



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

AE 20-2

JUL 27 1992

MEMORANDUM FOR: Those on Attached List

FROM: Ronald M. Scroggins
Deputy Chief Financial
Officer/Controller

SUBJECT: FINAL RULE -- 100 PERCENT FEE RECOVERY -- FY 1992

On July 23, 1992, the NRC published the subject final rule in the Federal Register. The final rule will become effective August 24, 1992. We are enclosing an executive summary which highlights the major revisions for FY 1992. Questions which might arise from applicants and licensees should be referred to the License Fee and Debt Collection Branch.

Copies of the final rule have been provided to all branch chiefs and above in the headquarters program offices as well as the regional offices as part of the standard distribution process for rulemaking. In addition, all NRC licensees have been mailed a copy of the final rule.

If you or your staff have questions concerning implementation of the final rule, please contact Leah Tremper on 492-8741 for questions relating to power, test and research reactors and Doug Weiss on 492-7716 for questions relating to materials and fuel cycle licenses.

A handwritten signature in cursive script, appearing to read "R. M. Scroggins", is positioned above the typed name.

Ronald M. Scroggins
Deputy Chief Financial
Officer/Controller

Enclosure:
As stated

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Summary

Public Law 101-508, the Omnibus Budget Reconciliation Act of 1990, requires that the NRC recover 100 percent of its budget authority, less the appropriation from the Nuclear Waste Fund, for fiscal years 1991 through 1995 by assessing license and annual fees. For FY 1992, the NRC must collect approximately \$492.5 million through these fees as compared to \$445 million for FY 1991.

In order to comply with the law, the NRC has amended its fee regulations in 10 CFR Parts 170 and 171. The amendments to the fee regulations increase the fees currently charged to individuals and organizations licensed by the NRC. The final rule does not change the basic approach, policies, and methodology used in FY 1991 for calculating the Part 170 professional hourly rate, the Part 170 specific materials licensing and inspection flat fees, and the Part 171 annual fees.

The major changes from the existing rule are:

1. Part 170:

- (a) Amend 10 CFR 170.20 to change the cost per professional staff hour for all full cost fees from \$115 per hour to \$123 per hour;
- (b) Increase all flat fees for radioisotope programs by seven percent to reflect the increased hourly rate;
- (c) Add additional categories of fees for export and import licenses;
- (d) Add a definition for nonprofit educational institutions.

2. Part 171:

- (a) Increase the Part 171 annual fees assessed to reactor and materials licensees. Under this final rule, annual fees for most licenses will increase because (1) the amount that must be recovered has increased from approximately \$445 million for FY 1991 to \$492.5 million for FY 1992 and (2) fewer licensees are available to pay for the higher costs of regulatory activities not covered under 10 CFR Part 170. For example, approximately 2,000 of 9,000 materials licensees have requested that their licenses be terminated or combined since the FY 1991 final rule was adopted in July 1991.

- (b) For fee Category 2.A.(2), divide Class I facilities in the uranium recovery class of licensees into two classes. The additional category (Class II) recognizes those licensees who do not generate uranium mill tailings.
- (c) Add a definition for nonprofit educational institutions.
- (d) Amend the exemption provisions of §171.11 to require that licensees who wish to be considered for an exemption from the annual fees file their respective exemption requests within 90 days from the effective date of the rule establishing the annual fees.

The FY 1992 annual fees in most cases have increased as compared to FY 1991. However, those NRC licensees that can qualify as a small entity under the NRC's size standards are eligible to pay reduced annual fees. For example, a licensee with gross annual receipts of \$250,000 to \$3.5 million or a supporting population of 20,000 to 50,000 pay a maximum annual fee of \$1,800 per licensed category. Those licensees with gross annual receipts of less than \$250,000 or a supporting population of less than 20,000 pay an annual fee of \$400 per licensed category.

The amounts of the annual fees, to be assessed to the major classes of NRC licensees, are summarized as follows:

<u>Class of licensees</u>	<u>Range of Annual Fees</u>
Operating power reactors	\$3,082,000 to \$3,138,000
Fuel Facilities	\$536,250 to \$2,325,250
Uranium Recovery Facilities	\$58,950 to \$167,650
Transportation Certificate/ Approval Holders	\$1,650 to \$62,950
Materials Users	\$580 to \$16,550
Other Licensees	\$55,700 to \$336,150

Addressees for Memorandum from R. Scroggins dated JUL 27 1992

Eric S. Beckjord, Director, Office of Nuclear Regulatory Research
Robert M. Bernero, Director, Office of Nuclear Material Safety
and Safeguards
Paul E. Bird, Director, Office of Personnel
James L. Blaha, Assistant for Operations, OEDO
Stephen G. Burns, Director, Office of Commission Appellate
Adjudication
Samuel J. Chilk, Secretary, Office of the Secretary of
the Commission
B. Paul Cotter, Jr., Chairman, Atomic Safety and Licensing
Board Panel
Gerald Cranford, Director, Office of Information Resources
Management
Harold R. Denton, Director, Office of International Programs
Lloyd J. Donnelly, Administrator, Office of the Licensing
Support System Administrator
Joseph Fouchard, Director, Office of Public Affairs
Ben B. Hayes, Director, Office of Investigations
Edward J. Jordan, Director, Office for Analysis and Evaluation of
Operational Data
Carlton Kammerer, Director, Office of State Programs
William B. Kerr, Director, Office of Small & Disadvantaged
Business Utilization & Civil Rights
James Lieberman, Director, Office of Enforcement
Dade W. Moeller, Chairman, Advisory Committee on Nuclear Waste
Thomas E. Murley, Director, Office of Nuclear Reactor Regulation
Patricia G. Norry, Director, Office of Administration
William C. Parler, General Counsel
Dernis K. Rathbun, Director, Office of Congressional Affairs
James H. Sniezek, Deputy Executive Director for Nuclear Reactor
Regulation Regional Operations and Research, OEDO
Michael L. Springer, Director, Office of Consolidation
James M. Taylor, Executive Director for Operations, OEDO
Hugh L. Thompson, Jr., Deputy Executive Director for Nuclear
Materials Safety, Safeguards and Operations Support, OEDO
David A. Ward, Chairman, Advisory Committee on Reactor Safeguards
David C. Williams, Inspector General
Thomas T. Martin, Regional Administrator, RI
Steward D. Ebnetter, Regional Administrator, RII
A. Bert Davis, Regional Administrator, RIII
James L. Milhoan, Regional Administrator, RIV
John B. Martin, Regional Administrator, RV