



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001

July 29, 2015

Mr. Kenneth R. Whitham
License Manager, NRC Licensed Facilities
Department of Energy
Idaho Operations Officer
1955 Fremont Avenue
Idaho Falls, ID 83415

Dear Mr. Whitham:

On behalf of the Nuclear Regulatory Commission (NRC), I am responding to your letter, dated June 4, 2015, requesting reimbursement of license fees paid by the Department of Energy (DOE) for fiscal year (FY) 2015 in the amount \$112,000 for Idaho Fuel Facility Spent Fuel Storage Installation, for license no. SNM-2512.

The NRC has established regulations regarding annual fees assessed to independent spent fuel storage licenses under Title 10 of the *Code of Federal Regulations* 171.15(a), which states in pertinent part:

“Each person holding an operating license for a power, test, or research reactor; each person holding a combined license under part 52 of this chapter after the Commission has made the finding under 10 CFR 52.103(g); each person holding a part 50 or part 52 power reactor license that is in decommissioning or possession only status, except those that have no spent fuel onsite; and each person holding a part 72 license who does not hold a part 50 or part 52 license and provides notification in accordance with 10 CFR 72.80(g), shall pay the annual fee for each license held during the Federal fiscal year in which the fee is due. This paragraph does not apply to test or research reactors exempted under § 171.11(a).”

The NRC agrees with DOE's assessment that the current regulations prevent the NRC from assessing annual fees to DOE for license no. SNM-2512 until DOE notifies the NRC of its readiness to operate as required under 10 CFR 72.80(g). The NRC staff has confirmed that license no. SNM-2512, transferred to the DOE in September 9, 2009, has never been utilized.

Regarding the fees paid by DOE for license no. SNM-2512, the NRC confirms as of June 4, 2015, the date of DOE's letter, DOE has paid \$1,345,000 in annual fees since FY 2009. This represents \$56,000 more paid this quarter in annual fees from the amount of \$1,289,000 stated by DOE as paid since FY 2009. However, because the FY 2014 fee rule, which included the regulation listed above, became effective August 29, 2014, the NRC can only refund monies paid after the effective date of the rule.

Therefore, the NRC will refund DOE \$168,000 (which includes the additional amount paid this quarter) for license no. SNM-2512 for FY 2015. A refund will be issued within 30 days from the date of this letter. If you have any technical questions regarding this matter, please contact Mr. William Allen, at (301) 415-6877. Please contact Ms. Arlette Howard, of my staff, at (301) 415-1481 for any fee-related questions and Mr. William Blaney at (301) 415-5092 regarding refund status.

Sincerely,

/RA/

Maureen E. Wylie
Chief Financial Officer

Therefore, the NRC will refund DOE \$168,000 (which includes the additional amount paid this quarter) for license no. SNM-2512 for FY 2015. A refund will be issued within 30 days from the date of this letter. If you have any technical questions regarding this matter, please contact Mr. William Allen, at (301) 415-6877. Please contact Ms. Arlette Howard, of my staff, at (301) 415-1481 for any fee-related questions and Mr. William Blaney at (301) 415-5092 regarding refund status.

Sincerely,

/RA/

Maureen E. Wylie
Chief Financial Officer

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