



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

Office of Public Affairs Telephone: 301/415-8200

Washington, D.C. 20555-0001

E-mail: opa.resource@nrc.gov Site: www.nrc.gov

Blog: <http://public-blog.nrc-gateway.gov>

No. 11-051

March 18, 2011

NRC PROPOSES TO AMEND LICENSING, INSPECTION AND ANNUAL FEES RULE

The Nuclear Regulatory Commission is proposing to amend its regulations for the licensing, inspection and annual fees it charges applicants and licensees for fiscal year (FY) 2011.

The agency is required by Congress to recover for the U.S. Treasury most 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 for generic regulatory expenses and other costs not recovered through fees for specific services. These fees are contained in NRC regulations in Title 10 (Energy) of the *Code of Federal Regulations* (10 CFR) Part 170 (fees for license-specific services) and 10 CFR Part 171 (annual fees). These fees are paid to the U.S. Treasury and go into the general fund.

By law, the NRC must recover, through fees to applicants and licensees, 90 percent of its budget authority for FY 2011 (Oct. 1, 2010 - Sept. 30, 2011), less the amounts appropriated from the Nuclear Waste Fund for high-level radioactive waste activities and from general funds for waste-incident-to-reprocessing and generic homeland security activities. The NRC receives 10 percent of its budget authority (not including non-fee items) from the general fund each year to pay for the cost of the agency activities that do not provide a direct benefit to NRC licensees, such as international assistance and Agreement State activities. Based on the FY 2011 budget submitted to the Congress, the NRC's total amount of fees to be recovered by Sept. 30 is approximately \$915.3 million, about less than 1 percent (\$0.4 million) more than in FY 2010.

Approximately 40 percent of the fees will be billed for specific services (Part 170) and the remaining 60 percent will be billed as annual fees (Part 171). The NRC is proposing to change the FY 2011 hourly rate to \$273. This increase in hourly rate is primarily due to a slight increase in the agency fee-based budget that will be recovered by fewer direct full time equivalents (FTEs). In FY 2011, the NRC revised its budget structure. This new structure allows the agency to more accurately identify all its direct and overhead costs. Under this new FY 2011 structure, more of the budgeted resources have been properly identified as overhead costs. The agency is using this information to further streamline its costs and make efficient use of all its resources. The annual fees for power reactors and uranium recovery facilities have decreased while fees for spent fuel storage facilities, non-power reactors, fuel facilities, most materials users and Department of Energy's (DOE) uranium recovery and transportation increased.

The NRC is continuing its efforts to keep its fees as low as possible by ensuring its programs are conducted efficiently and effectively and requesting from Congress only the resources necessary to perform its mission of protecting people and the environment.

The proposed FY 2011 annual fees are categorized by types of licensees/applicants and include the following:

<u>Class/Category of Licenses</u>	<u>FY 2011 Proposed Annual Fee</u>
Operating Power Reactors (including Spent Fuel Storage/ Reactor Decommissioning annual fee)	\$4,669,000
Spent Fuel Storage/Reactor Decommissioning	\$241,000
Test and Research Reactors (Non-power Reactors)	\$86,100
High-Enriched Uranium Fuel Facility	\$6,078,000
Low-Enriched Uranium Fuel Facility	\$2,287,000
UF6 Conversion Facility	\$1,242,000
Conventional Mills	\$31,900
Radiographers	\$25,700
Well Loggers	\$9,900
Gauge Users (Category 3P)	\$4,800
Broad Scope Medical licensees (Category 7B)	\$45,000

NRC estimates that the FY 2011 annual fees will be paid by licensees of 104 nuclear power reactors, 4 non-power reactors, 19 spent nuclear fuel storage/reactor-in-decommissioning facilities, 12 fuel cycle facilities, 10 uranium recovery facilities and approximately 3,150 nuclear material users.

The NRC is currently operating under a Continuing Resolution (CR) for FY 2011 (Pub. L. 111-322) that is effective through March 18, 2011. This means that the FY 2011 funds currently available are similar to the NRC's funding in FY 2010.

Although the NRC has not received a new appropriation for FY 2011 at the time this proposed fee rule was submitted for publication in the *Federal Register*, the NRC must proceed with this rulemaking to collect the required fee amounts by September 30. Therefore, the NRC is establishing fees in this rulemaking based on the FY 2011 NRC budget sent to the Congress in February 2010. If Congress enacts a different version of the NRC budget than that included in the NRC submission, the fees in the NRC's FY 2011 final fee rule will be adjusted to reflect the enacted budget. Therefore, fees in the FY 2011 final fee rule may differ from the fees in this proposed rule. The NRC will adjust the FY 2011 final fees based on the enacted version of the budget without seeking further public comment.

###

News releases are available through a free *listserv* subscription at the following Web address: <http://www.nrc.gov/public-involve/listserver.html>. The NRC homepage at www.nrc.gov also offers a SUBSCRIBE link. E-mail notifications are sent to subscribers when news releases are posted to NRC's website.