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From: Mindy Landau
To: TWD2.TW9A(CJH2) *C.J. Holloway*
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Subject: Fees rule -Reply -Reply -Reply -Reply

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United States Nuclear Regulatory Commission
Office of Public Affairs
Washington, DC 20555
Phone 301-415-8200 Fax 301-415-2234
Internet: opa@nrc.gov

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FOR IMMEDIATE RELEASE
(Thursday, May 22, 1997)

NRC AMENDS LICENSING,
INSPECTION, AND ANNUAL FEES

The Nuclear Regulatory Commission is amending the licensing, inspection, and annual fees charged to its license applicants and licensees.

The amendments implement the requirements of the Omnibus Budget Reconciliation Act of 1990 which mandates that the NRC recover nearly 100 percent of its budget authority -- less appropriations from the Nuclear Waste Fund -- by assessing license and annual fees.

The Commission's budget authority for fiscal year 1997 is \$476.8 million, of which about \$11 million has been appropriated from the Nuclear Waste Fund, and \$3.5 million from the General Fund, for activities related to commercial vitrification of waste stored at the Department of Energy's Hanford, Washington site. Both activities are excluded from licensee fee revenues by law. This leaves a budget of approximately \$462.3 million which NRC must collect in fees. The apportionment among licensing and inspection fees and annual fees has changed.

The proposed amendments were published for comment in the Federal Register on February 27. The annual fees have increased slightly since then, because the fees for services are slightly lower than anticipated.

The 1997 annual fees are:

-- \$2,978,000 for power reactor licensees, from \$2,746,000 in fiscal year 1996;

-- \$57,300 for nonpower (research and test) reactor licensees, from \$52,800 in fiscal year 1996;

-- \$2,606,000 for high-enriched uranium fuel facility licensees, from \$2,403,000 in fiscal year 1996;

-- \$1,279,000 for low-enriched fuel fabrication facility licensees which manufacture fuel for nuclear power plants, from \$1,179,000 in fiscal year 1996;

-- \$14,100 for radiographers, from \$13,000; and

-- \$23,500 for broad scope medical licensees, from \$21,700.

The Commission's amendments also include revisions to hourly rates charged for the reactor and nuclear materials programs, as well as

revisions to licensing application and amendment fees to reflect the agency's cost of reviewing these documents.

The amendments to Parts 170 and 171 of the Commission's regulations will be published in the Federal Register.

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

May 23, 1997

IMPORTANT NOTICE

TO: ALL PARTS 30, 40, 50, 61, 70, 71, 72, 73, AND 110 LICENSEES,
APPLICANTS AND REACTOR VENDORS

SUBJECT: FINAL REVISIONS TO 10 CFR PARTS 170 AND 171 ON LICENSE,
INSPECTION AND ANNUAL FEES FOR FY 1997

Within the next few days, the U.S. Nuclear Regulatory Commission will publish in the Federal Register the enclosed Final Notice of Rulemaking. This notice revises the fee requirements of 10 CFR Part 170 ("Fees for Facilities and Materials Licenses and Other Regulatory Services . . .") and Part 171 ("Annual Fees for Reactor Operating Licenses and Fuel Cycle Licenses and Materials Licenses, . . ."). These revisions are being made to implement Public Law 101-508 enacted on November 5, 1990, which mandates that the NRC recover approximately 100 percent of its budget authority less the appropriation from the Nuclear Waste Fund and the General Fund in FY 1997.

The amount of the FY 1997 budget to be recovered from fees is \$462.3 million, the same amount estimated for recovery in FY 1996. Thus, the total fees assessed will be the same as FY 1996. However, the distribution between 10 CFR Part 170 fees for services and 10 CFR Part 171 annual fees will change. The NRC estimates that approximately \$95.2 million will be recovered in FY 1997 from fees assessed under 10 CFR Part 170 and other receipts compared to \$120.5 million in FY 1996. The remaining \$367.1 million in FY 1997 will be recovered through the 10 CFR Part 171 annual fees. Because the 10 CFR Part 170 fees and other offsetting receipts for FY 1997 are below the estimate for FY 1996, annual fees must increase to recover approximately 100 percent of NRC's budget authority. The NRC is establishing annual fees for all licensees at a level of 8.4 percent above the FY 1996 annual fees.

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The FY 1997 final annual fees are compared to those assessed for FY 1996 in the following table:

<u>Class of Licensees</u>	<u>FY 1996 Annual Fee</u>	<u>FY 1997 Annual Fee</u>
Power Reactors	\$2,746,000	\$2,978,000
Nonpower Reactors	52,800	57,300
High Enriched Fuel Facility	2,403,000	2,606,000
Low Enriched Fuel Facility	1,179,000	1,279,000
UF ₆ Conversion	597,800	648,000
Uranium Mills	57,000	61,800
Spent Fuel Storage	260,900	283,000
Transportation Cask User	950	1,000
<u>Typical Materials Licensees</u>		
Radiographers	13,000	14,100
Well Loggers	7,500	8,200
Gauge Users	1,600	1,700
Broad Scope Medical	21,700	23,500
Other Medical	4,300	4,700

The specific changes to Part 170 and 171 will:

1. Part 170

- (a) Revise the two professional hourly rates in §170.20 which will be used to determine the 10 CFR Part 170 fees assessed by the NRC. The new rate for the reactor program is \$131 per hour compared to \$128 per hour in FY 1996, and the new rate for the materials program is \$125 per hour compared to \$120 per hour in FY 1996;
- (b) Adjust the §170.31 licensing (application and amendment) "flat" fees for materials licenses to reflect the costs of providing the licensing services;
- (c) Revise the fees in §§170.21 and 170.31 that relate to the export and import of radioactive material to reflect the costs of providing the services;

- (d) Amend §170.11 to add a fee exemption provision for those amendments to portable gauge licenses referencing NUREG 1556, Volume 1, that would change only the name of the Radiation Safety Officer; and
- (e) Implement a procedural change whereby fees would be assessed under §§170.21 and 170.31 to verify quality assurance, safeguards contingency, and emergency plan changes submitted by licensees.

2. Part 171

- (a) Adjust all annual fees upward by 8.4 percent. The final change is consistent with the NRC's intention stated in the FY 1995 final rule, that beginning in FY 1996, annual fees would be stabilized by adjusting prior year annual fees by the percent change (plus or minus) in the NRC budget authority taking into consideration the estimated collections from 10 CFR Part 170 fees and the number of licensees paying fees;
- (b) Establish a new annual fee of \$2,606,000 (fee Category 1.E.) for each Certificate of Compliance issued to the United States Enrichment Corporation; and
- (c) Include a Small Entity Compliance Guide (see Attachment 1 to Appendix A of the rule) required by the Small Business Regulatory Enforcement Fairness Act of 1996 to assist small entities in complying with the final rule.

The FY 1997 final fee rule will become effective 60 days after publication in the Federal Register pursuant to Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801. This Act states that all major final rules issued on or after March 29, 1996, will generally have an effective date of 60 days after publication in the Federal Register. Questions relating to the final revisions should be directed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Office of the Chief Financial Officer.


Jesse L. Funches
Chief Financial Officer

Enclosure: Final Notice of
Rulemaking