

PROPOSED ISSUANCE DATE: _____

PRESS RELEASE CONCURRENCE

HEADLINE: NLC Amended Licensing, Inspection
and Annual Fee Rule

	<u>PRINTED REVIEWER NAME</u>	<u>OFFICE</u>	<u>INITIALS</u>	<u>DATE</u>
<input checked="" type="checkbox"/>	<u>Jesse L. Funches</u>	<u>OCFO</u>	<u>JF</u>	<u>5/30/03</u>
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<input type="checkbox"/>	_____	<u>OPA</u>	_____	_____
<input type="checkbox"/>	_____	<u>CHRMN</u>	_____	_____

OPA Contact: Bob Jasinski ^{Beth} Lee Gagne Hyler (Call for pickup)
8200

SIGNIFY ANY SPECIAL ACTION OR ISSUANCE THAT IS REQUIRED BEFORE PRESS
RELEASE GOES OUT:

Final Rule Issuance

D R A F T

(Source: Final Rule)

NRC AMENDS LICENSING, INSPECTION AND ANNUAL FEES RULE

The Nuclear Regulatory Commission is amending its regulations for the licensing, inspection and annual fees it charges applicants and licensees for fiscal year (FY) 2003.

The agency is required to collect nearly all of its annual appropriated budget through two types of fees. One is for specific NRC services, such as licensing and inspection activities, that apply to a specific license. The other is an annual fee paid by all licensees, which recovers generic regulatory expenses and other costs not recovered through fees for specific services. These fees are contained in Commission regulations 10 CFR Part 170 (fees for licensing and inspection services) and 10 CFR Part 171 (annual fees).

By law, the NRC must recover \$526.3 million or 94 percent of its budget for FY 2003 (October 1, 2002 - September 30, 2003) less the \$24.7 million appropriated from the Nuclear Waste Fund for high-level waste activities. The amount to be recovered in FY 2003 includes \$29.3 million appropriated for NRC's activities related to homeland security. Homeland security costs were not

included in the agency's fee base for FY 2002, and were appropriated from the Treasury's General Fund. The total amount to be recovered is about \$47 million more than last year.

The hourly rates are \$156 for reactor program activities and \$158 for nuclear material program activities. There is a \$6 increase over FY 2002 in the hourly labor rate for NRC services performed in the nuclear materials program. A major reason for this increase is the higher salary and benefits resulting from the Government-wide pay raise. While salary and benefits also increase for the reactor program, the increase is offset by a reduction in the average overhead.

The annual fees have been determined under the "re-baselining" method. The Commission decided to re-baseline annual fees this year based on the changes in the magnitude of the budget to be recovered through fees. Re-baselined annual fees for this year have resulted in increases compared to FY 2002 fees for four classes of licensees (operating power reactors, spent fuel storage/reactor decommissioning, fuel facilities, and rare earth facilities), and decreased annual fees for two classes (non-power reactors and uranium recovery).

Finally, in two classes, material users and transportation, some categories (or sub-classes) of licensees have increased annual fees while others have decreased annual fees. A proposed regulation on this subject was published in *The Federal Register* for public comment on April 3. The comments were considered and addressed in the final rule.

The FY 2003 annual fees include the following for representative classes/categories of licensees:

<u>Class/Category of Licensees</u>	<u>FY 2003 Annual Fee</u>
Operating Power Reactors	\$3,251,000
Spent Fuel Storage/Reactor	
Decommissioning	\$319,000
Non-Power Reactors	\$63,300
High-enriched Uranium Fuel Facility	\$5,836,000
Low-enriched Uranium Fuel Facility	\$1,957,000
Uranium Recovery (Conventional Mills)	\$63,700
Transportation:	
Users/Fabricators	\$76,200
Users Only	\$7,100
Material Users:	
Radiographers	\$12,200
Broad Scope Medical	\$24,700
Distribution of Radiopharmaceuticals	\$4,700
Gauge Users	\$1,900

A copy of the final rule will be published in *The Federal Register* in the near future.

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Submission of Federal Rules Under the Congressional Review Act

☒ President of the Senate ☐ Speaker of the House of Representatives ☐ GAO

Please fill the circles electronically or with black pen or #2 pencil.

1. Name of Department or Agency

2. Subdivision or Office

U.S. Nuclear Regulatory Commission

Office of the Chief Financial Officer

3. Rule Title

Revision of Fee Schedules; Fee Recovery for FY 2003

4. Rule Identification Number (RIN) or Other Unique Identifier (if applicable) RIN: 3150-AH14

5. Major Rule ☒ Non-major Rule ☐

6. Final Rule ☒ Other ☐ _____

7. With respect to this rule, did your agency solicit public comments? Yes ☒ No ☐ N/A ☐

8. Priority of Regulation (fill in one)

☒ Economically Significant; or
Significant; or
Substantive, Nonsignificant

☐ Routine and Frequent or
Informational/Administrative/Other
(Do not complete the other side
of this form if filled in above.)

9. Effective Date (if applicable) 60 days from publication in the Federal Register

10. Is a concise Summary of the Rule provided? Yes ☒ No ☐

Submitted by: _____ (signature)

Name: Dennis K. Rathbun

Title: Director, Office of Congressional Affairs

For Congressional Use Only:

Date Received: _____

Committee of Jurisdiction: _____

Yes No N/A

- A. With respect to this rule, did your agency prepare an analysis of costs and benefits? ☐ Yes ☐ No ☒ N/A
- B. With respect to this rule, at the final rulemaking stage, did your agency
1. certify that the rule would not have a significant economic impact on a substantial number of small entities under 5 U.S.C. § 605(b)? ☐ Yes ☒ No ☐ N/A
 2. prepare a final Regulatory Flexibility Analysis under 5 U.S.C. § 604(a)? ☒ Yes ☐ No ☐ N/A
- C. With respect to this rule, did your agency prepare a written statement under § 202 of the Unfunded Mandates Reform Act of 1995? ☐ Yes ☐ No ☒ N/A
- D. With respect to this rule, did your agency prepare an Environmental Assessment or an Environmental Impact Statement under the National Environmental Policy Act (NEPA)? ☐ Yes ☐ No ☒ N/A
- E. Does this rule contain a collection of information requiring OMB approval under the Paperwork Reduction Act of 1995? ☐ Yes ☒ No ☐ N/A
- F. Did you discuss any of the following in the preamble to the rule?
- E.O. 13132, Federalism ☐ Yes ☐ No ☒ N/A
 - E.O. 12630, Government Actions and Interference with Constitutionally Protected Property Rights ☐ Yes ☐ No ☒ N/A
 - E.O. 12866, Regulatory Planning and Review ☐ Yes ☐ No ☒ N/A
 - E.O. 12988, Civil Justice Reform ☐ Yes ☐ No ☒ N/A
 - E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks ☐ Yes ☐ No ☒ N/A
 - Other statutes or executive orders discussed in the preamble concerning the rulemaking process (please specify)

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