28.2	1,415	30.8	(57)	(2.6)
Mission IT	159	0.0	159	0.0	0	0.0
Uranium Recovery Lic. Actions	0	8.5	0	4.5		
Mission Training						
Training	148	0.0	149	0.0	(1)	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Research						
Waste Research	0	3.8	87	4.0	(87)	(0.2)
Rulemaking						
Rulemaking	0	0.0	0	0.8	0	(0.8)
Total Direct Resources	1,847	42.9	2,299	44.5	(452)	(1.6)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Materials & Waste Safety	2,039	44.5	2,576	50.2	(537)	(5.7)
TOTAL GENERIC DECOMMISSIONING & RECLAIMATION	2,039	44.5	2,576	50.2	(537)	(5.7)
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract $)	$14,015		$16,589		($2,574)	

All decommissioning resources for licensees other than Part 50 power reactors and Part 72 licensees--i.e., site specific + generic resources--are allocated to the 'generic decommissioning' Fee-Relief category. OCFO then subtracts from this total the estimated Part 170 decommissioning revenue from these licensees. By definition, what's left is 'generic.'

Mission Direct Budgeted Resources Allocated to Generic Low Level Waste Surcharge Category

	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
PRODUCT LINE */ PRODUCTS:*						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Reactor Safety	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
PRODUCT LINE/PRODUCTS:						
Rulemaking						
Rulemaking	0	0.2	0	0.3	0	(0.1)
Training						
Mission Training	32	0.0	24	0.0	8	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	32	0.2	24	0.3	8	(0.1)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
PRODUCT LINE/PRODUCTS:						
Oversight						
LLW Regulation & Oversight	111	4.5	148	3.7	(37)	0.8
Enforcement	0	0.0	0	0.0	0	0.0
Event Evaluation	0	0.0	0	0.0	0	0.0
Mission Training						
Training	1	0.0	1	0.0	0	0.0
NSPDP Training	0	0.5	0	1.5	0	(1.0)
Rulemaking						
Rulemaking	0	1.5	0	0.5	0	1.0
Rulemaking Support	550	1.7	437	0.5	113	1.2
Total Direct Resources	662	8.2	586	6.2	76	2.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Materials & Waste Safety	694	8.4	610	6.5	84	1.9
TOTAL GENERIC LOW LEVEL WASTE	694	8.4	610	6.5	84	1.9
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract $)	$3,849		$3,038		$811	

Part 171 Annual Fees

Fuel Facilities

Section III.B.2.a
Table V
Table VII
Table VIII

The FY 2012 budgeted cost to be recovered in the annual fees assessment to the fuel facility class of licenses [which includes licensees in fee categories 1.A.(1)(a), 1.A.(1)(b), 1.A.(2)(a), 1.A.(2)(b), 1.A.(2)(c), 1.E., and 2.A.(1), under §171.16] is approximately $29 million. This value is based on the full cost of budgeted resources associated with all activities that support this fee class, which is reduced by estimated part 170 collections and adjusted for allocated generic transportation resources, and fee relief.

FY 2012 MISSION DIRECT BUDGETED RESOURCES	TOTAL		FUEL FACILITY ALLOCATIONS	
	CONTRACT $,K	FTE	CONTRACT $,K	FTE
NUCLEAR REACTOR SAFETY	145,033.0	1,780.5	27.0	0.3
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)	27,630.0	474.1	4,645.0	132.1
CORPORATE & OFFICE SUPPORT	232,804.0	1,579.6	0.0	0.0
INSPECTOR GENERAL	1,276.0	58.0		
SUBTOTAL - FEE BASE RESOURCE	406,743.0	3,892.2	4,672.0	132.4

Figures below in $, M (unless otherwise indicated)		
(1) FY 2012 ALLOCATIONS: equals $, K + FTE*FTE rate (shown below)		54.4
(2) LESS ESTIMATED PART 170 FEE COLLECTIONS		26.6
(3) PART 171 ALLOCATIONS (equals 1 - 2)		27.8
(4) GENERIC TRANSPORTATION RESOURCES (allocated)		0.9
		28.6
(6) FY 2012 TOTAL ALLOCATIONS (after transportation allocation) (equals 2+5)		55.3
(7) % OF BUDGET (% total allocations, excl. fee-relief activities, import/export alloc, small entity)		6.08%
(8) Fee-Relief Adjustment (includes small entity) + LLW Surcharge		0.6
(9) Fee-Relief Adjustment and LLW Surcharge per licensee		
(10) Part 171 billing adjustments		-0.5
(11) Adjustment for Rescission		0.0000
(12) TOTAL FY 2012 ANNUAL FEE (equals 5+8+10+11)		28.7397
(13) Number of Licensees		different for different categories of licenses; see other worksheets
(14) Fee Per License (equals 12/13)		
unrounded annual fee amount per license, actual $		
rounded annual fee, actual $		
FTE RATE (average based on budget data, actual $):	375,649	

Mission Direct Budgeted Resources for Fuel Facilities Fee Class

	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
PRODUCT LINE / PRODUCTS:						
Oversight						
Allegations & Investigations	0	0.0	0	0.0	0	0.0
Construction Inspection	0	0.0	0	0.0	0	0.0
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Enforcement	0	0.0	0	0.0	0	0.0
Mission IT	1	0.0	0	0.0	1	0.0
Part 50	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Vendor Inspection	0	0.0	0	0.0	0	0.0
Training						
Mission Training	12	0.1	0	0.0	12	0.1
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	13	0.1	0	0.0	13	0.1
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
PRODUCT LINE/PRODUCTS:						
Oversight						
Allegations & Investigations	0	0.0	0	0.0	0	0.0
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Enforcement	0	0.0	0	0.0	0	0.0
Event Evaluation	0	0.0	0	0.0	0	0.0
Inspection	0	0.0	0	0.0	0	0.0
Mission IT	3	0.0	0	0.0	3	0.0
Research & Test Reactor Insp.	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Training						
Mission Training	11	0.2	0	0.0	11	0.2
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	14	0.2	0	0.0	14	0.2
Grand Total Nuclear Reactor Safety	27	0.3	0	0.0	27	0.3
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
PRODUCT LINE/PRODUCTS:						
Event Response						
Response Program	0	2.5	0	2.5	0	0.0
Licensing						
Emergency Preparedness	0	0.8	0	0.8	0	0.0
Environmental Reviews	1,130	1.5	1236	7.3	(106)	(5.8)
Licensing Actions	615	32.9	1966	36.8	(1,351)	(3.9)
Licensing Support	0	2.2	0	1.7	0	0.5
Security	0	4.6	46	4.7	(46)	(0.1)
Oversight						
Allegations & Investigations	0	0.0	0	0	0	0.0
Emergency Preparedness	0	0.0	0	0	0	0.0
Enforcement	10	2.5	10	2.5	0	0.0
Inspection	284	56.5	81	44.6	203	11.9
Mission IT	125	0.0	0	0	125	0.0
Security	142	9.1	138	6.9	4	2.2
Research						
Longterm Research	150	0.2	0	0.0	150	0.2
Materials Research	87	0.8	87	1.0	0	(0.2)
Rulemaking						
Rulemaking (PL)	427	4.1	1,475	13.8	(1,048)	(9.7)
Rulemaking support			150	1.0	(150)	(1.0)
Security	32	2.2	32	2.3	0	(0.1)
Training						
Mission Training	256	0.2	256	0.2	0	0.0
NSPDP Training	0	2.0	0	2.0	0	0.0
Total Direct Resources	3,258	122.1	5,477	128.1	(2,219)	(6.0)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
PRODUCT LINE/PRODUCTS:						
International Activities						
Multilateral/Bilateral	0	0.0	0	0.0	0	0.0
Oversight						
Allegations & Investigations	0	0.2	0	0.2	0	0.0

Mission Direct Budgeted Resources for Fuel Facilities Fee Class

	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
Enforcement						
Event Evaluation	0	0.5	0	0.5	0	0.0
Inspection	3	0.0	3	0.0	0	0.0
Mission IT	0	0.0	0	0.0	0	0.0
Security	0		0	0.0	0	0.0
Rulemaking						
Rulemaking	32	3.7	2	1.8	30	1.9
State Tribal and Federal Programs						
Liaison	0	0.6	0	0.6	0	0.0
Training						
Mission Training	498	0.6	486	0.7	12	(0.1)
Total Direct Resources	533	5.6	491	3.8	42	1.8
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
PRODUCT LINE/PRODUCTS:						
Licensing						
Uranium Recovery Env. Reviews	0	0.0	0	0.0	0	0.0
Uranium Recovery Lic. Actions	0	0.0	0	0.1	0	(0.1)
Mission Training						
Training	21	0.0	21	0.0	0	0.0
Total Direct Resources	21	0.0	21	0.1	0	(0.1)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
PRODUCT LINE/PRODUCTS:						
Licensing						
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Environmental Reviews	0	0.0	0	0.0	0	0.0
Licensing Support	0	0.0	0	0.0	0	0.0
Mission IT	0	0.0	0	0.0	0	0.0
Security	83	3.1	0	0.0	83	3.1
Storage Licensing	0	0.4	0	0.4	0	0.0
Transportation Certification	0	0.4	0	0.4	0	0.0
Total Direct Resources	833	4.4	0	0.8	833	3.6
Grand Total Nuclear Materials & Waste Safety	4,645	132.1	5,989	132.8	(1,344)	(0.7)
TOTAL FUEL FACILITY	4,672	132.4	5,989	132.8	(1,317)	(0.4)
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract $)	54,415		55,598		($1,183)	

USING 11/01 MATRIX

FUEL FACILITY ANNUAL FEES
FY 2012

Part 171 Amount		$28,648,342
Less Billing Adjustment		-513,967
Less Recission Adjustment		0
	TOTAL	$28,134,375

	SAFETY	SAFEGUARDS	TOTAL	FEE-RELIEF	TOTAL ANNUAL FEE
Allocation of Part 171 Amount to Safety/Safeguards	$14,871,946	$13,262,428	$28,134,375	$605,294	$28,739,669

EFFORT FACTORS

FEE CATEGORY		NUMBER OF LICENSES	Safety	%	Safeguards	%	Total	%
1A(1)(a)	SSNM (HEU)	2	89	38.5%	97	47.1%	186	42.6%
1A(1)(b)	SNM (LEU)	3	70	30.3%	35	17.0%	105	24.0%
1A(2)(a)	LIMITED OPS (Areva)	0	0	0.0%	0	0.0%	0	0.0%
1A(2)(b)	OTHERS (Gas centrifuge enrichment demonstration)	1	3	1.3%	15	7.3%	18	4.1%
1A(2)(c)	OTHERS (hot cell facility)	1	6	2.6%	3	1.5%	9	2.1%
1E	ENRICHMENT	2	51	22.1%	49	23.8%	100	22.9%
2A(1)	UF6 (Honeywell)	1	12	5.2%	7	3.4%	19	4.3%
	TOTAL	10	231	100.0%	206	100%	437	100%
	% of total		52.9%		47.1%			

ALLOCATION to CATEGORY

Fee Category			(1)	(2)	(3)	(4)	(5) TOTAL ANNUAL FEE PER LICENSE	FY 2012 Annual Fee Rounded
1A(1)(a)	SSNM (HEU)	2	$5,729,884	$6,244,930	$11,974,814	$257,631	$6,116,222	**$6,116,000**
1A(1)(b)	SNM (LEU)	3	4,506,650	2,253,325	6,759,976	$145,437	$2,301,804	**$2,302,000**
1A(2)(a)	LIMITED OPS (Framatome)	0	0	0	0	$0	$0	**$0**
1A(2)(b)	OTHERS (Gas centrifuge enrichment demonstration)	1	193,142	965,711	1,158,853	$24,932	$1,183,785	**$1,184,000**
1A(2)(c)	OTHERS (hot cell facility)	1	386,284	193,142	579,426	$12,466	$591,892	**$592,000**
1E	ENRICHMENT	2	3,283,417	3,154,655	6,438,072	$138,511	$3,288,292	**$3,288,000**
2A(1)	UF6 (Honeywell)	1	772,569	450,665	1,223,234	$26,317	$1,249,551	**$1,250,000**
		10	$14,871,946	$13,262,428	$28,134,375	$605,294		

Cols 1 and 2=budgeted amounts x percent of total effort factor

Col 3 = Col 1 + Col 2

Col 4 = Total fee-relief x percent of total effort factor

Col 5 = Col 3 + Col 4 / number of licensees

NRC FUEL CYCLE FACILITIES
FY 2012 ANNUAL FEES - EFFORT FACTOR MATRIX
1-Nov-11

CATEGORY	LICENSEE	FEE CATEGORY	PROCESSES: SOLID UF6/METAL S	SOLID UF6/METAL SG	ENRICHMENT S	ENRICHMENT SG	LIQUID UF6 S	LIQUID UF6 SG	HEU DOWN BLEND S	HEU DOWN BLEND SG	CONVERSION POWDER S	CONVERSION POWDER SG	PELLET S	PELLET SG	ROD/ BUNDLE S	ROD/ BUNDLE SG	SCRAP/ WASTE S	SCRAP/ WASTE SG	HOT CELL S	HOT CELL SG	SENSITIVE INFORMATION S	SENSITIVE INFORMATION SG	SUBTOTALS S	SUBTOTALS SG	TOTAL	
SNM (HEU)	B&W NOG (SNM-42)	1A(1)(a)	10	10	0	0	0	0	5	5	5	5	10	5	5	5	10	5	1	1	1	10	47	46	93	
	NFS (SNM-124)	1A(1)(a)	10	10	0	0	1	1	10	10	10	10	0	0	0	0	10	10	0	0	1	10	42	51	93	
Uranium Enrichment	USEC Paducah (GDP-1)	1E	10	1	10	10	5	5	0	0	0	0	0	0	0	0	5	5	0	0	0	5	30	26	56	
	LES (SNM-2010)	1E	10	1	5	10	1	1	0	0	0	0	0	0	0	0	5	1	0	0	0	10	21	23	44	
	USEC ACP (SNM-2011)*	1E	10	1	5	10	1	1	0	0	0	0	0	0	0	0	5	1	0	0	0	10	-	-	-	Not in op.
	AREVA Eagle Rock	1E	10	1	5	10	1	1	0	0	0	0	0	0	0	0	5	1	0	0	0	10	-	-	-	Not in op.
	Global Laser Enrichment	1E	10	1	5	10	1	1	0	0	0	0	0	0	0	0	5	1	0	0	0	10	-	-	-	Not in op.
SNM (LEU)	Global Nuclear (SNM-1097)	1A(1)(b)	5	1	1	5	1	1	0	0	5	1	5	1	1	1	5	1	0	0	1	10	24	21	45	
	AREVA NP Richland (SNM-1227)	1A(1)(b)	5	1	0	0	1	1	0	0	5	1	5	1	1	1	5	1	0	0	1	1	23	7	30	
	Westinghouse (SNM-1107)	1A(1)(b)	5	1	0	0	1	1	0	0	5	1	5	1	1	1	5	1	0	0	1	1	23	7	30	
UF6 Conversion	Honeywell (SUB-526)	2A(1)	5	1	0	0	5	5	0	0	1	0	0	0	0	0	1	0	0	0	0	1	12	7	19	
Limited Fuel Fab	AREVA NP Lynchburg (SNM-1168)	1A(2)(a)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Gas Cent. Enrichment	USEC Lead Cascade (SNM-7003)	1A(2)(b)	1	0	1	5	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	10	3	15	18	
Hot Cell	GE Vallecitos (SNM-960)	1A(2)(c)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	1	1	1	0	1	6	3	9	
																							TOTALS	231	206	437

S = Safety
SG = Safeguards

HIGH =	10
MODERATE=	5
LOW =	1
NONE =	0

Changes from Prior Year:

Notes:

1 USEC Portsmouth GDP was decertified and removed from the list
2 USEC Paducah GDP Liquid UF6 safety risk reduced from 10 to 5 as the risk should be similar to the other enrichers.
3 USEC ACP licensed but not operationg due to license conditions
4 AREVA Eagle Rock not operating
5 Global Nuclear has license responsibility for the GLE enrichment test loop and any event consequences therefrom. This is the basis for the "10" on SG-Sensitive Information.
6 Global Laser Enrichment not licensed or operating
7 AREVA Lynchburg has submitted for license termination.

Part 171 Annual Fees

Uranium Recovery Facilities

Section III.B.2.b

Table IX
Table X
Table XI
Table XII

The total FY 2012 budgeted cost to be recovered through annual fees assessed to the uranium recovery class [which includes licensees in fee categories 2.A.(2)(a), 2.A.(2)(b), 2.A.(2)(c), 2.A.(2)(d), 2.A.(2)(e), 2.A.(3), 2.A.(4), 2.A.(5) and 18.B., under § 171.16], is approximately $1 million.

Of the required annual fee collections, $779,000 is assessed to DOE's Uranium Mill Tailings Radiation Control Act (UMTRCA) under fee category 18.B. The remaining $252,000 (rounded) would be recovered through annual fees assessed to the other licensees in this fee class (i.e., conventional mills, in-situ recovery facilities, 11e.(2) mill tailings disposal facilities (incidental to existing tailings sites), and a uranium water treatment facility.)

FY 2012 MISSION DIRECT BUDGETED RESOURCES	TOTAL		URANIUM RECOVERY ALLOCATIONS	
	CONTRACT $,K	FTE	CONTRACT $,K	FTE
NUCLEAR REACTOR SAFETY	145,033.0	1,780.5	0.0	0.0
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)	27,630.0	474.1	2,613.0	18.4
CORPORATE & OFFICE SUPPORT	232,804.0	1,579.6	0.0	0.0
INSPECTOR GENERAL	1,276.0	58.0		
SUBTOTAL - FEE BASE RESOURCE	406,743.0	3,892.2	2,613.0	18.4

Figures below in $, M (unless otherwise indicated)	
(1) FY 2012 ALLOCATIONS: equals $, K + FTE*FTE rate (shown below)	9.525
(2) LESS ESTIMATED PART 170 FEE COLLECTIONS	8.300
(3) PART 171 ALLOCATIONS (equals 1 - 2)	1.225
(4) GENERIC TRANSPORTATION RESOURCES (allocated)	
	1.22
(6) FY 2012 TOTAL ALLOCATIONS (after transportation allocation) (equals 2+5)	9.5
(7) % OF BUDGET (% total allocations, excl. fee-relief activities, import/export alloc, small entity)	1.05%
(8) Fee-Relief Adjustment (includes small entity) + LLW Surcharge	-0.105
(9) Fee-Relief Adjustment and LLW Surcharge per licensee	
(10) Part 171 billing adjustments	-0.089
(11) Adjustment for Rescission	0.0000
(12) TOTAL FY 2012 ANNUAL FEE (equals 5+8+10+11)	1.0317
(13) Number of Licensees	
(14) Fee Per License (equals 12/13)	different for different categories of licenses; see other worksheets
unrounded annual fee amount per license, actual $	
rounded annual fee, actual $	
FTE RATE (average based on budget data, actual $):	375,649

Mission Direct Budgeted Resources for Uranium Recovery Fee Class

	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
PRODUCT LINE / PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Reactor Safety	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
PRODUCT LINE/PRODUCTS:						
Rulemaking						
Rulemaking	0	1.0	0	0.7	0	0.3
State Tribal and Federal Programs						
Agreement States	0	0.0	0	0.0	0	0.0
Liaison	0	0.2	0	0.2	0	0.0
Training						
Mission Training	69	0.1	57	0.1	12	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	69	1.3	57	1.0	12	0.3
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
PRODUCT LINE/PRODUCTS:						
Licensing						
Decommissioning Licensing Actions	0	0.0	0	0.0	0	0.0
Uranium Recovery Envir. Reviews	1,851	4.3	1,040	3.0	811	1.3
Uranium Recovery Lic. Actions	690	12.8	241	11.5	449	1.3
Mission Training						
Training	3	0.0	2	0.0	1	0.0
Total Direct Resources	2,544	17.1	1,283	14.5	1,261	2.6
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Materials & Waste Safety	2,613	18.4	1,340	15.5	1,273	2.9
TOTAL URANIUM RECOVERY	2,613	18.4	1,340	15.5	1,273	2.9
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract $)	$9,525		$7,130		$2,395	

URANIUM RECOVERY ANNUAL FEES
FY 2012

	TOTAL
TOTAL ANNUAL FEE AMOUNT (excl. fee-relief adjustment):	$1,136,384
TOTAL FEE-RELIEF ADJUSTMENT:	-104,640
TOTAL:	$1,031,744

GROUP 1
Calculation of DOE Annual Fee

Fee Category		contract $	FTE	FTE Rate	Total Fee
18.B.	DOE UMTRCA Budgeted Costs:	0	2.00	$375,649	$751,298
	10% x (Total Annual Fee Amount (excl. Fee-Relief) less UMTRCA)				$38,509
	10% of Fee-Relief Activities				-$10,464
				Total:	$779,343
				DOE's Annual Fee Rounded:	$779,000

GROUP 2
Calculation of Annual Fee Amount for Remaining UR Licensees

	FY 2012 Total Fee
Remaining Annual Fee Amount (excl. Fee-Relief Adjustment):	$346,577
Remaining Fee Relief Adjustment (90%):	-$94,176
Total:	$252,401

CALCULATION OF ANNUAL FEE AMOUNTS BY CATEGORY:

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	
Type of Site	Fee Category	Number of Licenses	Category Benefit	Total Benefit Value	Percent	Total base annual fee	Annual Fee Per License Base	Fee Relief	Total	FY 2012 Annual Fee Rounded
Conventional & Heap Leach Mills	2.A.(2)(a)	1	150	150	9%	$32,390	$32,390	-$8,802	$23,589	**$23,600**
Basic In-situ Recovery Facilities	2.A.(2)(b)	5	190	950	59%	$205,139	$41,028	-$11,149	$29,879	**$29,900**
Expanded In-situ Recovery Facilities	2.A.(2)(c)	1	215	215	13%	$46,426	$46,426	-$12,616	$33,811	**$33,800**
In-situ Recovery Resin Facilities	2.A.(2)(d)	1	180	180	11%	$38,868	$38,868	-$10,562	$28,307	**$28,300**
Resin Toll Milling Facilities	2.A.(2)(e)	0	-	-	0%	$0	N/A	N/A	N/A	N/A
Facilities for Disposal of 11e(2) Materials	2.A.(3)	0	-	-	0%	$0	N/A	N/A	N/A	N/A
Disposal Incident to Operation at Licensed Facilities	2.A.(4)	1	65	65	4%	$14,036	$14,036	-$3,814	$10,222	**$10,200**
Uranium Water Treatment Facility	2.A.(5)	1	45	45	3%	$9,717	$9,717	-$2,640	$7,077	**$7,100**
TOTAL		10	845	1,605	100%	$346,577				

Col. 3= Col. 1 x Col. 2
Col. 5= Col. 4 x Group 2 Total Base Fee
Col. 6= Col. 5 /Col. 1
Col. 7= Col. 4 x Group 2 Fee-Relief Adjustment Amount/Col. 1
Col. 8= Col. 6 + Col. 7

URANIUM RECOVERY MATRIX OF REGULATORY BENEFIT BY CATEGORY OF LICENSEE

includes facilities licensed to operate (even if in standby), excludes possession only licensees

TO DETERMINE ANNUAL FEES FOR FY12 FEE RULE

			TYPE OF OPERATING ACTIVITY								
			Operations		Waste Operations		Groundwater Protection				
			weight =		weight =		weight =				
			10		5		10				
Type of Site	Fee Category	No. of Licensees	Benefit	Total Score (=benefit score * weight)	Benefit	Total Score (=benefit score * weight)	Benefit	Total Score (=benefit score * weight)	Total Score, all activities	Total Score, all Licensees per category	Percent total Annual Fee, per Licensee
Conventional and Heap Leach Mills *	2(A)2a	1	5	50	10	50	5	50	150	150	9%
Basic In Situ Recovery Facilities	2(A)2b	5	9	90	2	10	9	90	190	950	12%
Expanded In Situ Recovery Facilities	2(A)2c	1	10	100	3	15	10	100	215	215	13%
In-situ Recovery Resin Facilities	2(A)2d	1	8	80	2	10	9	90	180	180	11%
Resin Toll Milling Facilities	2(A)2e	0	0	0	0	0	0	0	0	-	-
Facilities for Disposal of 11e(2) Materials	2(A)3	0	0	0	0	0	0	0	0	-	-
Disposal Incident to Operation at Licensed Facilities	2(A)4	1	0	0	5	25	4	40	65	65	4%
Uranium Water Treatment Facility	2(A)(5	1	2	20	5	25	0	0	45	45	3%
Grand Total										1605	

Benefit factors under "Operations", "Waste Operations", and "Groundwater Protection" reflect the regulatory benefit to each licensee in the fee category from generic uranium recovery program activities.

Level of Regulatory Benefit- Scale of 0 to 10 (examples)	
None	0
Minor	2
Some	5
Significant	10

*** Facility has been in standby for a 28 years. Amount of work is reduced at this site.**

Part 171 Annual Fees

Operating Power Reactors

Section III.B.2.c

Table XIII

The budgeted costs to be recovered through annual fees to power reactors are divided equally among the 104 power reactors licensed to operate. This results in a FY 2012 annual fee of $4,314,000 per reactor. Additionally, each power reactor licensed to operate would be assessed the FY 2012 spent fuel storage/reactor decommissioning annual fee of $211,000. This results in a total FY 2012 annual fee of $4,525,000 for each power reactor licensed to operate.

FY 2012 MISSION DIRECT BUDGETED RESOURCES				
	TOTAL		POWER REACTORS ALLOCATIONS	
	CONTRACT $,K	FTE	CONTRACT $,K	FTE
NUCLEAR REACTOR SAFETY	145,033.0	1,780.5	122,820.9	1,739.0
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)	27,630.0	474.1	1,595.0	10.0
CORPORATE & OFFICE SUPPORT	232,804.0	1,579.6	0.0	0.0
INSPECTOR GENERAL	1,276.0	58.0		
SUBTOTAL - FEE BASE RESOURCE	406,743.0	3,892.2	124,415.9	1,749.0

Figures below in $, M (unless otherwise indicated)	
(1) FY 2012 ALLOCATIONS: equals $, K + FTE*FTE rate (shown below)	781.4
(2) LESS ESTIMATED PART 170 FEE COLLECTIONS	320.6
(3) PART 171 ALLOCATIONS (equals 1 - 2)	460.9
(4) GENERIC TRANSPORTATION RESOURCES (allocated)	1.3
	462.2
(6) FY 2012 TOTAL ALLOCATIONS (after transportation allocation) (equals 2+5)	782.8
(7) % OF BUDGET (% total allocations, excl. fee-relief activities, import/export alloc, small entity)	86.0284%
(8) Fee-Relief Adjustment (includes small entity) + LLW Surcharge	-6.3
(9) Fee-Relief Adjustment and LLW Surcharge per licensee	-0.06055
(10) Part 171 billing adjustments	-7.3
(11) Adjustment for Rescission	0.0000
(12) TOTAL FY 2012 ANNUAL FEE (equals 5+8+10+11)	448.6300
(13) Number of Licensees	104
(14) Fee Per License (equals 12/13)	4.313750
unrounded annual fee amount per license, actual $	4,313,750
rounded annual fee, actual $	4,314,000

FTE RATE (average based on budget data, actual $):	375,649

Mission Direct Budgeted Resources Allocated to Power Reactors Fee Class

	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
PRODUCT LINE / PRODUCTS:						
International Activities						
Multilateral/Bilateral	0	4.0	0	4.0	0	0.0
Licensing						
Advanced Reactors	0	0.0	5,994	26.2	(5,994)	(26.2)
Combined Licenses	4,815	105.6	9,522	185.0	(4,707)	(79.4)
Design Certification	3,740	48.4	4,620	67.8	(880)	(19.4)
Early Site Permit	680	16.7	0	0.0	680	16.7
Emergency Preparedness	0	7.7	200	7.9	(200)	(0.2)
Licensing Actions	79	25.0	79	14.0	0	11.0
Licensing Support	5,002	66.0	1,997	15.1	3,005	50.9
Mission IT	4,308	15.0	5,088	9.4	(780)	5.6
New Reactor Facilities	30,804	1.0	11,203	1.0	19,601	0.0
Operator Licensing	142	15.0	138	13.0	4	2.0
Pre-Application Reviews	350	34.7	462	15.8	(112)	18.9
Part 51	1,550	28.5	0	0.0	1,550	28.5
Security	1,300	8.2	1,475	8.1	(175)	0.1
Oversight						
Allegations & Investigations	0	1.0	0	0.5	0	0.5
Construction Inspection	619	78.5	1,614	73.0	(995)	5.5
Emergency Preparedness	0	0.4	0	0.0	0	0.4
Enforcement	6	1.5	6	1.5	(0)	(0.0)
Mission IT	266	2.0	217	2.0	49	0.0
Part 50	150	13.8	0	12.8	150	1.0
Security	450	2.4	0	1.5	450	0.9
Vendor Inspection	238	28.0	231	22.0	7	6.0
Research						
Adv. Reactors Research	833	11.0	5,294	22.0	(4,461)	(11.0)
Long term Research	250	1.0	0	0.0	250	1.0
New Reactors Research	2,602	15.0	5,222	23.0	(2,620)	(8.0)
Rulemaking						
Rulemaking (PL)	220	6.6	220	5.3	0	1.3
Security	150	0.3	0	0.2	150	0.1
Rulemaking Support	0	0.0	0	0.0	0	0.0
Training						
Mission Training	1,680	10.7	6,894	10.8	(5,214)	(0.1)
NSPDP Training	0	10.0	0	15.0	0	(5.0)
Total Direct Resources	60,234	557.9	60,476	556.9	(242)	1.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
PRODUCT LINE/PRODUCTS:						
Event Response						
Mission IT	4,216	3.5	4,917	3.5	(701)	0.0
Other Response Activities	425	0.0	0	0.0	425	0.0
Response Operations	100	12.9	142	13.1	(42)	(0.2)
Response Program	193	22.0	217	22.8	(24)	(0.8)
International Activities						
Multilateral/Bilateral	0	8.0	0	8.0	0	0.0
Licensing						
Emergency Preparedness	305	6.4	126	6.4	179	0.0
Generic Issues Program	0	0.8	0	0.0	0	0.8
Japan Lessons Learned	2,000	29.3	0	0.0	2,000	29.3
License Renewal	1,975	72.3	6,821	79.0	(4,846)	(6.7)
Licensing Actions	1,656	139.9	2,885	153.6	(1,229)	(13.7)
Licensing Support	583	66.0	763	66.5	(180)	(0.5)
Mission IT	233	1.5	356	1.5	(123)	0.0
Operator Licensing	350	40.9	430	39.4	(80)	1.5
Research & Test Reactors	0	0	0	0.0	0	0.0
Security	543	6.8	365	2.5	178	4.3
Oversight						
Allegations & Investigations	25	52.1	25	52.2	0	(0.1)
Emergency Preparedness	0	20.0	0	20.0	0	0.0
Enforcement	102	17.5	107	16.9	(5)	0.6
Event Evaluation	41	23.4	148	23.4	(107)	0.0
Inspection	3,187	381.0	3,400	376.2	(213)	4.8
Mission IT	1,989	10.9	2,911	10.6	(922)	0.3
Research & Test Reactor Insp.	0	0.0	0	0.0	0	0.0
Security	2,783	55.8	2,803	54.3	(20)	1.5

Mission Direct Budgeted Resources Allocated to Power Reactors Fee Class

	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
Research						
Consequence Analysis & Hlth Effects	1,732	8.7	2,384	8.4	(652)	0.3
Digital I&C & Electrical Res.	3,352	12.8	5,313	11.5	(1,961)	1.3
Fire Safety Research	3,354	8.3	4,203	8.3	(849)	0.0
Generic Issues & Oper. Exp.	0	5.7	3,683	26.0	(3,683)	(20.3)
International Research	2,523	9.6	2,083	11.2	440	(1.6)
Longterm Research	125	1.5	0	0.0	125	1.5
Materials Performance Research	8,120	15.4	7,971	14.4	149	1.0
Mission IT	678	1.0	694	1.0	(16)	0.0
Operational Events Analysis	2,905	17.8	0	0.0	2,905	17.8
Reactor Safety Codes & Analysis	5,224	21.6	5,745	22.3	(521)	(0.7)
Risk Analysis	6,630	14.9	6,900	14.9	(270)	0.0
Seismic & Structural Research	2,072	3.6	929	4.0	1,143	(0.4)
Rulemaking						
Japan Lessons Learned	0	6.0	0	0.0	0	6.0
Rulemaking (PL)	0	12.5	80	11.1	(80)	1.4
Emergency Preparedness	450	2.5	662	3.9	(212)	(1.4)
Rulemaking Support	2,619	27.9	4,990	26.2	(2,371)	1.7
Security	0	0.0	83	0.5	(83)	(0.5)
Training						
Mission Training	2,097	21.7	2,125	22.0	(28)	(0.3)
NSPDP Training	0	18.5	0	16.0	0	2.5
Total Direct Resources	62,587	1181.1	74,261	1,151.6	(11,674)	29.5
Grand Total Nuclear Reactor Safety	122,821	1739.0	134,737	1,708.5	(11,916)	30.5
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
PRODUCT LINE/PRODUCTS:						
International Activities						
Multilateral/Bilateral	0	0.0	0	1.0	0	(1.0)
Oversight						0.0
Inspection	6	0.0	6	0.0	0	0.0
Rulemaking						0.0
Rulemaking	0	0.0	0	0.9	0	(0.9)
Training						0.0
Mission Training	48	0.0	137	0.1	(89)	(0.1)
Total Direct Resources	54	0.0	143	2	(89)	(2.0)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
PRODUCT LINE/PRODUCTS:						
Licensing						
Uranium Recovery Env. Reviews	0	0.0	0	0.5	0	(0.5)
Uranium Recovery Lic. Actions	0	0.0	0	0.8	0	(0.8)
Mission Training						
Training	3	0.0	6	0.0	(3)	0.0
Total Direct Resources	3	0.0	6	1.3	(3)	(1.3)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
PRODUCT LINE/PRODUCTS:						
International Activities						
Multilateral/Bilateral	75	1.5	75	1.5	0	0.0
Licensing						
Emergency Preparedness	0	0	0	0.0	0	0.0
Environmental Reviews	0	0	0	0.0	0	0.0
Licensing Support	500	1	600	1.0	(100)	0.0
Mission IT	0	0	0	0.0	0	0.0
Security	0	0	0	0.0	0	0.0
Storage Licensing	0	0	0	0.0	0	0.0
Transportation Certification	0	0	0	0.0	0	0.0
Research						
Waste Research	412	7.0	2,000	8.0	(1,588)	(1.0)
Rulemaking						
Rulemaking (PL)	525	0.5	525	0.5	0	0.0
Travel						
Mission Travel	0	0.0	170	0.0	(170)	0.0
Training						
Mission Training	26	0	17	0.0	9	0.0
Total Direct Resources	1,538	10.0	3,387	11.0	(1,849)	(1.0)
Grand Total Nuclear Materials & Waste Safety	1,595	10.0	3,536	14.3	(1,941)	(4.3)
TOTAL POWER REACTORS	124,416	1,749.0	138,273	1,722.8	(13,857)	26.2
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract $)	781,426		781,847		($421)	

OPERATING POWER REACTOR ANNUAL FEE
FY 2012

NUMBER OF POWER REACTORS LICENSED TO OPERATE:
(by Nuclear Steam System Supplier & Design Type)

Westinghouse	48
General Electric	35
Combustion Engineering	14
Babcock & Wilcox	7
TOTAL REACTORS	104

DETERMINATION OF ANNUAL FEE:

TOTAL BUDGETED COSTS FOR OPERATING POWER REACTORS (INCLUDES NON-FEE ACTIVITIES)	$781,426,408
ANNUAL FEE PER REACTOR (rounded) (BUDGETED COSTS DIVIDED BY 104 OPERATING POWER REACTORS)	$4,314,000
PLUS SPENT FUEL STORAGE/ REACTOR DECOMMISSIONING ANNUAL FEE	$211,000
TOTAL ANNUAL FEE PER LICENSE	$4,525,000

Part 171 Annual Fees

Spent Fuel Storage/Reactor Decommissioning

Section III.B.2.d

Table XIV

For FY 2012, budgeted costs of approximately $25.9 million for spent fuel storage/reactor decommissioning are to be recovered through annual fees assessed to part 50 power reactors, and to part 72 licensees who do not hold a part 50 license. Those reactor licensees that have ceased operations and have no fuel onsite are not subject to these annual fees. The required annual fee recovery amount is divided equally among 123 licensees, resulting in a FY 2012 annual fee of $211,000 per licensee.

FY 2012 MISSION DIRECT BUDGETED RESOURCES	TOTAL			SPENT FUEL STORAGE/ REACTOR DECOMM. ALLOCATIONS	
	CONTRACT $,K	FTE		CONTRACT $,K	FTE
NUCLEAR REACTOR SAFETY	145,033.0	1,780.5		2.0	0.2
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)	27,630.0	474.1		3,481.4	69.0
CORPORATE & OFFICE SUPPORT	232,804.0	1,579.6		0.0	0.0
INSPECTOR GENERAL	1,276.0	58.0			
SUBTOTAL - FEE BASE RESOURCE	406,743.0	3,892.2		3,483.4	69.2

Figures below in $, M (unless otherwise indicated)	
(1) FY 2012 ALLOCATIONS: equals $, K + FTE*FTE rate (shown below)	29.5
(2) LESS ESTIMATED PART 170 FEE COLLECTIONS	3.6
(3) PART 171 ALLOCATIONS (equals 1 - 2)	25.8
(4) GENERIC TRANSPORTATION RESOURCES (allocated)	0.7
	26.5
(6) FY 2012 TOTAL ALLOCATIONS (after transportation allocation) (equals 2+5)	30.1
(7) % OF BUDGET (% total allocations, excl. fee-relief activities, import/export alloc, small entity)	3.31%
(8) Fee-Relief Adjustment (includes small entity) + LLW Surcharge	-0.331
(9) Fee-Relief Adjustment and LLW Surcharge per licensee	-0.002693
(10) Part 171 billing adjustments	-0.28
(11) Adjustment for Rescission	0.0000
(12) TOTAL FY 2012 ANNUAL FEE (equals 5+8+10+11)	25.9063
(13) Number of Licensees	123
(14) Fee Per License (equals 12/13)	0.210620
unrounded annual fee amount per license, actual $	210,620
rounded annual fee, actual $	211,000
FTE RATE (average based on budget data, actual $): 375,649	

Mission Direct Budgeted Resources Allocated to Spent Fuel Storage/Reactor Decommissioning Fee Class

	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
PRODUCT LINE / PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
PRODUCT LINE/PRODUCTS:						
Oversight						
Allegations & Investigations	0	0.0	0	0.0	0	0.0
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Enforcement	1	0.2	1	0.1	0	0.1
Event Evaluation	0	0.0	0	0.0	0	0.0
Inspection	0	0.0	0	0.0	0	0.0
Mission IT	1	0.0	1	0.0	0	0.0
Research & Test Reactor Insp.	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Total Direct Resources	2	0.2	2	0.1	0	0.1
Grand Total Nuclear Reactor Safety	2	0.2	2	0.1	0	0.1
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
PRODUCT LINE/PRODUCTS:						
Oversight						0.0
Allegations & Investiagtions	0	0.2	0	0.2	0	0.0
Enforcement	3	0.4	1	0.6		
Inspection	3	0.0	3	0.0		
Rulemaking						0.0
Rulemaking	0	1.2	0	0.6	0	0.6
Training						0.0
Mission Training	259	0.3	276	0.3	(17)	0.0
Total Direct Resources	265	2.1	280	1.7	(15)	0.4
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
PRODUCT LINE/PRODUCTS:						
Licensing						
Uranium Recovery Env. Reviews	0	0.0	0	0.0	0	0.0
Uranium Recovery Lic. Actions	0	0.0	0	0.0	0	0.0
Oversight						
Inspection	0	9.7	0	8.9	0	0.8
Mission Training						
Training	11	0.0	12	0.0	(1)	0.0
Total Direct Resources	11	9.7	12	8.9	(1)	0.8
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
PRODUCT LINE/PRODUCTS:						
Licensing						
Emergency Preparedness	0	0.1	0	0.1	0	0.0
Environmental Reviews	200	1.6	0	0.4	200	1.2
Licensing Support	0	0	0	0.0	0	0.0
Mission IT	0	0	0	0.0	0	0.0
Security	0	0	0	0.0	0	0.0
Storage Licensing	998	19.4	1,318	19.2	(320)	0.2
Transportation Certification	679	6.3	1,175	11.4	(496)	(5.1)
Oversight						
Security	0	11.4	0	1.8	0	9.6
Inspection	0	1.8	0	10.5	0	(8.7)
Research						
Waste Research	753	9.0	1,981	6.1	(1,228)	2.9
Rulemaking						
Rulemaking (PL)	475	6.3	200	14.3	275	(8.0)
Rulemaking Support	0	0.5	0	0.0	0	0.5
Security	0	0.0	0	0.0	0	0.0
Training						
Mission Training	101	0.0	84	0.0	17	0.0
NSPDP Training	0	0.8	0	0.8	0	0.0

Mission Direct Budgeted Resources Allocated to
Spent Fuel Storage/Reactor Decommissioning Fee Class

	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
Travel						
Mission Travel	0	0	180	0.0	(180)	0.0
Total Direct Resources	3,206	57.2	4,938	64.6	(1,732)	(7.4)
Grand Total Nuclear Materials & Waste Safety	3,482	69.0	5,230	75.2	(1,748)	(6.2)
TOTAL SPENT FUEL STORAGE & REACTOR DECOMM.	3,484	69.2	5,232	75.3	(1,748)	(6.1)
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract $)	$29,462		$33,361		($3,899)	

SPENT FUEL STORAGE/REACTOR DECOMMISSIONING
ANNUAL FEE
FY 2012

LICENSES SUBJECT TO THE ANNUAL FEE:

Operating Power Reactor Licensees: 104

Power Reactors in Decommissioning or Possession Only Status with Fuel Onsite

Reactor	Docket No.
Big Rock Point	50-155
Indian Point, Unit 1	50-003
Dresden, Unit 1	50-010
Haddam Neck	50-213
Humboldt	50-133
La Crosse	50-409
Maine Yankee	50-309
Millstone 1	50-245
Rancho Seco	50-312
San Onofre, Unit 1	50-206
Yankee Rowe	50-029
Zion 1	50-295
Zion 2	50-304

Total No. of Reactors in decommissioning or possession only status with fuel onsite: 13

Part 72 Licensees without a Part 50 License

Ft. St. Vrain	72-009
GE Morris	72-001
Department of Energy, Idaho Ops. Office	72-020
Foster Wheeler Environmental Corp.	72-025
Trojan	72-017
Private Fuel Storage, LLC	72-022

Total Part 72 licenses: 6

The annual fee is determined by dividing the total budgeted costs of approximately $25.9 million (including the fee-relief activities) by the total number of licensees (123). This results in an annual fee (rounded) of $211,000 per license.

Part 171 Annual Fees

Test and Research Reactors

Section III.B.2.e

Table XV

Approximately $139,000 in budgeted costs is to be recovered through annual fees assessed to the test and research reactor class of licenses for FY 2012. This required annual fee recovery amount is divided equally among the four test and research reactors subject to annual fees, and results in a FY 2012 annual fee of $34,700 for each licensee.

FY 2012 MISSION DIRECT BUDGETED RESOURCES	TOTAL		TEST AND RESEARCH REACTORS ALLOCATIONS	
	CONTRACT $,K	FTE	CONTRACT $,K	FTE
NUCLEAR REACTOR SAFETY	145,033.0	1,780.5	101.3	4.2
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)	27,630.0	474.1	0.0	0.0
CORPORATE & OFFICE SUPPORT	232,804.0	1,579.6	0.0	0.0
INSPECTOR GENERAL	1,276.0	58.0		
SUBTOTAL - FEE BASE RESOURCE	406,743.0	3,892.2	101.3	4.2

Figures below in $, M (unless otherwise indicated)	
(1) FY 2012 ALLOCATIONS: equals $, K + FTE*FTE rate (shown below)	1.68
(2) LESS ESTIMATED PART 170 FEE COLLECTIONS	1.54
(3) PART 171 ALLOCATIONS (equals 1 - 2)	0.14
(4) GENERIC TRANSPORTATION RESOURCES (allocated)	0.03
	0.17
(6) FY 2012 TOTAL ALLOCATIONS (after transportation allocation) (equals 2+5)	1.71
(7) % OF BUDGET (% total allocations, excl. fee-relief activities, import/export alloc, small entity)	0.188330%
(8) Fee-Relief Adjustment (includes small entity) + LLW Surcharge	-0.01882553
(9) Fee-Relief Adjustment and LLW Surcharge per licensee	-0.0047
(10) Part 171 billing adjustments	-0.02
(11) Adjustment for Rescission	0.0000
(12) TOTAL FY 2012 ANNUAL FEE (equals 5+8+10+11)	0.1388
(13) Number of Licensees	4
(14) Fee Per License (equals 12/13)	0.034711
unrounded annual fee amount per license, actual $	34,711
rounded annual fee, actual $	34,700
FTE RATE (average based on budget data, actual $):	375,649

Mission Direct Budgeted Resources for Test and Research Reactors Fee Class

	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
PRODUCT LINE / PRODUCTS:						
Oversight						
Allegations & Investigations	0	0.0	0	0.0	0	0.0
Construction Inspection	0	0.0	0	0.0	0	0.0
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Enforcement	0	0.0	0	0.0	0	0.0
Mission IT	1	0.0	1	0.0	0	0.0
Part 50	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Vendor Inspection	0	0.0	0	0.0	0	0.0
Training						
Mission Training	6	0.0	18	0.0	(12)	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	7	0.0	19	0.0	(12)	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
PRODUCT LINE/PRODUCTS:						
Licensing						
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Generic Issues Program	0	0.0	0	0.0	0	0.0
Japan Lessons Learned	0	0.0	0	0.0	0	0.0
License Renewal	0	0.0	0	0.0	0	0.0
Licensing Actions	0	0.0	0	0.0	0	0.0
Licensing Support	0	0.0	0	0.0	0	0.0
Mission IT	0	0.0	0	0.0	0	0.0
Operator Licensing	0	0.0	0	0.0	0	0.0
Research & Test Reactors	87	2.8	123	3.8	(36)	(1.0)
Security	0	0	0	0.0	0	0.0
Oversight						
Allegations & Investigations	0	0.0	0	0.0	0	0.0
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Enforcement	1	0.1	0	0.0	1	0.1
Event Evaluation	0	0.0	0	0.0	0	0.0
Inspection	0	0.0	0	0.0	0	0.0
Mission IT	1	0.0	3	0.0	(2)	0.0
Research & Test Reactor Insp.	0	0.7	0	0.7	0	0.0
Security	0	0.0	0	0.0	0	0.0
Training						
Mission Training	5	0.1	6	0.1	(1)	0.0
NSPDP Training	0	0.5	0	0.0	0	0.5
Total Direct Resources	94	4.2	132	4.6	(38)	(0.4)
Grand Total Nuclear Reactor Safety	101	4.2	151	4.6	(50)	(0.4)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Materials & Waste Safety	0	0.0	0	0.0	0	0.0
TOTAL TEST & RESEARCH REACTORS	101	4.2	151	4.6	(50)	(0.4)
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract $)	$1,679		$1,869		($190)	

TEST AND RESEARCH REACTOR ANNUAL FEE

FY 2012 FEE RULE

DETERMINATION OF THE FY 2012 ANNUAL FEE:

TEST AND RESEARCH REACTORS SUBJECT TO ANNUAL FEES (See note)

	License No.	Docket No.
1. Dow Chemical - TRIGA MARK I	R-108	50-264
2. AEROTEST	R-98	50-228
3. GE, NTR	R-33	50-73
4. NIST	TR-5	50-184

DETERMINATION OF ANNUAL FEE

BUDGETED COSTS	$138,845
ANNUAL FEE PER LICENSE (rounded) (Budgeted costs divided by number of test and research reactor licensees subject to annual fee)	$34,700

NOTE: Does not include License R-38 (TRIGA MARK I), Docket No. 50-89, issued to General Atomics. License R-38 was amended in 1997 to authorize possession only.

Part 171 Annual Fees

Rare Earth Facilities

Section III.B.2.f

The agency does not anticipate receiving an application for a rare earth facility this fiscal year, so no budget resources are allocated to this fee class and no annual fee will be published in FY 2012. NRC revised the fee category for this fee class from 2.A.(2)(c) to 2.A.(2)(f) in FY 2009.

Part 171 Annual Fees

Materials Users

Section III.B.2.g

Table XVI

The following fee categories under §171.16 are included in this fee class: 1.C., 1.D., 2.B., 2.C., 3.A. through 3.S., 4.A. through 4.C., 5.A., 5.B., 6.A., 7.A. through 7.C., 8.A., 9.A. through 9.D., 16, and 17. The annual fee for these categories of materials users licenses is developed as follows:

> Annual fee = Constant x [Application Fee + (Average Inspection Cost divided by Inspection Priority)] + Inspection Multiplier x (Average Inspection Cost divided by Inspection Priority) + Unique Category Costs.

To equitably and fairly allocate the $30.4 million in FY 2012 budgeted costs to be recovered in annual fees assessed to the approximately 3,000 diverse materials users licensees, the NRC will continue to base the annual fees for each fee category within this class on the part 170 application fees and estimated inspection costs for each fee category. Because the application fees and inspection costs are indicative of the complexity of the license, this approach continues to provide a proxy for allocating the generic and other regulatory costs to the diverse categories of licenses based on NRC's cost to regulate each category. This fee calculation also continues to consider the inspection frequency (priority), which is indicative of the safety risk and resulting regulatory costs associated with the categories of licenses.

FY 2012 MISSION DIRECT BUDGETED RESOURCES				
	TOTAL		MATERIALS ALLOCATIONS	
	CONTRACT $,K	FTE	CONTRACT $,K	FTE
NUCLEAR REACTOR SAFETY	145,033.0	1,780.5	0.0	0.0
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)	27,630.0	474.1	839.9	79.2
CORPORATE & OFFICE SUPPORT	232,804.0	1,579.6	0.0	0.0
INSPECTOR GENERAL	1,276.0	58.0		
SUBTOTAL - FEE BASE RESOURCE	406,743.0	3,892.2	839.9	79.2

Figures below in $, M (unless otherwise indicated)		
(1) FY 2012 ALLOCATIONS: equals $, K + FTE*FTE rate (shown below)		30.6
(2) LESS ESTIMATED PART 170 FEE COLLECTIONS		1.6
(3) PART 171 ALLOCATIONS (equals 1 - 2)		29.0
(4) GENERIC TRANSPORTATION RESOURCES (allocated)		1.5
		30.6
(6) FY 2012 TOTAL ALLOCATIONS (after transportation allocation) (equals 2+5)		32.1
(7) % OF BUDGET (% total allocations, excl. fee-relief activities, import/export alloc, small entity)		2.82%
(8) Fee-Relief Adjustment (includes small entity) + LLW Surcharge		0.1
(9) Fee-Relief Adjustment and LLW Surcharge per licensee		
(10) Part 171 billing adjustments		-0.24
(11) Adjustment for Rescission		0.0000
(12) TOTAL FY 2012 ANNUAL FEE (equals 5+8+10+11)		30.3655
(13) Number of Licensees		different for different categories of licenses; see other worksheets
(14) Fee Per License (equals 12/13)		
unrounded annual fee amount per license, actual $		
rounded annual fee, actual $		
FTE RATE (average based on budget data, actual $):	375,649	

Mission Direct Budgeted Resources for Materials Fee Class

	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
PRODUCT LINE / PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Reactor Safety	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
PRODUCT LINE/PRODUCTS:						
Licensing						
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Environmental Reviews	0	0.0	0	0.0	0	0.0
Licensing Actions	0	1.0	0	0.0	0	1.0
Licensing Support	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Total Direct Resources	0	1.0	0	0.0	0	1.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
PRODUCT LINE/PRODUCTS:						
Event Response						
Response Operations	0	0.2	0	0.2	0	0.0
Response Programs	0	0.4	0	0.3	0	0.1
Licensing						
Licensing Actions	85	31.9	95	31.3	(10)	0.6
Mission IT	162	0.4	179	0.4	(18)	0.0
Security	0	0.1	0	0.3	0	(0.2)
Oversight						
Allegations & Investigations	0	10.6	0	11.0	0	(0.4)
Enforcement	42	8.3	15	8.1	27	0.2
Event Evaluation	25	0.8	19	1.0	6	(0.2)
Inspection	185	20.8	186	21.3	(1)	(0.5)
Mission IT	125	0.0	133	0.0	(8)	0.0
Security	0	0.4	0	0.4	0	0.0
Research						
Materials Research	31	0.4	87	0.4	(57)	0.0
Rulemaking						
Rulemaking	7	1.2	9	1.9	(2)	(0.7)
State Tribal and Federal Programs						
Agreement States	21	1.0	0	0.0	21	1.0
Liaison	3	0.2	3	0.2	(0)	0.0
Training						
Mission Training	142	0.5	133	0.5	9	0.0
NSPDP Training	0	0.0	0	0.5	0	(0.5)
Total Direct Resources	827	77.2	859	77.8	(32)	(0.6)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
PRODUCT LINE/PRODUCTS:						
Licensing						
Decommissioning Licensing Actions	0	0.2	0	0.1	0	0.1
Uranium Recovery Lic. Actions	0	0.0	0	0.0	0	0.0
Mission Training						
Training	13	0.0	2	0.0	11	0.0
Total Direct Resources	13	0.0	2	0.1	11	(0.1)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
PRODUCT LINE/PRODUCTS:						
Licensing						
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Environmental Reviews	0	0.8	0	0.0	0	0.8
Licensing Support	0	0.0	0	0.0	0	0.0
Mission IT	0	0.0	0	0.0	0	0.0

Mission Direct Budgeted Resources for Materials Fee Class

	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
Security	0	0.0	0	0.0	0	0.0
Storage Licensing	0	0.0	0	0.0	0	0.0
Transportation Certification	0	0.0	0	0.0	0	0.0
Total Direct Resources	0	0.8	0	0.0	0	0.8
Grand Total Nuclear Materials & Waste Safety	840	79.0	861	77.9	(21)	1.1
TOTAL MATERIAL USERS	840	79.0	861	77.9	(21)	1.1
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract $)	$30,603		$29,962		$641	

FY 2012 Materials Users Annual Fees

REBASELINE

License Fee Category	Billed at FY 2011 Fee	Billed at FY 2012 Fee	Less Agree. State Transfer Adjust	Total For FY 2012	Appl.	Insp.	Insp. Prior.	Calc. of General Multiple	Calc. of Insp. Multiple	General	Unique	Inspection	Total Base Fee per License	Adjustment per License LLW Surcharge	Fee-Relief	Total Exact Annual Fee per License	Base Fee ($,K)	TOTAL ($,K)	Sm Entity	Sm Entity	Subsidy	FY 2012 Annual Fee (Rounded)
		NUMBER OF LICENSES FY 2012		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)				
					Part 170 Fees($)					Part 171 Base Fee Per License ($)							Total Collections		Number of			
																				Real		
										Annual fee multiplier*(Appl fee + insp fee/insp priority) See below for calculation of annual fee multiplier	See below for Calculation of Unique	multiplier*(insp fee/insp priority) See below for calculation of insp.	(General+unique+Insp ection)	(Total Materials LLW Surcharge/ no. of affected licenses)	multiplier x (appl fee+Insp fee/insp priority)See below for calculation of fee-relief multi.)	(Total Base Fee+ LLW Surcharge + Fee-Relief)	Total Base Fee + LLW Surcharge + Fee-Relief)			Diff between annual fee and small entity fee x no. of small entities	2300
																						500
SPECIAL NUCLEAR MATERIAL:																						
1C. Industrial Gauges	0	4	0	4.0	1,300	2,100	5	6880	1680	2713		968	3,681		-34	3,646	15	15	0	0	-	3,600
1D. All Other SNM	0	44	0	44.0	2,500	3,500	5	140800	30800	5047		1613	6,661	748	-64	7,344	293	323	1	2	18,600	7,300
SOURCE MATERIAL:																						
2B. Shielding	0	39	0	39.0	600	1,500	7	31757	8357	1284		494	1,778		-16	1,762	69	69	2	0	-	1,800
2C. Other Source Materials	0	47	0	47.0	5,400	4,200	5	293280	39480	9842		1936	11,778	748	-125	12,401	554	583	4	2	64,200	12,400
BYPRODUCT MATERIAL:																						
3A. Manufacturing - Broad	0	5	0	5.0	12,800	11,800	2	93500	29500	29496		13598	43,093	748	-375	43,466	215	217	0	1	43,000	43,500
3B. Manufacturing - Other	0	39	0	39.0	4,400	3,700	3	219700	48100	8886		2842	11,728	748	-113	12,363	457	482	7	8	165,900	12,400
3C. Radiopharmaceuticals - Manuf./Process	0	42	0	42.0	6,500	4,700	3	338800	65800	12724		3611	16,334	748	-162	16,920	686	711	13	0	189,800	16,900
3D. Radiopharmaceuticals - No Manuf./Process	0	0	0	0.0	0	0	3	0	0	0		0	0		0	0	0	0	0	0	-	0
3E. Irradiators - Self-Shield	0	66	0	66.0	3,200	3,200	3	281600	70400	6730		2458	9,188		-85	9,103	606	601	0	0	-	9,100
3F. Irradiators - < 10,000 CI	0	3	0	3.0	6,400	4,300	3	23500	4300	12356		3303	15,659		-157	15,502	47	47	0	0	-	15,500
3G. Irradiators - > 10,000 CI	0	6	0	6.0	61,200	11,800	1	438000	70800	115144		27195	142,339		-1462	140,877	854	845	0	1	140,400	140,900
3H. Exempt Distribution - Device Review	0	38	0	38.0	4,300	2,100	5	179360	15960	7445		968	8,413		-95	8,318	320	316	9	7	108,600	8,300
3I. Exempt Distribution - No Device Review	0	84	0	84.0	11,500	3,000	5	1016400	50400	19086		1383	20,468		-242	20,226	1719	1699	13	9	410,000	20,200
3J. Gen. License - Device Review	0	8	0	8.0	2,000	2,200	5	19520	3520	3849		1014	4,863		-49	4,814	39	39	1	2	11,100	4,800
3K. Gen. License - No Device Review	0	4	0	4.0	1,100	1,900	5	5920	1520	2334		876	3,210		-30	3,181	13	13	0	2	5,400	3,200
3L. R&D - Broad	0	52	0	52.0	5,400	4,300	3	355333	74533	10778		3303	14,082	748	-137	14,692	732	764	0	0	-	14,700
3M. R&D - Other	0	105	0	105.0	3,500	3,200	5	434700	67200	6530		1475	8,005	748	-83	8,670	841	910	15	13	202,600	8,700
3N. Service License	0	74	0	74.0	6,400	4,300	4	553150	79550	11790		2478	14,268	748	-150	14,866	1056	1100	11	16	369,000	14,900
3O. Radiography	0	83	0	83.0	4,000	5,100	1	755300	423300	14354		11754	26,107		-182	25,925	2167	2152	32	9	983,800	25,900
3P. All Other Byproduct Materials	0	1164	0	1164.0	1,500	3,300	5	2514240	768240	3407		1521	4,928		-43	4,885	5736	5686	238	112	1,106,400	4,900
3R1. Radium-226 (less than or equal to 10x limits in 31.12)	0	20	0	20.0	2,500	6,600	5	76400	26400	6025		3042	9,068		-77	8,991	181	180	0	0	-	9,000
3R2. Radium-226 (more than 10x limits in 31.12)	0	1	0	1.0	1,500	3,300	5	2160	660	3407		1521	4,928		-43	4,885	5	5	0	0	-	4,900
3S. Accelerator Produced Radionuclides	0	17	0	17.0	6,500	4,200	3	134300	23800	12461		3227	15,687		-158	15,529	267	264	0	0	-	15,500
WASTE DISPOSAL AND PROCESSING:																						
4A. Waste Disposal*	0	3	0	3.0			1		0	0		0	0	748	0	748	0	2	0	0	-	
4B. Waste Receipt/Packaging	0	13	0	13.0	8,400	4,700	1	170300	61100	20663		10832	31,495	748	-262	31,980	409	416	0	1	31,500	32,000
4C. Waste Receipt - Prepackaged	0	1	0	1.0	4,900	3,400	2	6600	1700	10410		3918	14,328	748	-132	14,944	14	15	1	0	12,600	14,900
WELL LOGGING:																						
5A. Well Logging	0	33	0	33.0	3,300	3,900	3	151800	42900	7256		2996	10,252		-92	10,160	338	335	7	6	113,500	10,200
5B. Field Flooding Tracers Studies*	0	0	0	0.0			3	0	0	0		0	0	748	0	748	0	0	0	0	-	
NUCLEAR LAUNDRY:																						
6A. Nuclear Laundry	0	0	0	0.0	21,800	5,900	2	0	0	39039		6799	45,837	748	-496	46,089	0	0	0	0	-	46,100
HUMAN USE OF BYPRODUCT, SOURCE, OR SNM:																						
7A. Teletherapy	0	12	0	12.0	8,800	3,200	3	118400	12800	15563	97	2458	18,118		-198	17,921	217	215	1	0	15,600	17,900
7B. Medical - Broad	0	23	0	23.0	8,500	8,300	1	386400	190900	26499	97	19129	45,725	748	-337	46,136	1052	1061	0	0	-	46,100
7C. Medical Other	0	958	0	958.0	2,700	3,300	3	3640400	1053800	5994	97	2535	8,626		-76	8,550	8264	8191	219	67	1,922,400	8,600
CIVIL DEFENSE:																						
8A. Civil Defense	0	7	0	7.0	2,500	6,600	5	26740	9240	6025		3042	9,068		-77	8,991	63	63	0	0	-	9,000
DEVICE, PRODUCT, OR SEALED SOURCE SAFETY EVALUATION:																						
9A. Device/Product Safety Evaluation - Broad	0	73	0	73.0	7,700		7	562100	0	12145		0	12,145		-154	11,991	887	875	18	13	324,100	12,000
9B. Device/Product Safety Evaluation - Other	0	13	0	13.0	8,900		7	115700	0	14038		0	14,038		-178	13,860	182	180	0	0	-	13,900
9C. Sealed Sources Safety Evaluation - Broad	0	32	0	32.0	10,400		7	332800	0	16404		0	16,404		-208	16,196	525	518	5	10	226,500	16,200
9D. Sealed Sources Safety Evaluation - Other	0	13	0	13.0	1,040		7	13520	0	1640		0	1,640		-21	1,620	21	21	0	0	-	1,600
OTHER LICENSES:																						
17. Master Material License	0	3	0	3.0	148,000	64,600	1	637800	193800	335337	4447	148883	488,666	748	-4258	485156	1466	1455	0	0		485,000
TOTAL	0.0	3129.0	0.0	3129.0				14077160	3470540				1112612				30313	30368	595	281	6,465,000	Mat
																			0	0	-	Uranium recovery
																	Total Small Entity Subsidy		595	281	6,465,000	
FTE RATE:	$375,649															Total			876			
																% of total Materials Users licensees			28.00%			

FY 2012 Materials Users Annual Fees

REBASELINE

Calculation of UNIQUE (generic activities related to specific fee categories):

UNIQUE ACTIVITES IDENTIFIED FOR FY 2012

Total budgeted resources (FY 2012 unique activities=Part 35 implementation)	2.3	FTE	$0.00 (CONTRACT COSTS)
Total cost (FTExFTE rate + any contract costs)	$863,993		
Percent of NRC materials licenses to the total materials licenses	13%		
Amount allocated to NRC materials licensees (% x total cost)	$109,963		
No. of affected NRC licenses (for FY 2012, Cats. 7A, 7B, & 7C, + those medical under Master Matls Licenses)	1130.1		
Unique per license:	**$97**		

Total Part 171 (annual fee) amount, excluding fee-relief costs):	**$30,312,573**									
	FTE		FTE Rate				PS$		Total	
Inspection Amount (budgeted costs for materials inspections):	20.8	x	$375,649	=	$7,813,504	+	$185,000	=	**$7,998,504**	

LLW Surcharge Amount (see FEE-RELIFE ACTIVITIES Sheet for further details):

Total LLW surcharge to be recovered:	$3,849,453
Percentage to be recovered from materials licensees:	8.7%
Amount to be recovered from materials licensees:	$334,902
No. of affected licenses:	448
LLW Surcharge per license:	**$748**

Other Fee-Relief Amount (see FEE-RELIEF ACTIVITIES Sheet for further details):

Total other fee-relief to be recovered:	-$9,996,016
Percentage to be recovered from materials licensees:	2.8%
Amount to be recovered from materials licensees:	-$281,967

	$K		$K		$K		$K
TOTAL GENERAL = TOTAL Part 171 amount less INSPECTION less UNIQUE:	30,313	-	7,999	-	110	=	22,204
ANNUAL FEE MULTIPLIER = TOTAL GENERAL /Total of Calc of Gen. Multiple col.:	22,204	/	14,077			=	**1.58**
INSPECTION MULTIPLIER=INSPECTION AMOUNT/Total Calc of Insp. Multiple col.:	$7,998,504	/	3,471			=	**2.30**
FEE-RELIEF MULTIPLIER=Fee-Relief amount to be adjusted for materials licensees/total of Calc of Gen. Multiple col.):	-$281,967	/	14,077			=	**-0.0200**

COL (5) = COL (1) * [COL (2) + COL (3)/COL (4)]

COL (6) = COL(1) * (COL (3)/COL (4))

COL (7) = GENERAL MULTIPLIER * [COL(2) + COL (3)/COL (4)]

COL (8) = (UNIQUE COSTS) / (NO. OF APPLICABLE LICENSES)

COL (9) = INSPECTION MULTIPLIER*(COL3/COL4)

COL (10) = COL (7) + COL(8)+COL(9)

COL (11) = LLW SURCHARGE =% Allocated * LLW Costs/# affected licenses

COL (12)=FEE-RELIEF MULTIPLIER*(COL(2)+(COL(3)/COL(4))

COL (13) = COL (10) + COL(11)+COL(12)

COL (14) = [COL (1) * COL (10)]/1000

COL (15) = [COL (1) * COL (13)]/1000

Part 171 Annual Fees

Transportation

Section III.B.2.h

Table XVII
Table XVIII

Consistent with the policy established in the NRC's FY 2006 final fee rule, the NRC will recover generic transportation costs unrelated to DOE as part of existing annual fees for license fee classes. NRC will continue to assess a separate annual fee under §171.16, fee category 18.A., for DOE transportation activities.

The resources associated with generic transportation activities are distributed to the license fee classes based on the number of CoCs benefiting (used by) that fee class, as a proxy for the generic transportation resources expended for each fee class. The amount of the generic resources allocated is calculated by multiplying the percentage of total CoCs used by each fee class (and DOE) by the total generic transportation resources to be recovered.

FY 2012 MISSION DIRECT BUDGETED RESOURCES					
	TOTAL			TRANSPORTATION ALLOCATIONS	
	CONTRACT $,K	FTE		CONTRACT $,K	FTE
NUCLEAR REACTOR SAFETY	145,033.0	1,780.5		2.0	0.2
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)	27,630.0	474.1		532.4	23.0
CORPORATE & OFFICE SUPPORT	232,804.0	1,579.6		0.0	0.0
INSPECTOR GENERAL	1,276.0	58.0			
SUBTOTAL - FEE BASE RESOURCE	406,743.0	3,892.2		534.4	23.2

Figures below in $, M (unless otherwise indicated)	
(1) FY 2012 ALLOCATIONS: equals $, K + FTE*FTE rate (shown below)	9.2
(2) LESS ESTIMATED PART 170 FEE COLLECTIONS	3.4
(3) PART 171 ALLOCATIONS (equals 1 - 2)	5.9
(4) GENERIC TRANSPORTATION RESOURCES (allocated)	-4.5
	1.4
(6) FY 2012 TOTAL ALLOCATIONS (after transportation allocation) (equals 2+5)	4.8
(7) % OF BUDGET (% total allocations, excl. fee-relief activities, import/export alloc, small entity)	0.53%
(8) Fee-Relief Adjustment (includes small entity) + LLW Surcharge	-0.1
(9) Fee-Relief Adjustment and LLW Surcharge per licensee	
(10) Part 171 billing adjustments	0.0
(11) Adjustment for Rescission	0.0000
(12) TOTAL FY 2012 ANNUAL FEE (equals 5+8+10+11)	1.3087
(13) Number of Licensees	1
(14) Fee Per License (equals 12/13)	1.308728
	(DOE's fee)
unrounded annual fee amount per license, actual $	1,308,728
rounded annual fee, actual $	1,309,000
FTE RATE (average based on budget data, actual $): 375,649	

Mission Direct Budgeted Resources for Transportation Fee Class

	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
PRODUCT LINE */ PRODUCTS:*						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
PRODUCT LINE/PRODUCTS:						
Oversight						
Allegations & Investigations	0	0.0	0	0.0	0	0.0
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Enforcement	1	0.2	1	0.1	0	0.1
Event Evaluation	0	0.0	0	0.0	0	0.0
Inspection	0	0.0	0	0.0	0	0.0
Mission IT	1	0.0	0	0.0	1	0.0
Research & Test Reactor Insp.	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Total Direct Resources	2	0.2	1	0.1	1	0.1
Grand Total Nuclear Reactor Safety	2	0.2	1	0.1	1	0.1
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
PRODUCT LINE/PRODUCTS:						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
PRODUCT LINE/PRODUCTS:						
Oversight						
Allegations & Investigations	0	0.1	0	0.1	0	0.0
Enforcement	0	0.1	0	0.1	0	0.0
Event Evaluation	0	0.2	0	0.2	0	0.0
Inspection	0	0.0	0	0.0	0	0.0
Mission IT	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Rulemaking						
Rulemaking	0	1.9	5	1.2	(5)	0.7
State Tribal and Federal Programs						
Agreement States	0	0.2	0	0.0	0	0.2
Liaison	0	0.0	0	0.0	0	0.0
Training						
Mission Training	87	0.1	64	0.1	23	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	87	2.6	69	1.7	18	0.9
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
PRODUCT LINE/PRODUCTS:						
Mission Training						
Training	4	0.0	3	0.0	1	0.0
Total Direct Resources	4	0.0	3	0.0	1	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
PRODUCT LINE/PRODUCTS:						
Licensing						
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Environmental Reviews	0	0.0	0	0.0	0	0.0
Licensing Support	0	0.0	0	0.0	0	0.0
Mission IT	0	0.0	0	0.0	0	0.0
Security	0	0.0	83	3.0	(83)	(3.0)
Storage Licensing	57	1.2	62	1.2	(5)	0.0
Transportation Certification	284	11.7	386	5.3	(102)	6.4
Oversight						
Inspection	0	4.8	0	3.7	0	1.1
Rulemaking						
Rulemaking (PL)	73	2.0	0	0.8	73	1.2
Security	0	0.0	92	1.1	(92)	(1.1)
Training						
Mission Training	28	0.0	27	0.0	1	0.0
NSPDP Training	0	0.7	0	0.7	0	0.0
Travel						
Mission Travel	0	0.0	176	0.0	(176)	0.0
Total Direct Resources	441	20.4	826	15.8	(384)	4.6
Grand Total Nuclear Materials & Waste Safety	532	23.0	898	17.5	(365)	5.5

Mission Direct Budgeted Resources for Transportation Fee Class

	FY12		FY11		Difference	
	Contract ($,K)	FTE	Contract ($,K)	FTE	Contract ($,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
TOTAL TRANSPORTATION	534	23.2	899	17.6	(364)	5.6
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract $)	$9,240		$7,474		$1,766	

TRANSPORTATION ANNUAL FEES

FY 2012

The total transportation budgeted costs of $5,859,452 to be recovered from annual fees (not including fee-relief adjustments) is to be obtained from two sources:

1. Department of Energy (DOE)--has own annual fee (fee category 18A)
2. Other licensees (included in their annual fees)

Distribute these costs to DOE and the fee classes based on the percentage of CoCs benefitting (used) per fee class:

Fee Class	# CoCs	% CoCs	Transportation Resources to be included in annual fees	Resources in Millions
DOE	21.00	24.0%	$1,406,009	$1.41
Operating Reactors	20.00	22.9%	$1,339,056	$1.34
Spent fuel/reactor decom	10.00	11.4%	$669,528	$0.67
T&R reactors	0.52	0.6%	$34,556	$0.03
Fuel Facilities	13.00	14.9%	$870,387	$0.87
Materials Users	23.00	26.3%	$1,539,915	$1.54
Total	87.52	100.0%	$5,859,452	$5.86

Regulatory Flexibility Analysis

Section X.

The Regulatory Flexibility Act (RFA), as amended 5 U.S.C. § 601 *et seq.*, requires that agencies consider the impact of their rulemakings on small entities and, consistent with applicable statutes, consider alternatives to minimize these impacts on the businesses, organizations, and government jurisdictions to which they apply.

Additionally, the Small Business Regulatory Enforcement Fairness Act (SBREFA) requires all Federal agencies to prepare a written compliance guide for each rule for which the agency is required to prepare a regulatory flexibility analysis. Therefore, in compliance with the law, the NRC has made publicly available via ADAMS the "FY 2012 Small Entity Compliance Guide".

Licensees may use this guide to determine whether they qualify as a small entity under NRC regulations and are eligible to pay reduced FY 2012 annual fees assessed under 10 CFR part 171. The NRC has established two tiers of annual fees for those materials licensees who qualify as small entities under the NRC's size standards.

Budget Authority (FY 2012)

Budget Authority (FY 2012)

FY 2012 Budget Summary by Program

This report is provided as supplemental information. It provides a summary of the FY 2012 budgeted FTE and contract dollars allocated to each fee class and fee-relief/surcharge activities at the Program level. The Programs include: 1) Nuclear Reactor Safety, 2) Nuclear Materials & Waste Safety, 3) Corporate Support, and 4) Inspector General.

FY 2012 MISSION DIRECT BUDGETED RESOURCES												
Based on: P.L. 112-74												
	TOTAL		POWER REACTORS ALLOCATIONS		SPENT FUEL STORAGE/ REACTOR DECOMM. ALLOCATIONS		TEST AND RESEARCH REACTORS ALLOCATIONS		FUEL FACILITY ALLOCATIONS		MATERIALS ALLOCATIONS	
	CONTRACT		CONTRACT		CONTRACT		CONTRACT		CONTRACT		CONTRACT	
	$,K	FTE	$,K	FTE	$,K	FTE	$,K	FTE	$,K	FTE	$,K	FTE
NUCLEAR REACTOR SAFETY	145,033.0	1,780.5	122,820.9	1,739.0	2.0	0.2	101.3	4.2	27.0	0.3	0.0	0.0
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)	27,630.0	474.1	1,595.0	10.0	3,481.4	69.0	0.0	0.0	4,645.0	132.1	839.9	79.2
CORPORATE & OFFICE SUPPORT	232,804.0	1,579.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
INSPECTOR GENERAL	1,276.0	58.0										
SUBTOTAL - FEE BASE RESOURCE	406,743.0	3,892.2	124,415.9	1,749.0	3,483.4	69.2	101.3	4.2	4,672.0	132.4	839.9	79.2

FY 2012 MISSION DIRECT BUDGETED RESOURCES																
Based on: P.L. 112-74																
	TOTAL		TRANSPORTATION ALLOCATIONS		URANIUM RECOVERY ALLOCATIONS		IMPORT/EXPORT ALLOCATIONS		INCLUDED IN FEE-RELIEF ACTIVITIES		INCLUDED IN HOURLY & FTE RATE (overhead)		NONPROFIT ED. EXEMPTION	
	CONTRACT		CONTRACT		CONTRACT		CONTRACT		CONTRACT		CONTRACT		CONTRACT	
	$,K	FTE	$,K	FTE	$,K	FTE	$,K	FTE	$,K	FTE	$,K	FTE	$,K	FTE
NUCLEAR REACTOR SAFETY	145,033.0	1,780.5	2.0	0.2	0.0	0.0	0.0	0.0	1,685.7	36.6	20,394.0	0.0	665.7	24.2
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)	27,630.0	474.1	532.4	23.0	2,613.0	18.4	0.0	2.7	8,464.4	139.7	5,459.0	0.0	58.8	3.7
CORPORATE & OFFICE SUPPORT	232,804.0	1,579.6	0.0	0.0	0.0	0.0	0.0	0.0	15,680.0	3.0	217,124.0	1,576.6	0.0	0.0
INSPECTOR GENERAL	1,276.0	58.0									1,276.0	58.0		
SUBTOTAL - FEE BASE RESOURCE	406,743.0	3,892.2	534.4	23.2	2,613.0	18.4	0.0	2.7	25,830.1	179.3	244,253.0	1,634.6	724.5	27.9

FY 2012 MISSION DIRECT BUDGETED RESOURCES																
Based on: P.L. 112-74					AGREEMENT		AGREEMENT		ISL RULE/		GENERIC					
			INTERNATIONAL		STATE		STATE		GEN LICENSEES/		DECOMMISS/					
	TOTAL		ACTIVITIES		OVERSIGHT		REG SUPPORT		FELLOWSHIPS		RECLAIMATION		GENERIC LLW			
	CONTRACT		CONTRACT		CONTRACT		CONTRACT		CONTRACT		CONTRACT		CONTRACT			
	$,K	FTE	$,K	FTE	$,K	FTE	$,K	FTE	$,K	FTE	$,K	FTE	$,K	FTE		
NUCLEAR REACTOR SAFETY	145,033.0	1,780.5	16.0	6.1	0.0	0.0	0.0	0.0	1,004.0	6.3	0.0	0.0	0.0	0.0		
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)	27,630.0	474.1	673.0	15.9	1,795.0	24.6	2,834.6	38.9	370.0	3.7	2,039.0	44.5	694.0	8.4		
CORPORATE & OFFICE SUPPORT	232,804.0	1,579.6	0.0	0.0	0.0	0.0	0.0	0.0	15,680.0	3.0	0.0	0.0	0.0	0.0		
INSPECTOR GENERAL	1,276.0	58.0														
SUBTOTAL - FEE BASE RESOURCE	406,743.0	3,892.2	689.0	22.0	1,795.0	24.6	2,834.6	38.9	17,054.0	13.0	2,039.0	44.5	694.0	8.4		

Budget Authority (FY 2012)

FY 2012 Budget by Product Line

These reports are provided as supplemental information. They provide a summary of the FY 2012 budgeted FTE and contract dollars by Product Line and allocated by: 1) the Nuclear Reactor Safety Program and the Nuclear Materials & Waste Safety Program, 2) Corporate Support, 3) Inspector General, and 4) each office with mission direct budgeted resources.

The offices include:

- Office of Inspector General
- Office of Research
- Office of Nuclear Reactor Regulations
- Office of New Reactors
- Regional Offices
- Office of Nuclear Material Safety and Safeguards
- Office of Federal and State Materials and Environmental Management Programs
- Office of Nuclear Security and Incident Response
- Office of General Counsel
- Advisory Committee on Reactor Safeguards
- Office of International Programs
- Office of Enforcement
- Office of Investigations
- Atomic Safety and Licensing Board
- Office of Human Resources
- Office of Administration

FY 2012 BUDGET RESOURCES FOR OFFICE OF INSPECTOR GENERAL

Program	Business Lines	Product Lines	Budget Resources Allocated to Fee Classes Total Contract ($,K)	Total FTE	Hourly Rate Contract ($,K)	Hourly Rate FTE
Inspector General	Inspector General (IG)	Inspector General (PL)	1,276	58	1,276	58
Grand Total			1,276	58	1,276	58

FY 2012 BUDGET RESOURCES FOR OFFICE OF RESEARCH

OFFICE	RES

Program	Business Lines	Product Lines	Budget Resources Allocated to Fee Classes: Total Contract ($,K)	Total FTE	Power Reactors Contract ($,K)	Power Reactors FTE	Spent Fuel Stor/Reactor Decomm. Contract ($,K)	Spent Fuel Stor/Reactor Decomm. FTE	Fuel Facility Contract ($,K)	Fuel Facility FTE	Materials Contract ($,K)	Materials FTE	Fee Relief Contract ($,K)	Fee Relief FTE	Hourly Rate Contract ($,K)	Hourly Rate FTE
Corporate Support	**Office Support**	Administrative Services	118	2											118	2
		Financial Mgmt.	100	14.8											100	14.8
		Human Resource Mgmt.	47	3											47	3
		Information Mgmt.	23	3											23	3
		Information Technology	135	1.3											135	1.3
		Support Staff	0	43.7												43.7
Nuclear Materials and Waste Safety	**Decommissioning & LLW**	Research	0	3.8										3.8		
	Fuel Facilities	Research	237	1					237	1						
		Rulemaking (PL)	152	0.3					152	0.3						
	Nuclear Materials Users	Research	252	3							31	0.4	222	2.6		
		Travel (PL)	29	0											29	
	Spent Fuel Storage and Transportation	Research	675	4			675	4								
Nuclear Reactor Safety	**New Reactors**	Research	3,685	27	3,685	27										
		Rulemaking (PL)	0	0												
	Operating Reactors	Licensing	2,000	5.3	2,000	5.3										
		Research	36,715	120.9	36,715	120.9										
		Rulemaking (PL)	2,519	15.5	2,519	15.5										
		Training	259	6	259	6										
		Travel (PL)	1,337	0											1,337	
Grand Total			**48,283**	**254.6**	**45,178**	**174.7**	**675**	**4**	**389**	**1.3**	**31**	**0.4**	**222**	**6.4**	**1,789**	**67.8**

FY 2012 BUDGET RESOURCES FOR OFFICE OF NEW REACTORS

OFFICE	NRO

Program	Business Lines	Product Lines	Budget Resources Allocated to Fee Classes Total Contract ($,K)	Total FTE	Power Reactors Contract ($,K)	Power Reactors FTE	Hourly Rate Contract ($,K)	Hourly Rate FTE
Corporate Support	**Corporate Support**	Policy Support	0	2				2
	Office Support	Administrative Services	0	2				2
		Financial Mgmt.	0	11.5				11.5
		Human Resource Mgmt.	359	2			359	2
		Information Mgmt.	0	2				2
		Information Technology	0	3				3
		Support Staff	0	92				92
		Travel (PL)	108	0			108	
Nuclear Reactor Safety	**New Reactors**	International Activities	0	4		4		
		Licensing	18,662	265	18,662	265		
		Oversight	857	106.5	857	106.5		
		Rulemaking (PL)	220	6.1	220	6.1		
		Training	0	10		10		
		Travel (PL)	151	0			151	
	Operating Reactors	Licensing		8		8		
Grand Total			**20,357**	**514.1**	**19,739**	**399.6**	**618**	**114.5**

FY 2012 BUDGET RESOURCES FOR OFFICE OF NUCLEAR REACTOR REGULATIONS

OFFICE	NRR

Program	Business Lines	Product Lines	Budget Resources Allocated to Fee Classes: Total Contract ($,K)	Total FTE	Power Reactors Contract ($,K)	Power Reactors FTE	Fuel Facility Contract ($,K)	Fuel Facility FTE	Test & Research Reactors Contract ($,K)	Test & Research Reactors FTE	Fee Relief Contract ($,K)	Fee Relief FTE	Hourly Rate Contract ($,K)	Hourly Rate FTE
Corporate Support	**Corporate Support**	Outreach	695	2									695	2
	Office Support	Financial Mgmt.	0	11										11
		Human Resource Mgmt.	0	3.8										3.8
		Information Mgmt.	0	4.5										4.5
		Information Technology	41	0									41	
		Support Staff	0	102										102
		Travel (PL)	22	0									22	
Nuclear Materials and Waste Safety	**Fuel Facilities**	Licensing	0	0.3				0.3						
Nuclear Reactor Safety	**New Reactors**	Licensing	350	30.7	350	30.7								
		Oversight	150	13.8	150	13.8								
		Travel (PL)	2,174	0									2,174	
	Operating Reactors	International Activities	0	8		8								
		Licensing	6,286	318.2	4,607	290.4			87.1	2.8	1,592	25		
		Oversight	4,404	443.7	4,404	438.3				0.7		4.7		
		Rulemaking (PL)	100	30.2	100	30.2								
		Training	304	10	289	9.5			1.9	0.5	13			
		Travel (PL)	2,175	0									2,175	
Grand Total			**16,701**	**978.2**	**9,900**	**820.9**		**0.3**	**89**	**4**	**1,605**	**29.7**	**5,107**	**123.3**

FY 2012 BUDGET RESOURCES FOR REGIONAL OFFICES

Program	Program	Business Lines	Product Lines	Budget Resources Allocated to Fee Classes Total Contract ($,K)	Total FTE	Power Reactors Contract ($,K)	Power Reactors FTE	Hourly Rate Contract ($,K)	Hourly Rate FTE
Region I	Corporate Support	Corporate Support	Administrative Services	3,682	0			3,682	
			Information Mgmt.	227	0			227	
			Information Technology	582	0			582	
		Office Support	Administrative Services	0	3				3
			Financial Mgmt.	0	8				8
			Human Resource Mgmt.	338	5			338	5
			Information Mgmt.	87	1			87	1
			Information Technology	0	6				6
			Support Staff	0	56				56
	Nuclear Materials and Waste Safety	Decommissioning & LLW	Travel (PL)	39	0			39	
		Nuclear Materials Users	Travel (PL)	573	0			573	
		Spent Fuel Storage and Transportation	Travel (PL)	18	0			18	
	Nuclear Reactor Safety	New Reactors	Travel (PL)	26	0			26	
		Operating Reactors	Travel (PL)	2,610	0			2,610	
Region I Total				**8,182**	**79**			**8,182**	**79**
Region II	Corporate Support	Corporate Support	Administrative Services	3,222	0			3,222	
			Information Technology	693	0			693	
			Policy Support	0	1				1
		Office Support	Administrative Services	0	2.5				2.5
			Financial Mgmt.	116	9			116	9
			Human Resource Mgmt.	411	6			411	6
			Information Mgmt.	443	1.5			443	1.5
			Information Technology	0	4				4
			Support Staff	0	64.9				64.9
	Nuclear Materials and Waste Safety	Fuel Facilities	Travel (PL)	680	0			680	
		Nuclear Materials Users	Travel (PL)	22	0			22	
		Spent Fuel Storage and Transportation	Travel (PL)	6	0			6	
	Nuclear Reactor Safety	New Reactors	Travel (PL)	1,136	0			1,136	
		Operating Reactors	Travel (PL)	2,880	0			2,880	
Region II Total				**9,609**	**88.9**			**9,609**	**88.9**
Region III	Corporate Support	Corporate Support	Administrative Services	4,098	0			4,098	
			Information Mgmt.	0	0				
			Information Technology	405	0			405	
		Office Support	Administrative Services	0	6.5				6.5
			Financial Mgmt.	0	5				5
			Human Resource Mgmt.	196	4.5			196	4.5
			Information Mgmt.	186	3			186	3
			Information Technology	0	5.9				5.9
			Support Staff	0	48.5				48.5
			Travel (PL)	0	0				
	Nuclear Materials and Waste Safety	Decommissioning & LLW	Travel (PL)	44	0			44	
		Nuclear Materials Users	Travel (PL)	437	0			437	
		Spent Fuel Storage and Transportation	Travel (PL)	30	0			30	
	Nuclear Reactor Safety	New Reactors	Travel (PL)	0	0				
		New Reactors Total		0	0				
		Operating Reactors	Travel (PL)	2,232	0			2,232	
Region III Total				**7,628**	**73.4**			**7,628**	**73.4**
Region IV	Corporate Support	Corporate Support	Administrative Services	4,077	0			4,077	
			Information Technology	639	0			639	
		Office Support	Administrative Services	0	8				8
			Financial Mgmt.	0	6				6
			Human Resource Mgmt.	139	6			139	6
			Information Mgmt.	87	0			87	
			Information Technology	0	5.9				5.9
			Support Staff	0	43				43
	Nuclear Materials and Waste Safety	Decommissioning & LLW	Travel (PL)	34	0			34	
		Fuel Facilities	Travel (PL)	13	0			13	
		Nuclear Materials Users	Travel (PL)	559	0			559	
		Spent Fuel Storage and Transportation	Travel (PL)	48	0			48	
	Nuclear Reactor Safety	New Reactors	Travel (PL)	16	0			16	
		Operating Reactors	Event Response	495	0	495			
			Travel (PL)	3,219	0			3,219	
Region IV Total				**9,326**	**68.9**	**495**		**8,831**	**68.9**
Grand Total				**34,745**	**310.2**	**495**		**34,250**	**310.2**

FY 2012 BUDGET RESOURCES FOR OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

OFFICE	NMSS

Program	Business Lines	Product Lines	Budget Resources Allocated to Fee Classes: Total Contract ($,K)	Total FTE	Power Reactors Contract ($,K)	Power Reactors FTE	Spent Fuel Stor/Reactor Decomm. Contract ($,K)	Spent Fuel Stor/Reactor Decomm. FTE	Fuel Facility Contract ($,K)	Fuel Facility FTE	Transportation Contract ($,K)	Transportation FTE	Fee Relief Contract ($,K)	Fee Relief FTE	Hourly Rate Contract ($,K)	Hourly Rate FTE
Corporate Support	**Office Support**	Administrative Services	0	2												2
		Financial Mgmt.	0	6.5												6.5
		Human Resource Mgmt.	32	2.8											32	2.8
		Information Mgmt.	26	2											26	2
		Information Technology	42	2											42	2
		Support Staff	0	28												28
		Travel (PL)	50	0											50	
Nuclear Materials and Waste Safety	**Fuel Facilities**	International Activities	288	4									288	4		
		Licensing	555	23.8					555	23.8						
		Oversight	409	56.5					409	56.5						
		Rulemaking (PL)	225	3.5					225	3.5						
		Training	226	2.2					226	2.2						
		Travel (PL)	560	0											560	
	Spent Fuel Storage and Transportation	International Activities	275	3	75	1.5							200	1.5		
		Licensing	2,545	41	500	1	1,677	25.7		0.8	340.4	12.9	28	0.6		
		Oversight	0	16.3				11.4				4.8		0.1		
		Research	490	12	412	7	78	5								
		Rulemaking (PL)	1,075	8.7	525	0.5	475	6.1			73.2	2	2	0.1		
		Training	158	1.5	26		101	0.8			27.3	0.7	4			
		Travel (PL)	525	0											525	
Grand Total			**7,481**	**215.8**	**1,538**	**10**	**2,331**	**49**	**1,415**	**86.8**	**440.9**	**20.4**	**521**	**6.3**	**1,235**	**43.3**

FY 2012 BUDGET RESOURCES FOR OFFICE OF FEDERAL AND STATE MATERIALS AND ENVIROMENTAL MANAGEMENT PROGRAMS

OFFICE FSME

Program	Business Lines	Product Lines	Budget Resources Allocated to Fee Classes Total Contract ($,K)	Total FTE	Power Reactors Contract ($,K)	Power Reactors FTE	Spent Fuel Stor/Reactor Decomm. Contract ($,K)	Spent Fuel Stor/Reactor Decomm. FTE	Fuel Facility Contract ($,K)	Fuel Facility FTE	Materials Contract ($,K)	Materials FTE	Transportation Contract ($,K)	Transportation FTE	Uranium Recovery Contract ($,K)	Uranium Recovery FTE	Fee Relief Contract ($,K)	Fee Relief FTE	Hourly Rate Contract ($,K)	Hourly Rate FTE
Corporate Support	Office Support	Administrative Services	60	2															60	2
		Financial Mgmt.	39	10															39	10
		Human Resource Mgmt.	50	1															50	1
		Information Mgmt.	0	2																2
		Information Technology	0	1																1
		Support Staff	0	38																38
		Travel (PL)	29	0															29	
Nuclear Materials and Waste Safety	Decommissioning & LLW	International Activities	100	3													100	3		
		Licensing	4,230	47.6											2,531	16.1	1,699	31.5		
		Oversight	111	14.2				9.7									111	4.5		
		Rulemaking (PL)	550	3.2													550	3.2		
		Training	141	0.5													141	0.5		
		Travel (PL)	644	0															644	
	Fuel Facilities	Licensing	1,130	4.7					1,130	4.7										
		Rulemaking (PL)	50	0.3					50	0.3										
	Nuclear Materials Users	International Activities	0	2														2		
		Licensing	1,402	38.6							170	27					1,232	11.6		
		Oversight	1,780	47.9	6		3	0.1	3	0.7	335	26.1		0.3			1,433	20.7		
		Rulemaking (PL)	92	15.5				1.2	32	3.7	7	0.7		1.9		1	53	7		
		State Tribal and Federal Pgms	553	25.7						0.6	24	1.2		0.2		0.2	529	23.5		
		Training	83	1							79	0.5					4	0.5		
		Travel (PL)	1,651	0													1,052		599	
	Spent Fuel Storage and Transportation	Licensing	200	1.6			200	1.6												
		Rulemaking (PL)	0	0.5				0.5												
Nuclear Reactor Safety	Operating Reactors	Licensing		1		1														
		Oversight	0	8		8														
Grand Total			12,895	269.3	6	9	203	13.1	1,215	10	615	55.5		2.4	2,531	17.3	6,904	108	1,421	54

FY 2012 BUDGET RESOURCES FOR OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE

OFFICE: NSIR

Program	Business Lines	Product Lines	Budget Resources Allocated to Fee Classes: Total Contract ($,K)	Total FTE	Power Reactors Contract ($,K)	Power Reactors FTE	Spent Fuel Stor/Reactor Decomm. Contract ($,K)	Spent Fuel Stor/Reactor Decomm. FTE	Fuel Facility Contract ($,K)	Fuel Facility FTE	Materials Contract ($,K)	Materials FTE	Fee Relief Contract ($,K)	Fee Relief FTE	Hourly Rate Contract ($,K)	Hourly Rate FTE
Corporate Support	Corporate Support	Human Resource Mgmt.	28	0.5											28	0.5
		Information Mgmt.	2,422	7.2											2,422	7.2
	Office Support	Administrative Services	92	1											92	1
		Financial Mgmt.	61	6											61	6
		Human Resource Mgmt.	283	2											283	2
		Information Mgmt.	85	6.5											85	6.5
		Information Technology	225	2											225	2
		Support Staff	0	33												33
		Travel (PL)	100	0											100	
Nuclear Materials and Waste Safety	Fuel Facilities	Event Response	0	2.5						2.5						
		International Activities	0	0												
		Licensing	0	5.4						5.4						
		Oversight	142	9.1					142	9.1						
		Rulemaking (PL)	32	2.2					32	2.2						
		Training	30	0					30							
	Nuclear Materials Users	Event Response	0	3.5								0.6		2.9		
		International Activities	0	0												
		Licensing	0	0.1								0.1				
		Oversight	0	0.4								0.4				
		Training	25	0							24		1			
	Spent Fuel Storage and Transportation	Licensing	83	3.2				0.1	83	3.1						
		Oversight	0	1.8				1.8								
		Rulemaking (PL)	750	0.5					750	0.5						
Nuclear Reactor Safety	New Reactors	Licensing	1,300	15.9	1,300	15.9										
		Oversight	550	2.8	550	2.8										
		Rulemaking (PL)	150	0.3	150	0.3										
		Training	0	0												
		Travel (PL)	49	0											49	
	Operating Reactors	Event Response	4,439	38.4	4,439	38.4										
		Licensing	848	17.8	848	17.8										
		Oversight	3,031	68.1	3,031	68.1										
		Rulemaking (PL)	450	2.5	450	2.5										
		Training	60	3.5	60	3.5										
		Travel (PL)	307	0											307	
Grand Total			15,542	236.2	10,828	149.3		1.9	1,037	22.8	24	1.1	1	2.9	3,652	58.2

FY 2012 BUDGET RESOURCES FOR OFFICE OF GENERAL COUNSEL

OFFICE: OGC

Program	Business Lines	Product Lines	Budget Resources Allocated to Fee Classes: Total Contract ($,K)	Total FTE	Power Reactors Contract ($,K)	Power Reactors FTE	Spent Fuel Stor/Reactor Decomm. Contract ($,K)	Spent Fuel Stor/Reactor Decomm. FTE	Fuel Facilities Contract ($,K)	Fuel Facilities FTE	Materials Contract ($,K)	Materials FTE	Import/Export Contract ($,K)	Import/Export FTE	Fee Relief Contract ($,K)	Fee Relief FTE	Hourly Rate Contract ($,K)	Hourly Rate FTE
Corporate Support	Corporate Support	Policy Support	105	17.2													105	17.2
		Travel (PL)	64	0													64	
	Office Support	Financial Mgmt.	0	1														1
		Human Resource Mgmt.	78	1													78	1
		Information Mgmt.	488	2													488	2
		Information Technology	57	1													57	1
		Support Staff	0	22.3														22.3
		Travel (PL)	1	0													1	0
Nuclear Materials and Waste Safety	Decommissioning & LLW	Licensing	0	7.6								0.2				7.4		
		Rulemaking (PL)	0	0														
		Travel (PL)	27	0													27	
	Fuel Facilities	Licensing	0	3.8						3.8								
		Rulemaking (PL)	0	0														
		Travel (PL)	16	0													16	
	Nuclear Materials Users	International Activities	0	0.7										0.7				
		Licensing	0	3.6								3.4				0.2		
		Rulemaking (PL)	0	0.5								0.5						
		State Tribal and Federal Pgms	0	1												1		
		Travel (PL)	30	0													30	
	Spent Fuel Storage and Transportation	Licensing	0	0.8								0.8						
		Rulemaking (PL)	0	0.2				0.2										
Nuclear Reactor Safety	New Reactors	Licensing	0	27.2		27.2												
		Rulemaking (PL)	0	0.5		0.5												
		Travel (PL)	156	0													156	
	Operating Reactors	Licensing	0	17.4		17.4												
		Oversight	0	2		2												
		Rulemaking (PL)	0	0.7		0.7												
		Travel (PL)	48	0													48	
Grand Total			1,070	110.5		47.8		0.2		3.8		4.9		0.7		8.6	1,070	44.5

FY 2012 BUDGET RESOURCES FOR ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

OFFICE	ACRS

Program	Business Lines	Product Lines	Budget Resources Allocated to Fee Classes: Total Contract ($,K)	Total FTE	Power Reactors Contract ($,K)	Power Reactors FTE	Materials Contract ($,K)	Materials FTE	Fee Relief Contract ($,K)	Fee Relief FTE	Hourly Rate Contract ($,K)	Hourly Rate FTE
Corporate Support	**Office Support**	Human Resource Mgmt.	50	0							50	
		Information Technology	85	0							85	
		Support Staff	0	7								7
Nuclear Materials and Waste Safety	**Decommissioning & LLW**	Licensing	0	1						1		
		Travel (PL)	16	0							16	
	Fuel Facilities	Licensing	0	1				1				
		Travel (PL)	31	0							31	
Nuclear Reactor Safety	**New Reactors**	Licensing	79	13	79	13						
		Travel (PL)	252	0							252	
	Operating Reactors	Licensing	113	17	113	17						
		Travel (PL)	541	0							541	
Grand Total			**1,167**	**39**	**192**	**30**		**1**		**1**	**975**	**7**

FY 2012 BUDGET RESOURCES FOR OFFICE OF INTERNATIONAL PROGRAMS

OFFICE	OIP

Program	Business Lines	Product Lines	Budget Resources Allocated to Fee Classes: Total Contract ($,K)	Total FTE	Import/Export Contract ($,K)	Import/Export FTE	Fee Relief Contract ($,K)	Fee Relief FTE	Hourly Rate Contract ($,K)	Hourly Rate FTE
Corporate Support	**Corporate Support**	Policy Support	6,250	15					6,250	15
	Office Support	Financial Mgmt.	0	2						2
		Human Resource Mgmt.	16	0					16	
		Information Technology	12	0					12	
		Support Staff	0	10						10
		Travel (PL)	349	0					349	
Nuclear Materials and Waste Safety	**Decommissioning & LLW**	International Activities	0	1				1		
	Nuclear Materials Users	International Activities	0	6		2		4		
Nuclear Reactor Safety	**New Reactors**	International Activities	0	3				3		
	Operating Reactors	International Activities	0	3		0		3		
Grand Total			**6,627**	**40**		**2**		**11**	**6,627**	**27**

FY 2012 BUDGET RESOURCES FOR OFFICE OF ENFORCEMENT

OFFICE	OE

Program	Business Lines	Product Lines	Budget Resources Allocated to Fee Classes: Total Contract ($,K)	Total FTE	Power Reactors Contract ($,K)	Power Reactors FTE	Spent Fuel Stor/Reactor Decomm. Contract ($,K)	Spent Fuel Stor/Reactor Decomm. FTE	Fuel Facilities Contract ($,K)	Fuel Facilities FTE	Materials Contract ($,K)	Materials FTE	Fee Relief Contract ($,K)	Fee Relief FTE	Hourly Rate Contract ($,K)	Hourly Rate FTE
Corporate Support	Corporate Support	Human Resource Mgmt.	272	3											272	3
	Office Support	Human Resource Mgmt.	72	0											72	
		Information Mgmt.	0	0.5												0.5
		Information Technology	0	0.5												0.5
		Support Staff	0	6												6
Nuclear Materials and Waste Safety	Fuel Facilities	Oversight	10	2.5					10	2.5						
		Travel (PL)	11	0											11	
	Nuclear Materials Users	Oversight	47	9.5			2.35	0.5			42	8.7	2	0.2		
		Travel (PL)	83	0											83	
Nuclear Reactor Safety	New Reactors	Oversight	6	2	6	1.94	0.06	0.0								
		Travel (PL)	8	0											8	
	Operating Reactors	Oversight	191	18	185	17.46	1.96	0.2					2	0.1		
		Travel (PL)	99	0											99	
Grand Total			799	42	191	19.4	4.37	0.7	10	2.5	42	8.7	4	0.3	545	10

FY 2012 BUDGET RESOURCES FOR OFFICE OF INVESTIGATIONS

OFFICE	OI

Program	Business Lines	Product Lines	Budget Resources Allocated to Fee Classes: Total Contract ($,K)	Total FTE	Power Reactors Contract ($,K)	Power Reactors FTE	Materials Contract ($,K)	Materials FTE	Fee Relief Contract ($,K)	Fee Relief FTE	Hourly Rate Contract ($,K)	Hourly Rate FTE
Corporate Support	**Office Support**	Human Resource Mgmt.	51	0							51	
		Information Technology	90	0							90	
		Support Staff	0	10								10
Nuclear Materials and Waste Safety	**Nuclear Materials Users**	Oversight	0	6				5.7		0.3		
		Travel (PL)	152	0							152	
Nuclear Reactor Safety	**New Reactors**	Oversight	0	0.5		0.5						
		Travel (PL)	46	0							46	
	Operating Reactors	Oversight	85	24	85	24						
		Travel (PL)	421	0							421	
Grand Total			**845**	**40.5**	**85**	**24.5**		**5.7**		**0.3**	**760**	**10**

FY 2012 BUDGET RESOURCES FOR ATOMIC SAFETY AND LICENSING BOARD

OFFICE	ASLBP

Program	Business Lines	Product Lines	Budget Resources Allocated to Fee Classes Total Contract ($,K)	Total FTE	Power Reactors Contract ($,K)	Power Reactors FTE	Fuel Facilities Contract ($,K)	Fuel Facilities FTE	Materials Contract ($,K)	Materials FTE	Uranium Recovery Contract ($,K)	Uranium Recovery FTE	Fee Relief Contract ($,K)	Fee Relief FTE	Hourly Rate Contract ($,K)	Hourly Rate FTE
Corporate Support	**Corporate Support**	Administrative Services	834	1											834	1
	Office Support	Human Resource Mgmt.	125	0											125	
		Support Staff	0	6												6
Nuclear Materials and Waste Safety	**Decommissioning & LLW**	Licensing	10	1							10	1				
		Travel (PL)	82	0											82	
	Fuel Facilities	Licensing	60	4			60	4								
		Travel (PL)	57	0											57	
	Nuclear Materials Users	Licensing	81	2					77	1.9			4	0.1		
		Travel (PL)	94	0											94	
Nuclear Reactor Safety	**New Reactors**	Licensing	1,575	19	1,575	19										
		Travel (PL)	168	0											168	
	Operating Reactors	Licensing	77	7	77	7										
		Travel (PL)	72	0											72	
Grand Total			3,235	40	1,652	26	60	4	77	1.9	10	1	4	0.1	1,432	7

FY 2012 BUDGET RESOURCES FOR OFFICE OF HUMAN RESOURCES

OFFICE	HR

Program	Business Lines	Product Lines	Budget Resources Allocated to Fee Classes: Total Contract ($,K)	Total FTE	Power Reactors Contract ($,K)	Power Reactors FTE	Spent Fuel Stor/Reactor Decomm. Contract ($,K)	Spent Fuel Stor/Reactor Decomm. FTE	Fuel Facilities Contract ($,K)	Fuel Facilities FTE	Test & Research Reactors Contract ($,K)	Test & Research Reactors FTE	Materials Contract ($,K)	Materials FTE	Transportation Contract ($,K)	Transportation FTE	Uranium Recovery Contract ($,K)	Uranium Recovery FTE	Fee Relief Contract ($,K)	Fee Relief FTE	Hourly Rate Contract ($,K)	Hourly Rate FTE
Corporate Support	Corporate Support	Administrative Services	0	0																		
		Human Resource Mgmt.	6,745	54																	6,745	54
		Information Mgmt.	0	1																		1
		Outreach	15,000	0															15,000			
		Policy Support	0	1																		1
		Travel (PL)	837	0																	837	
	Office Support	Administrative Services	0	0																		
		Financial Mgmt.	157	3																	157	3
		Human Resource Mgmt.	128	0																	128	
		Information Technology	46	0																	46	
		Support Staff	0	21																		21
		Travel (PL)	9	0																	9	
Nuclear Materials and Waste Safety	Decommissioning & LLW	Training	77	0	3		11		21				13		4		3		22			
	Nuclear Materials Users	Training	1,788	2	48		259	0.3	498	0.6			39	0	87	0.1	69	0.1	789	0.9		
Nuclear Reactor Safety	New Reactors	International Activities	0	0																		
		Oversight	172	2	166	2			1		1								4			
		Training	1,733	11	1,680	10.7			12	0.1	6								35	0.2		
		Travel (PL)	91	0																	91	
	Operating Reactors	Oversight	435	3	422	2.9			3		1								9	0.1		
		Training	1,535	22	1,489	21.2			11	0.2	4	0.1							31	0.5		
		Travel (PL)	180	0																	180	
Grand Total			28,933	120	3,808	36.8	270	0.3	546	0.9	12	0.1	52	0	91	0.1	72	0.1	15,890	1.7	8,193	80

FY 2012 BUDGET RESOURCES FOR OFFICE OF ADMINISTRATION

OFFICE	ADM

Program	Business Lines	Product Lines	Budget Resources Allocated to Fee Classes: Total Contract ($,K)	Total FTE	Power Reactors Contract ($,K)	Power Reactors FTE	Fee Relief Contract ($,K)	Fee Relief FTE	Hourly Rate Contract ($,K)	Hourly Rate FTE
Corporate Support	**Corporate Support**	Administrative Services	72,619	79					72,619	79
		Financial Mgmt.	5,775	45					5,775	45
		Human Resource Mgmt.	0	1						1
		Information Mgmt.	272	0					272	
		Policy Support	78	0					78	
		Travel (PL)	73	0					73	
	Office Support	Administrative Services	580	0					580	
		Financial Mgmt.	0	3						3
		Human Resource Mgmt.	102	1					102	1
		Information Mgmt.	0	1						1
		Information Technology	269	0					269	
		Support Staff	0	33						33
		Travel (PL)	2	0					2	
Nuclear Reactor Safety	**New Reactors**	Licensing	30,804	1	30,804	1				
	Operating Reactors	International Activities	0	0						
Grand Total			**110,574**	**164**	**30,804**	**1**			**79,770**	**163**

Omnibus Budget Reconciliation Act of 1990
(OBRA-90)

Referenced throughout the proposed rule

This document is provided as supplemental information. The proposed amendments to 10 CFR Parts 170 and 171 are necessary to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended. The OBRA-90, as amended, requires that the NRC recover approximately 90 percent of its budget authority in fiscal year 2012, less the amounts appropriated for Waste Incidental to Reprocessing, and amounts appropriated for generic homeland security activities.

OBRA

Westlaw.

42 U.S.C.A. § 2214

Effective: November 19, 2005

United States Code Annotated Currentness
Title 42. The Public Health and Welfare
Chapter 23. Development and Control of Atomic Energy (Refs & Annos)
Division A. Atomic Energy
Subchapter XIII. General Authority of Commission (Refs & Annos)

§ 2214. NRC user fees and annual charges

(a) Annual assessment

(1) In general

Except as provided in paragraph (3), the Nuclear Regulatory Commission (in this section referred to as the "Commission") shall annually assess and collect such fees and charges as are described in subsections (b) and (c) of this section.

(2) First assessment

The first assessment of fees under subsection (b) of this section and annual charges under subsection (c) of this section shall be made not later than September 30, 1991.

(3) Last assessment of annual charges

The last assessment of annual charges under subsection (c) of this section shall be made not later than September 20, 2005.

(b) Fees for service or thing of value

Pursuant to section 9701 of Title 31, any person who receives a service or thing of value from the Commission shall pay fees to cover the Commission's costs in providing any such service or thing of value.

(c) Annual charges

(1) Persons subject to charge

Except as provided in paragraph (4), any licensee or certificate holder of the Commission may be required to pay, in addition to the fees set forth in subsection (b) of this section, an annual charge.

(2) Aggregate amount of charges

(A) In general

The aggregate amount of the annual charges collected from all licensees and certificate holders in a fiscal year shall equal an amount that approximates the percentages of the budget authority of the Commission for the fiscal year stated in subparagraph (B), less--

(i) amounts collected under subsection (b) of this section during the fiscal year; and

(ii) amounts appropriated to the Commission from the Nuclear Waste Fund for the fiscal year.

(B) Percentages

The percentages referred to in subparagraph (A) are--

(i) 98 percent for fiscal year 2001;

(ii) 96 percent for fiscal year 2002;

(iii) 94 percent for fiscal year 2003;

(iv) 92 percent for fiscal year 2004; and

(v) 90 percent for fiscal year 2005 and fiscal year 2006.

(3) Amount per licensee

The Commission shall establish, by rule, a schedule of charges fairly and equitably allocating the aggregate amount of charges described in paragraph (2) among licensees. To the maximum extent practicable, the charges shall have a reasonable relationship to the cost of providing regulatory services and may be based on the allocation of the Commission's resources among licensees or classes of licensees.

(4) Exemption

(A) In general

Paragraph (1) shall not apply to the holder of any license for a federally owned research reactor used primarily for educational training and academic research purposes.

(B) Research reactor

For purposes of subparagraph (A), the term "research reactor" means a nuclear reactor that--

(i) is licensed by the Nuclear Regulatory Commission under section 2134(c) of this title for operation at a thermal power level of 10 megawatts or less; and

(ii) if so licensed for operation at a thermal power level of more than 1 megawatt, does not contain--

(I) a circulating loop through the core in which the licensee conducts fuel experiments;

(II) a liquid fuel loading; or

(III) an experimental facility in the core in excess of 16 square inches in cross-section.

(d) "Nuclear Waste Fund" defined

As used in this section, the term "Nuclear Waste Fund" means the fund established pursuant to section 10222(c) of this title.

CREDIT(S)

(Pub.L. 101-508, Title VI, § 6101, Nov. 5, 1990, 104 Stat. 1388-298; Pub.L. 102-486, Title XXIX, § 2903(a), Oct. 24, 1992, 106 Stat. 3125; Pub.L. 103-66, Title VII, § 7001, Aug. 10, 1993, 107 Stat. 401; Pub.L. 105-245, Title V, § 505, Oct. 7, 1998, 112 Stat. 1856; Pub.L. 106-60, Title VI, § 604, Sept. 29, 1999, 113 Stat. 501; Pub.L. 106-377, § 1(a)(2) [Title VIII], Oct. 27, 2000, 114 Stat. 1441, 1441A-86; Pub.L. 109-103, Title IV, Nov. 19, 2005, 119 Stat. 2283.)

AMENDMENT OF SUBSEC. (A).

<Pub.L. 109-58, Title VI, § 637(a)(1), (c), Aug. 8, 2005, 119 Stat. 791, provided that, effective Oct. 1, 2006, subsec. (a) of this section is amended:>

<by striking "Except as provided in paragraph (3), the" and inserting "The" in paragraph (1); and>

<by striking paragraph (3).>

AMENDMENT OF SUBSEC. (C).

<Pub.L. 109-58, Title VI, § 637(a)(2), (c), Aug. 8, 2005, 119 Stat. 791, provided that, effective Oct. 1, 2006, subsec. (c) of this section is amended:>

<by striking "and" at the end of paragraph (2)(A)(i);>

<by striking the period at the end of paragraph (2)(A)(ii) and inserting a semicolon;>

<by adding at the end of paragraph (2)(A) the following new clauses:>

<(iii) amounts appropriated to the Commission for the fiscal year for implementation of section 3116 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005; and>

<(iv) amounts appropriated to the Commission for homeland security activities of the Commission for the fiscal year, except for the costs of fingerprinting and background checks required by section 2169 of this title and the costs of conducting security inspections.>

<by amending paragraph (2)(B)(v) to read as follows:>

<(v) 90 percent for fiscal year 2005 and each fiscal year thereafter.>

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1990 Acts. House Report No. 101-881, House Conference Report No. 101-964, and Statement by President, see 1990 U.S. Code Cong. and Adm. News, p. 2017.

1992 Acts. House Report No. 102-474(Parts I to IX). House Conference Report No. 102-1018, and Statement by President, see 1992 U.S. Code Cong. and Adm. News, p. 1953.

1993 Acts. House Report No. 103-111 and House Conference Report No. 103-213, see 1993 U.S. Code Cong. and Adm. News, p. 378.

1998 Acts. House Conference Report No. 105-749, see 1998 U.S. Code Cong. and Adm. News, p. 457.

1999 Acts. Statement by President, see 1999 U.S. Code Cong. and Adm. News, p. 93.

2000 Acts. House Conference Report No. 106-988, see 2000 U.S. Code Cong. and Adm. News, p. 1217.

2005 Acts. House Conference Report No. 109-190, see 2005 U.S. Code Cong. and Adm. News, p. 448.

Statement by President, see 2005 U.S. Code Cong. and Adm. News, p. S17.

References in Text

Section 3116 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, referred to in subsec. (c)(2)(A)(iii), is Pub.L. 108-375, Div. C, Title XXXI, § 3116, Oct. 28, 2004, 118 Stat. 2162, which is set out as a note under 50 U.S.C.A. § 2601.

Codifications

Amendment by Pub.L. 106-377, directing the substitution of "September 20, 2005" for "September 30, 1999" was executed by substituting "September 20, 2005" for "September 30, 2000", as the probable intent of Congress, in light of prior amendment by section 604 of Pub.L. 106-60 which struck out "September 30, 1999" and inserted "September 30, 2000". See 1999 Amendments note set out under this section.

Section 6101(e) of Pub.L. 101-508, omitted from this section, amended section 2213 of this title.

Section was enacted as part of the Omnibus Budget Reconciliation Act of 1990, not as part of the Atomic Energy Act of 1954, which comprises this chapter.

Amendments

2005 Amendments. Subsec. (a)(1). Pub.L. 109-58, § 637(a)(1)(A), struck out "Except as provided in paragraph (3), the" and inserted "The".

Subsec. (a)(3). Pub.L. 109-58, § 637(a)(1)(B), struck out par. (3), which formerly read:

"(3) **Last assessment of annual charges**

"The last assessment of annual charges under subsection (c) of this section shall be made not later than September 20, 2005."

Subsec. (c)(2)(A)(i). Pub.L. 109-58, § 637(a)(2)(A), struck out "and" at the end of cl. (i).

Subsec. (c)(2)(A)(ii). Pub.L. 109-58, § 637(a)(2)(B), struck out the period at the end of cl. (ii) and inserted a semicolon.

Subsec. (c)(2)(A)(iii), (iv). Pub.L. 109-58, § 637(a)(2)(C), added cls. (iii) and (iv).

Subsec. (c)(2)(B)(v). Pub.L. 109-103, Title IV, in cl. (v), inserted "and fiscal year 2006" after "for fiscal year 2005".

Pub.L. 109-58, § 637(a)(2)(D), rewrote cl. (v), which, prior to the amendment made by Pub.L. 109-103, formerly read: "(v) 90 percent for fiscal year 2005."

2000 Amendments. Subsec. (a)(3). Pub.L. 106-377, § 1(a)(2) [Title VIII, (1)], substituted "September 20, 2005" for "September 30, 1999". See Codifications note set out under this section.

Subsec. (c)(1). Pub.L. 106-377, § 1(a)(2) [Title VIII, (2)(A)], substituted "any licensee or certificate holder of the Commission" for "any licensee of the Commission".

Subsec. (c)(2). Pub.L. 106-377, § 1(a)(2) [Title VIII, (2)(B)], rewrote par. (2), which formerly read:

"(2) **Aggregate amount of charges**

"The aggregate amount of the annual charge collected from all licensees shall equal an amount that approximates 100 percent of the budget authority of the Commission in the fiscal year in which such charge is collected, less any amount appropriated to the Commission from the Nuclear Waste Fund and the amount of fees collected under subsection (b) of this section in such fiscal year."

1999 Amendments. Subsec. (a)(3). Pub.L. 106-60, § 604, struck "September 30, 1999" and inserted "September 30, 2000". See Codifications note set out under this section.

1998 Amendments. Subsec. (a)(3). Pub.L. 105-245, § 505, substituted "September 30, 1999" for "September 30, 1998".

1993 Amendments. Subsec. (a)(3). Pub.L. 103-66, § 7001, extended latest date for last assessment of annual charges from Sept. 30, 1995, to Sept. 30, 1998.

1992 Amendments. Subsec. (c)(1). Pub.L. 102-486, § 2903(a)(1), substituted "Except as provided in paragraph (4), any licensee" for "Any licensee".

Subsec. (c)(4). Pub.L. 102-486, § 2903(a)(2), added par. (4).

Effective and Applicability Provisions

2005 Acts. Pub.L. 109-58, Title VI, § 637(c), Aug. 8, 2005, 119 Stat. 791, provided that: "The amendments made by this section [amending this section and repealing 42 U.S.C.A. § 2213] take effect on October 1, 2006."

1992 Acts. Section 2903(b) of Pub.L. 102-486 provided that: "The amendments made [sic] subsection (a) [amending subsec. (c)] shall apply to annual charges assessed under section 6101(c) of the Omnibus Budget Reconciliation Act of 1990 [subsec. (c) of this section] for fiscal year 1992 or any succeeding fiscal year."

Policy Review

Section 2903(c) of Pub.L. 102-486 provided that: "The Nuclear Regulatory Commission shall review its policy for assessment of annual charges under section 6101(c) of the Omnibus Budget Reconciliation Act of 1990 [subsec. (c) of this section], solicit public comment on the need for changes to such policy, and recommend to the Congress such changes in existing law as the Commission finds are needed to prevent the placement of an unfair burden on certain licensees of the Commission, in particular those that hold licenses to operate federally owned research reactors used primarily for educational training and academic research purposes."

LIBRARY REFERENCES

American Digest System

Licenses ⚿28.

United States ⚿53(6.1).

Key Number System Topic Nos. 238, 393.

NOTES OF DECISIONS

Exemptions 1

1. Exemptions

Low enriched uranium (LEU) manufacturing licensee was entitled to exemption from Nuclear Regulatory Commission (NRC) rule apportioning Omnibus Reconciliation Act (OBRA) fees on per license basis where licensee owned and operated two LEU facilities, each separately licensed, which in the aggregate were operationally equivalent to a single-plant, single-license facility. Allied-Signal, Inc. v. U.S. Nuclear Regulatory Com'n, C.A.D.C.1993, 988 F.2d 146, 300 U.S.App.D.C. 198. Electricity ⚿ 10

42 U.S.C.A. § 2214

Current through P.L. 109-169, P.L. 109-173 approved 02-15-06

END OF DOCUMENT

Court Decision, 1993

Allied Signal, Inc. v. NRC and *Combustion Engineering v. NRC*

This document is provided as supplemental information. In 1990 Congress required the NRC to collect annual charges and user fees approximating 100 percent of the agency's budget, effective for fiscal year 1991. NRC's FY 1991 fee rule imposed annual charges against virtually all of the agency's licensees in an effort to be more fair and equitable. Previously, it had levied annual charges only on operating nuclear power reactors, which constitute the most significant group of NRC licensees.

On July 10, 1991 (56 FR 31472), the NRC published a final rule in the *Federal Register* that established the Part 170 professional hourly rate and the materials licensing and inspection fees, as well as the Part 171 annual fees, to be assessed to recover approximately 100 percent of the FY 1991 budget. In addition to establishing the FY 1991 fees, the final rule established the underlying basis and methodology for determining both the Part 170 hourly rate and fees and the Part 171 annual fees. The FY 1991 rule was challenged in Federal court by *Allied Signal, Inc. v. NRC* and *Combustion Engineering v. NRC.*

The court remanded two issues to the NRC for further consideration. Despite the remand, the court did not vacate the rule. One of the remanded issues related to the exemption from annual fees for nonprofit educational institutions. The second remand issue dealt with LLW disposal costs.

2 of 13 DOCUMENTS

Allied-Signal, Inc., Petitioner v. U.S. Nuclear Regulatory Commission and the United States of America, Respondents Combustion Engineering, Inc., Petitioner v. U. S. Nuclear Regulatory Commission and the United States of America, Respondents Combustion Engineering, Inc., Petitioner v. U. S. Nuclear Regulatory Commission and the United States of America, Respondents Allied-Signal, Inc., Petitioner v. U. S. Nuclear Regulatory Commission, Respondent

No. 91-1407, No. 91-1435, No. 92-1001, No. 92-1019

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

300 U.S. App. D.C. 198; 988 F.2d 146; 1993 U.S. App. LEXIS 4684

November 5, 1992, Argued
March 16, 1993, Decided

PRIOR HISTORY: [**1] Petitions for Review of An Order of the U.S. Nuclear Regulatory Commission.

COUNSEL: John Hoff, with whom Leonard A. Miller was on the brief, for petitioner Allied Signal, Inc. in Nos. 91-1407 and 92-1019.

Harold F. Reis, with whom Michael F. Healy was on the brief, for petitioner Combustion Engineering, Inc. in Nos. 91-1435 and 92-1001.

L. Michael Rafky, with whom William C. Parler, General Counsel, John F. Cordes, Sr., Solicitor, and E. Leo Slaggie, Deputy Solicitor, U.S. Nuclear Regulatory Commission, and Katherine Adams, Attorney, Department of Justice, were on the brief, for respondents.

JUDGES: Before: Silberman, Williams and D.H. Ginsburg, Circuit Judges. Opinion for the Court filed by Circuit Judge Williams.

OPINION BY: WILLIAMS

OPINION:

[*148] Williams, *Circuit Judge*:

Congress has directed the Nuclear Regulatory Commission to recover 100% of its costs from those who receive its regulatory "services" and to allocate the costs "fairly and equitably" among those recipients. Petitioners Allied Signal and Combustion Engineering challenge an NRC rule making that allocation; they also attack the NRC's denial of various requested exemptions from the fees. They allege that the Commission's [**2] actions did not satisfy Congress's "fair[] and equitable" standard and also were arbitrary and capricious. We agree in part and remand the case to the Commission.

Under authority granted in the Independent Offices Appropriation Act of 1952 ("IOAA"), *31 U.S.C. § 9701*, the Commission has long charged fees to any person who received a "service or thing of value" from the Commission. (That term includes, perhaps oxymoronically, "regulatory services" such as permit processing.) In 1986, Congress expanded the NRC's recovery authority in the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA"), Pub. L. No. 99-272, 100 Stat. 147, and authorized it to recover 33% of its total annual budget through fees. Because IOAA fees could not generate that sum, Congress allowed the NRC to assess fees not only for the service-specific costs covered by IOAA but also for the Commission's *generic* costs of operation (e.g., costs associated with rulemaking proceedings or safety research). Later acts raised the budget recovery level to 45% for the years 1988 through 1990. n1 In carrying out the 33% and 45% recovery mandates, the Commission imposed fees for [**3] generic costs only on licensees who operated nuclear

power reactors, reasoning that they absorbed the most regulatory resources. See *Florida Power and Light Co. v. United States, 269 U.S. App. D.C. 377, 846 F.2d 765 (D.C. Cir. 1988).*

n1 See *Omnibus Budget Reconciliation Act of 1987*, Pub. L. No. 100-203, 101 Stat. 1330-275; *Omnibus Reconciliation Act of 1989*, Pub. L. No. 101-239, 103 Stat. 2132.

In the 1990 Omnibus Reconciliation Act ("1990 OBRA"), Pub. L. No. 101-508, 104 Stat. 1388-299, Congress raised the recovery mandate for 1991-95 to 100% of the Commission's budget, see Pub. L. No. 101-508, § 6101 (codified at *42 U.S.C. § 2214),* and told the Commission to promulgate a rule apportioning the generic fees "fairly and equitably" among licensees. *Id.* at § 6101(c)(3) (codified at *42 U.S.C. § 2214*(c)(3)). The legislation further said that "to the maximum extent practicable, the charges [assessed by the rule] shall have a reasonable [**4] relationship to the cost of providing regulatory services and may be based on the allocation of the Commission's resources among licensees or classes of licensees." *Id.* After notice and comment, the Commission issued a rule purporting to carry out these directions. In doing so, it imposed fees on virtually all licensees. See Revision of Fee Schedules; 100% Fee Recovery (the "Final Rule"), *56 Fed. Reg. 31,472* (July 10, 1991) (codified at 10 CFR §§ 52, 71, 170, and 171).

[*149] I

Allied, a uranium hexaflouride (UF) converter, first complains about the Commission's failure to consider the inability of UF converters to "pass through" OBRA fees to customers--i.e., to recoup them in whole or in part by raising prices. Allied asserts that the Commission's treatment of the issue was inconsistent with OBRA and also with the NRC's treatment of other licensees' passthrough capability.

Allied's claim rests on simple facts. It explains that domestic UF converters compete with foreign UF converters who are not subject to NRC licensing and thus are not required to pay NRC fees. Competition, it says, is stiff; success in bidding on UF conversion contracts often turns on [**5] differentials as small as one cent per pound. Fees imposed under the Final Rule, however, add up to almost five cents per pound of UF. Because adding the fee to their prices will drive customers to foreign converters, domestic UF converters cannot pass the costs forward. Allied draws a sharp contrast between UF converters and other NRC licensees such as electric utilities, which it says are readily able to pass the costs on to customers. The Commission disputes none of these assertions.

Allied's statutory theory rests both on the 1990 OBRA and on the legislative history of 1986 COBRA--the latter being explicitly linked to the 1990 OBRA via *its* legislative history. Section 6201(c)(3) of the 1990 OBRA (codified at *42 U.S.C. § 2214*(c)(3)), provides that

> the Commission shall establish, by rule, a schedule of charges *fairly and equitably* allocating the aggregate amount of charges ... [necessary to recoup 100% of the Commission's budget].

(Emphasis added.) The Conference Report to the 1990 OBRA states that the Commission has "the discretion ... to assess annual charges against all of its licensees." H.R. Conf. Rep. No. 964, 101st Cong., [**6] 2d Sess. (1990), at 961. At the same time, however, the Report expressly "reaffirms the statement of the [floor] managers [of 1986 COBRA] on the present authority" of the NRC to assess fees. *Id.* That statement in turn declared that it was the "intention of the conferees that, because certain Commission licensees, such as universities, hospitals, research and medical institutions, and uranium producers have *limited ability to pass through the costs of these charges* to the ultimate consumer, the Commission should *take this factor into account* in determining whether to modify [its] current fee schedule for such licensees." 132 Cong. Rec. H3797/3 (March 6, 1986) (emphases added).

The statutory language and legislative history do not, in our view, add up to an inexorable mandate to protect classes of licensees with limited ability to pass fees forward. Even the 1986 legislative history, written in the context of COBRA's less-demanding 33% recovery mandate, only directed the Commission to "take ... account" of passthrough considerations, which would not necessarily entail that those considerations control. Moreover, the 1990 Conference Report explicitly said that Congress preserved [**7] NRC's discretion to impose fees on "one or more classes of

non-power-reactor licensees if the Commission believes it can fairly, equitably, and practicably do so." H.R. Conf. Rep. No. 964, 101st Cong., 2d Sess. (1990), at 961. Even if we were to give the legislative history great weight, we could not conclude that Congress has "directly spoken" to whether the Commission must spare licensees that cannot pass the fees forward. See *Chevron v. Natural Resources Defense Council, 467 U.S. 837, 842, 81 L. Ed. 2d 694, 104 S. Ct. 2778 (1984).* The question therefore is whether the Commission's interpretation is reasonable. See *id. at 845; Chemical Manufacturers Ass'n v. EPA, 287 U.S. App. D.C. 49, 919 F.2d 158, 162-63 (D.C. Cir. 1990).*

The Commission offered two justifications for its decision to disregard the passthrough concerns of UF converters. First, it argued that it could not adjust fees based on competitive impact because the 100% recovery mandate of 1990 OBRA [*150] would require any abatement of fees for one class of licensees to be recouped from others. See Final Rule, *56 Fed. Reg. at 31,476;* Letter of NRC Denying Allied Exemption [**8] Request at 3-4. However, while one could argue that it is unfair to charge any regulatee more than its pro rata share of generic costs (and not unfair to excuse some regulatees from paying all of their pro rata share when less than 100 percent must be recovered), that potential explanation does not carry the day here. The Commission's willingness to make an exemption for nonprofit educational institutions belies the assertion that it will not charge any regulatee more than its pro rata share.

Nonetheless, the Commission also pointed to an entirely legitimate concern--the difficulty of assessing the ability of its 9000 licensees to pass through costs. See NRC Denial of Allied Exemption Request at 4. A firm's ability to pass through a burden to its customers depends on the price elasticities of supply and demand. "Inelastic suppliers and demanders pay taxes." Donald N. McCloskey, The Applied Theory of Price 324 (1982). (While the fees are technically not taxes, the same principle applies to costs generally.) Because these elasticities are typically hard to discover with much confidence, the Commission's refusal to read the statute as a rigid mandate to do so is not only understandable [**9] but reasonable.

It does not follow, however, that the Commission's application of the statute was in every respect reasonable. If capacity to pass the fees through can be determined with reasonable accuracy and at reasonable cost for specific classes of licensees, there appears no reason why the Commission should not do so. In fact, the Commission *has* made such a determination for another class of licensees, even though that class's claim seems no better founded than the claim of the domestic UF converters.

Specifically, in the Final Rule the Commission exempted nonprofit educational institutions from payment of certain 1990 OBRA fees. See *56 Fed. Reg. at 31,487/1-2, 31,491/1-2; 10 CFR § 171.11(a).* This appears to be based at least in part on the rationale that such institutions "have a limited ability to pass the[] costs on to others." Final Rule, *56 Fed. Reg. at 31,477/1-2* (1991). n2 See also *56 Fed. Reg. at 31,487/2* (speaking of educational institutions' "limited ability to pass regulatory costs through to their clients").

> n2 This passage relates to the service-specific fees, but no independent justification for the exemption from generic costs appears, and the Commission here seems to assume that the explanation extends to the generic. See Commission Brief at 8, 19-20.

[**10]

The Commission nowhere explains how it was able to make this finding for non-profits but is not able to resolve the elasticity claim one way or the other for domestic UF converters. The Commission does not so much as hint at data relating to the markets in which educational institutions serve their "clients". n3 Neither does the Commission explain why a demand elasticity calculation was any easier or less costly to complete for educational institutions than for UF converters. Thus the Commission's denial of relief for UF converters, both at the rulemaking and the exemption stages, cannot be viewed as reasoned decision-making.

> n3 We note that for educational institutions with certain types of licenses, the exemption is unavailable with respect to activities such as "remunerated services ... [performed for] other persons" and "activities performed under a Government contract". See *10 CFR § 171.11(a)(2) &* (4). This exclusion from the exemption, however, is limited to specific types of licenses, namely "byproduct, source or special

nuclear material licenses."

[**11]

An inadequately supported rule, however, need not necessarily be vacated. See, e.g., *International Union, UMW v. FMSHA, 287 U.S. App. D.C. 166, 920 F.2d 960, 966-67 (D.C. Cir. 1990); Maryland People's Counsel v. FERC, 247 U.S. App. D.C. 333, 768 F.2d 450, 455 (D.C. Cir. 1985); ICORE, Inc. v. FCC, 985 F.2d 1075,* Slip op. at 12 (D.C. Cir. 1993). The decision whether to vacate depends on "the seriousness of the order's deficiencies (and thus the extent of doubt whether the agency chose correctly) and the disruptive consequences of an interim [*151] change that may itself be changed." *International Union, 920 F.2d at 967.*

It is conceivable that the Commission may be able to explain how the principles supporting an exemption for educational institutions do not justify a similar exemption for domestic UF converters. For example, the Commission may develop a reasoned explanation based on an alternative justification that it offered for the non-profit educational institutions' exemption--that "educational research provides an important benefit to the nuclear industry and the public at large and should not be discouraged." *56 Fed. Reg. at 31,477* [**12] /2. While this reference is quite vague--the benefits of UF conversion can hardly be deprecated merely because the converters operate in a conventional market--perhaps the Commission's focus is on *education*, with the idea that education yields exceptionally large externalized benefits that cannot be captured in tuition or other market prices. We cannot tell at this point whether the exemption for educational institutions could be reasonably rooted in such a theory, but there is at least a serious possibility that the Commission will be able to substantiate its decision on remand.

At the same time, the consequences of vacating may be quite disruptive. Even assuming that we could merely vacate the rule insofar as it denies an exemption for UF converters, the Commission would need to refund all 1990 OBRA fees collected from those converters; in addition it evidently would be unable to recover those fees under a later-enacted rule. See *Bowen v. Georgetown University Hospital, 488 U.S. 204, 208-09, 102 L. Ed. 2d 493, 109 S. Ct. 468 (1988)* (rejecting retroactive application of rules even if operating only to cure defects in previously enacted rule). Therefore, because of the possibility [**13] that the Commission may be able to justify the Rule, and the disruptive consequences of vacating, we remand to the Commission for it to develop a reasoned treatment of exemption claims based on passthrough limitations.

Combustion Engineering also raised a related passthrough argument--that long-term fixed price contracts in its sector of the industry constrain its ability to pass through costs and therefore require some sort of gradual phase-in. See Comments of Combustion Engineering, May 13, 1991 at 2. On remand, the Commission must address this claim as well.

II

Allied also argues that the Commission's apportionment of fees *within* the class of domestic UF converters violated the 1990 OBRA. Allied argues (again without dispute by the Commission) that it has required much less regulatory attention than the only other member of the UF converter class, the Sequoyah Fuels Corporation, because of the latter's environmental problems. See NRC Denial of Allied Exemption Request at 7. Thus, Allied says, allocation of the fees equally between the two UF converters violated the 1990 OBRA's directives that OBRA charges be apportioned "fairly and equitably" and that "to the maximum extent [**14] practicable, the charges shall have a reasonable relationship to the cost of providing regulatory services." Pub. L. No. 101-508, § 6101(c)(3) (codified at *42 U.S.C. § 2214*(c)(3)). Allied contends that the Commission instead ought to have divided the class's fees either in proportion to the amount of NRC attention required by each converter or in proportion to the service-specific (IOAA) fees paid by the two converters.

Allied's argument fails because it disregards the premise that 1990 OBRA fees are not service-specific: they do not relate to identifiable services but rather constitute *generic* costs. See Final Rule, *56 Fed. Reg. at 31,472.* Assuming that the Commission correctly classified the costs in question (and Allied does not contest the classification), there is a presumption that even regulatory effort precipitated by the circumstances of a single licensee of a given class will yield results, such as research findings or regulations, of roughly equal importance for all members of the same class.

[*152] This conclusion is not undermined by the Commission's willingness to apportion 1990 OBRA fees

between groups [**15] of licensees on the basis of the attention required by each group. See Final Rule, *56 Fed. Reg. at 31,476;* Letter of NRC Denying Allied Exemption Request at 2, 4-5. First, the spillover of benefits seems far greater *within* a group of licensees than *between* groups. See *id.* at 5. Second, the administrative costs of group-level apportionment are obviously much lower than licensee-level apportionment because the number of licensees greatly exceeds the number of groups.

Here, neither of the measuring devices proposed by Allied was workable or accurate enough to warrant our holding the Commission's rejection of them arbitrary or capricious. Any correlation between a licensee's IOAA (licensee-specific) costs and its benefits from generic costs seems purely coincidental. And to use as a yardstick each member's tendency to precipitate regulatory effort would not only disregard spillover effects but would raise exceptional measurement problems. See NRC Denial of Allied Exemption Request at 4-8.

III

Allied makes a narrower attack on the Commission's rejection of intra-group apportionment, namely that the Commission was arbitrary and capricious in failing [**16] to apportion the generic costs associated with the disposal of low level radioactive waste ("LLW") on the basis of each licensee's actual waste. See Final Rule, *56 Fed. Reg. at 31,497; 10 CFR § 171.16(e).* At the class level, the Commission allocated costs in accordance with each class's contribution to the total quantity of LLW. Because materials licensees (a group that includes UF converters) collectively generate 40% of the nation's LLW, the Commission allocated 40% of its LLW costs to that class. See *id.* When it turned to apportionment of those fees among the materials licensees, however, the Commission abandoned that approach and simply assessed each large fuel facility (of which Allied is one) an identical charge of $ 143,500. For explanation, the NRC offered only the conclusory statement that "the Commission ... believes ... the surcharge should be the same for all large fuel facility licensees." See Final Rule, *56 Fed. Reg. at 31,481.*

The Commission provides no rationale for apportioning costs among classes of LLW producers on the basis of LLW output but refusing to apply that same yardstick in apportioning generic costs [**17] within classes, and no rationale is readily apparent. While it is conceivable that the real benefit of LLW disposal services is merely the availability of such services--in which case a flat fee would make sense--any such idea is inconsistent with the Commission's method of apportioning LLW fees among classes of licensees, which appears to assume that benefit is proportional to LLW quantity. If, on the other hand, any licensee's benefit from LLW disposal is directly proportional to its LLW disposal, apportioning even generic costs on the basis of output seems to make sense--not only as to classes but also as to individual licensees. Finally, assuming that the Commission calculated each class's quantity of LLW waste from data supplied by each licensee (as seems necessarily true), it is hard to see any administrative problem with apportioning the fees within the class on the basis of output; the data are available and the required computations would be rudimentary.

In applying the balancing of *International Union* and like cases, we here give little weight to the possibility that the Commission could pull a reasonable explanation out of the hat. Nonetheless, vacating the intra-class [**18] apportionment of LLW costs would give licensees a peculiar windfall; even ones that *benefitted* from the Commission's choice would presumably be entitled to a refund, and, under *Georgetown University Hospital*, the LLW costs could be recovered from no one. To be sure, the costs are not great, absolutely or as a proportion of the Commission's $ 465 [*153] million budget for FY 1991--$ 3.8 million. See *56 Fed. Reg. at 31,486, 31,497.* But that alone is hardly a reason to create such a windfall. Accordingly, we refrain from vacating the rule. If on remand the Commission concludes that the apportionment must be in accordance with usage, then those firms whose burden is lower under a new, non-arbitrary, rule should be entitled to refunds of the difference.

If indeed the remand leads to replacement of the per-licensee allocation, and licensees enjoy only refunds for the difference between liability under the old rule and liability under the new (rather than total refunds), it might be argued that such a result allows the new rule to have "retroactive effect", in violation of *Georgetown University Hospital. See 488 U.S. at 208.* There [**19] is, plainly, some retroactive effect. The effect, however, is only to define that aspect of the old rule that must be *cut away* as legally excessive. We do not read *Georgetown* as barring so limited a retroactive impact.

IV

Finally, Combustion Engineering challenges the Commission's decision to allocate OBRA fees equally to each low enriched uranium ("LEU") manufacturing *license* instead of dividing the fees equally among the LEU manufacturing *licensees*. Combustion owns and operates two LEU facilities, each separately licensed, and Combustion asserts that in the aggregate the two are operationally equivalent to the single-plant, single-license, facilities of the other LEU manufacturers. At oral argument Combustion explained that it has two licenses for the facilities only because of historical chance; it bought a company with a separate license almost 20 years ago and until the Commission implemented the current OBRA fee schedule there has never been any reason to consolidate the licenses. As before, the Commission disputes none of these contentions.

Combustion attacks both the regulation imposing the "equal fee per license" rule and the Commission's denial of an exemption. [**20] Both claims rest ultimately on the 1990 OBRA's direction that fees must be apportioned "fairly and equitably" and that "to the maximum extent practicable, ... charges shall have a reasonable relationship to the cost of providing regulatory services." Pub. L. No. 101-508, § 6101(c)(3) (codified at *42 U.S.C. § 2214*(c)(3)). Although we find the first claim unconvincing, we agree that the Commission has not justified its refusal to give the requested exemption.

The argument that the "equal fee per license" rule is "unfair and inequitabl[e]" is persuasive only on the ground that the rule produced troubling results when applied to Combustion's circumstances--which Combustion itself asserts are unusual. We see no reason for requiring the Commission to attend to that rather rare situation in the rule itself, cf. *NLRB v. Bell Aerospace Co., 416 U.S. 267, 40 L. Ed. 2d 134, 94 S. Ct. 1757 (1974)*, especially as the generic rule allowed (generically) for exemption. n4

n4 Insofar as Combustion argues, in parallel with Allied, that § 6101(c)(3) of OBRA generally requires intra-group apportionment on the basis of factors such as the amount of attention a licensee requires, the competitive position of the licensee, and the safety risks posed by the licensee's activities, we reject it for the reasons stated as to Allied.

[**21]

Combustion's exemption argument, however, has merit. The Commission's own criteria call for an exemption if the licensee can show that "the assessment of the annual fee would result in a significantly disproportionate allocation of costs to the licensee." *10 CFR § 171.11(d)*. The double assessment against Combustion's two licenses increased its OBRA fees by $ 836,500. Against this, the Commission is able to point to almost nothing by way of greater costs. Speaking to the issue in unusually murky, discursive language, the NRC in substance could point to only two additional burdens--the need to mail an extra copy of certain NRC publications to the second facility and the need for two different NRC regional offices to monitor and respond to [*154] allegations about the two plants. See NRC Denial of Combustion Exemption Request at 5-6.

The double burden for Combustion, measured against *de minimis* additional burdens for the Commission, amply overcomes the hurdle established by *10 CFR § 171.11(d)*. n5 Thus the exemption denial is arbitrary and capricious. We therefore direct the Commission to grant an exemption for Combustion on the additional fees collected as a result of the double-licensing [**22] of its operation. n6

n5 *10 CFR § 171.11(d)* also contains two other factors that the Commission shall consider when evaluating an exemption request. Although parts of § 171.11(d) are ambiguous regarding whether an applicant must fulfill all, or only one, of the factors, the fact that an applicant could not "fulfill" the criterion listed in § 171.11(d)(3)--"any other relevant matter that the licensee believes shows that the annual fee was not based on a fair and equitable allocation of NRC costs"--reveals that the "factors" should not be read as conjunctive requirements. The factors instead seem to be best understood as independent considerations which can support an exemption.

n6 We are not required to address Allied's fee exemption request because of our previous disposition of Allied's other claims. The aspects of Allied's request dealing with passthrough

ability and LLW fees are almost certain to stand or fall along with the remanded claims; and the aspect claiming that OBRA requires licensee-specific calibration of fees fails.

[**23]
* * *

We remand the case to the Commission for a reasoned and coherent treatment of (1) licensees' claims for special treatment on the basis of inability to pass the burden of the fees through to customers and (2) the method of apportioning generic LLW disposal costs among materials licensees. In addition, we direct the Commission to grant an exemption to Combustion for the generic fees attributable to the double-licensing of its LEU operation.

So ordered.