

**FY 2020
PROPOSED
FEE RULE
WORK PAPERS**

ML19343A735

FY 2020 Proposed Fee Rule Work Papers

The supporting information to the FY 2020 Proposed Fee Rule is contained in the following work papers. The items identified in the Table of Contents are located behind a corresponding Tab. At the beginning of each Tab is a cross reference, if appropriate, to the location of the subject matter and Tables found within the Final Fee Rule Document. For example, a reference to **“Section II.”** is the supporting information for: **Section II. FY 2019 Fee Collection A. Amendments to 10 CFR Part 170 1. Professional Hourly Rate.**

The complete outline of the FY 2020 Proposed Fee Rule showing the Section and Table titles is located immediately following the Table of Contents.

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Budget and Fee Recovery

Section IV

Table I

The NRC's total budget authority for FY 2020 is \$855.6 million. The Excluded fee items include \$15.5 million for advanced reactor infrastructure, \$14.5 million for international activities, \$1.3 million for WIR activities, \$1.2 million for IG services for the Defense Nuclear Facilities Safety Board, and \$14.1 million for generic homeland security activities. Based on the 90 percent fee-recovery requirement, the NRC will have to recover approximately \$728.1 million in FY 2020 through Part 170 licensing and inspection fees and Part 171 annual fees. The amount required by law to be recovered through fees for FY 2020 would be \$52.8 million less than the amount estimated for recovery in FY 2019, a decrease of 6.8 percent.

The FY 2020 fee recovery amount is increased by \$2.8 million to account for billing adjustments (i.e., for FY 2020 invoices that the NRC estimates will not be paid during the fiscal year, less payments received in FY 2020 for prior year invoices). An additional adjustment for Operating Reactors estimated current year collections by a terminated reactor totaled \$2.4 million. This leaves approximately \$728.5 million to be billed as fees in FY 2020 through Part 170 licensing and inspection fees and Part 171 annual fees.

The NRC estimates that \$230.6 million would be recovered from Part 170 fees in FY 2020. This represents a decrease of \$21.5 million or approximately 8.5 percent as compared to the estimated Part 170 collections of \$252.1 million for FY 2019. The remaining \$497.9 million would be recovered through the Part 171 annual fees in FY 2020, which is an decrease of \$6.1 million when compared to estimated Part 171 collections of \$530.5 million for FY 2019.

See Tab "Budget Authority (FY 2020)" for supplemental information on the distribution of budgeted FTE and contract dollars.

Budget and Fee Recovery
 FY 2020
 (\$ in Millions)
 (Individual dollar amounts may not add to totals due to rounding)

	<u>FY 2020</u>
NRC Budget Authority	\$855.6
Less Excluded Fee Items	<u>-\$46.6</u>
Balance	\$808.9
Fee Recovery Rate for FY 2020	<u>x .90</u>
Total Amount to be Recovered For FY 2020	\$728.1
USAID Rescission	<u>\$0.0</u>
Amount to be Recovered Through Fees and Other Receipts	\$728.1
Estimated amount to be recovered through Part 170 fees and other receipts	<u>-\$230.6</u>
Estimated amount to be recovered through Part 171 annual fees	\$497.5
Part 171 billing adjustments	\$2.8
Operating Reactor adjustment- Terminated Reactor collections	-\$2.4
Adjusted Part 171 annual fee collections required	<u>\$497.9</u>

Part 170 Fees

Section IV.A

Part 170 Fees

Determination of Professional Hourly Rate

Section IV.A.1

Table II

Final Professional Hourly Rate is \$279

The NRC's professional hourly rate is derived by adding budgeted resources for (1) mission-direct program salaries and benefits; (2) mission indirect-program support; and (3) agency support (corporate support and the Inspector General (IG)), then subtracting certain offsetting receipts and then dividing this total by mission direct full-time equivalents (FTE) converted to hours. The only budgeted resources excluded from the professional hourly rate are those for mission-direct contract activities.

The NRC has reviewed and analyzed actual time and labor data in the NRC's Human Resource Management System for the most recent completed fiscal year (FY 2019) to determine if the annual direct hours worked per direct FTE estimate requires updating for the FY 2020 fee rule. Based on this review using actual time and labor data, the NRC determined that 1,510 hours is the best estimate of direct hours worked annually per direct FTE. This estimate excludes all non-direct activities, such as annual leave, sick leave, holidays, training, and general administration tasks.

Definitions of Professional Hourly Rate Components

Mission-Direct Program Salaries and Benefits:

These resources are allocated to perform core work activities committed to fulfilling the agency's mission of protecting public health and safety, promoting the common defense and security, and protecting the environment. These resources include the majority of the resources assigned under the direct business lines (Operating Reactors, New Reactors, Fuel Facilities, Nuclear Materials Users, Decommissioning and Low-Level Waste, and Spent fuel Storage and Transportation) are core work activities considered mission-direct.

Mission-Indirect Program Support:

These resources support the core mission-direct activities. These resources include for example, supervisory and nonsupervisory support, and mission travel and training. Supervisory and nonsupervisory support, and mission travel and training resources assigned under direct business line structure, are considered mission-indirect due to their supporting role of the core mission activities.

Agency Support (Corporate Support and the IG):

These resources are located in executive, administrative, and other support offices such as the Office of the Commission, the Office of the Secretary, the Office of the Executive Director for Operations, the Offices of Congressional and Public Affairs, the Office of the Inspector General, the Office of Administration, the Office of the Chief Financial Officer, the Office of the Chief Information Officer, the Office of the Chief Human Capital Officer and the Office of Small Business and Civil Rights. These resources administer the corporate or shared efforts that more broadly support the activities of the agency. These resources also include information technology services, human capital services, financial management and administrative support.

Offsetting Receipts:

The fees collected by the NRC for the Freedom of Information Act (FOIA) and Indemnity (financial protection required of licensees for public liability claims of 10 CFR Part 140) are subtracted from the budgeted resources amount when calculating the 10 CFR Part 170 professional hourly rate per the guidance in OMB Circular A-25 "User Charges." The budgeted resources for FOIA activities are allocated under the product for information services within the Corporate Support business line. The indemnity activities are allocated under the licensing actions and the Research and Test Reactors products within the Operating Reactors business line.

Estimated Annual Mission Direct FTE Productive hours:

Also referred to as the productive hours assumption, reflects the average number of hours that a mission-direct employee spends on mission-direct work in a given year. This excludes hours charged to annual leave, sick leave, holidays, training and general administration tasks. The productive hours assumption is calculated using actual time and labor data in HRMS (minus support and supervisory staff).

Total hours in mission business lines				
Total hours in mission business lines + "Other Hours"	X	Total work hours in a year (2,087)	=	Productive Hours Assumption
2,478,954	X	Total work hours in a year (2,087)	=	1,510
3,422,244				

Elements of the formula are defined as follows:

- **Mission Business Lines.** The Operating Reactors, New Reactors, Nuclear Materials Users, Fuel Facilities, Spent Fuel Storage and Transportation, and Decommissioning and Low-level Waste Business Lines.
- **Hours in Mission Business Lines.** Hours charged to cost accountability codes for mission-direct work.
- **Other Hours.** Includes hours charged to annual leave, sick leave, holidays, etc., and hours charged to cost accountability codes for training and general administrative tasks.
- **Hours in a Work Year.** 2,087 hours is used to be consistent with OPM guidance on computing hourly rates of pay and the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272, April 7, 1986).

The primary increase in productivity assumption is attributed mainly by the decline in direct staff hours for general administration and training attendance.

DETERMINATION OF PROFESSIONAL HOURLY RATE
CALCULATION OF FTE RATES BY PROGRAM

This is for the purpose of converting FTE to \$.

PROGRAM	(1) Total FTE	(2) Total S&B(\$,K):	(2)/(1) FTE Rate (\$)
NUCLEAR REACTOR SAFETY	1,745	322,232	184,660
General Fund	70	13,059	186,560
NUCLEAR MATERIAL SAFETY (Less Excl. Fee Items & General Fund)	434	80,718	185,987
Excl. Fee Items & General Fund	47	8,675	184,570
CORPORATE SUPPORT	611	110,013	180,054
Excl. Fee Items & General Fund	-	-	-
INSPECTOR GENERAL	58	10,440	180,000
TOTAL	2,965	545,138	

MISSION DIRECT RESOURCES

(in actual \$)	nonlabor	labor
NUCLEAR REACTOR SAFETY	\$81,260,000	\$250,768,825
NUCLEAR MATERIALS AND WASTE SAFETY	\$10,765,000	\$63,793,495
CORPORATE SUPPORT: FELLOWSHIPS/SCHOLARSHIPS	\$0	\$0
TOTAL	\$92,025,000	\$314,562,320

PROGRAM SUPPORT (or MISSION
INDIRECT) RESOURCES

(in actual \$)	nonlabor	labor
NUCLEAR REACTOR SAFETY (BUDGET PROGRAM)	\$17,927,000	\$71,463,575
NUCLEAR MATERIALS AND WASTE SAFETY (BUDGET PROGRAM)	\$4,505,000	\$16,924,805
TOTAL	\$22,432,000	\$88,388,380

AGENCY SUPPORT (or CORPORATE
SUPPORT & IG) RESOURCES

(in actual \$)	nonlabor	labor
TOTAL	\$171,087,300	\$120,453,000

TOTALS	Total (\$)
Direct Labor	\$314,562,320
Direct Nonlabor (excl. from hourly rates)	\$92,025,000
Indirect Program Support Labor	\$88,388,380
Indirect Program Support Nonlabor	\$22,432,000
Agency Support: Corporate & OIG Labor	\$120,453,000
Agency Support: Corporate & OIG NonLabor	\$171,087,300
TOTAL	\$808,948,000

DETERMINATION OF PROFESSIONAL HOURLY RATE CONTINUED

Total included in professional hourly rates:	% total	value
Mission-Direct Program Salaries & Benefits	43.88%	\$314,562,320
Mission-Indirect Program Support	15.46%	\$110,820,380
Agency Support: Corporate Support w/ Inspector General	40.67%	\$291,540,300

Total	100.00%	<u>\$716,923,000</u>
less offsetting receipts*		\$16,931
Total in professional hourly rate**		\$716,906,069
Mission-Direct FTE		1,701
FTE rate- Full Costed** ('Total in professional hourly rates' divided by 'Mission Direct FTE')		\$421,471
Annual Mission-direct FTE productive hours		1,510
Mission-direct FTE converted to hours ('Mission Direct FTE' multiplied by 'Annual Mission direct FTE productive hours')		2,568,510
Professional Hourly rate** ('Total in professional hourly rates' divided by 'FTE converted to hours')		\$279

*Calculation of offsetting receipts

	Total %	value
FOIA	\$16,931	100% \$16,931
INDEMNITY	\$0	100% \$0
TOTAL		<u>\$16,931</u>

**Since offsetting receipts can not be used to offset total fee collections, offsetting receipts are not subtracted from numerator for FTE rate. Per fee policy documents, we can subtract these receipts when calculating professional hourly rates.

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
CORPORATE SUPPORT						
BUSINESS LINE: CORPORATE SUPPORT						
Acquisitions						
Mission IT	5,917	2.0	5,965	2.0	(48)	0.0
Commodity Management	0	1.0	0	3.0	0	(2.0)
Procurement Operations	235	42.0	156	43.0	79	(1.0)
Administrative Assistants	0	1.0	0	1.0	0	0.0
Strategic Sourcing	0	0.0	0	0.0	0	0.0
Supervisory Staff	0	5.0	0	5.0	0	0.0
Travel	8	0.0	15	0.0	(7)	0.0
Administrative Services						
Mission IT	1,807	2.0	2,498	1.0	(691)	1.0
Supervisory Staff	0	9.0	0	10.0	0	(1.0)
Support Services	7,128	24.0	9,451	23.0	(2,323)	1.0
Administrative Assistants	325	2.0	295	2.0	30	0.0
IT Infrastructure	895	0.0	0	0.0	895	0.0
Corporate Rulemaking	0	0.0	0	1.0	0	(1.0)
Facility Management	15,449	14.0	10,093	14.0	5,356	0.0
Non-Supervisory Staff	60	5.0	108	6.0	(48)	(1.0)
Physical & Personnel Security	14,235	21.0	14,439	18.0	(204)	3.0
Travel	30	0.0	48	0.0	(18)	0.0
Rent & Utilities	32,502	1.0	35,064	1.0	(2,562)	0.0
Financial Management						
Mission IT	9,488	9.0	11,917	9.0	(2,429)	0.0
Corporate Rulemaking	0	2.0	0	2.0	0	0.0
Supervisory Staff	0	12.0	0	14.0	0	(2.0)
Budgeting	0	26.0	0	27.0	0	(1.0)
Administrative Assistants	200	2.0	85	4.0	115	(2.0)
Non-Supervisory Staff	460	3.0	217	2.0	243	1.0
Travel	39	0.0	39	0.0	0	0.0
Financial Services	2,387	22.0	1,900	16.0	487	6.0
Management controls	350	20.0	646	25.0	(296)	(5.0)
Performance Management	0	0.0	0	0.0	0	0.0
Human Resource Management						
Mission IT	1,010	3.0	1,028	3.0	(18)	0.0
Supervisory Staff	0	6.0	0	5.0	0	1.0
Non-Supervisory Staff	165	2.0	162	2.0	3	0.0
Administrative Assistants	0	1.0	0	1.0	0	0.0
Travel	87	0.0	87	0.0	0	0.0
Employee/Labor Relations	15	5.0	15	5.0	0	0.0
Policy Development & SWP	69	5.0	30	5.0	39	0.0
Recruitment & Staffing	820	17.0	6,598	18.0	(5,778)	(1.0)
Change of Station	8,504	0.0	0	0.0	8,504	0.0
Work Life Services	1,883	5.0	2,156	5.0	(273)	0.0
Information Technology						
IM Technologies	5,998	12	8,980	15	(2,982)	(3.0)
IT Infrastructure	43,628	78.0	51,054	68.0	(7,426)	10.0
IT applications infrastructure	0	0.0	0	0.0	0	0.0
IT Security	5,796	11.0	5,371	16.0	425	(5.0)
Information Services	1,721	28.0	2,085	18.0	(364)	10.0
Information Security	0	2.0	0	2.0	0	0.0
Supervisory Staff	0	17.0	0	17.0	0	0.0
Non-Supervisory Staff	0	2.0	0	2.0	0	0.0
Travel	48	1.0	98	0.0	(50)	1.0
Administrative Assistants	384	1.0	424	1.0	(40)	0.0
Content Management	755	1.0	2,122	7.0	(1,367)	(6.0)
IT Strategic Management	1,103	26.0	4,167	28.0	(3,064)	(2.0)
Outreach						
Small Business & Civil Rights	742	9.0	424	6.0	318	3.0
Outreach & Compliance Coord. Program	0	0.0	429	3.0	(429)	(3.0)
Supervisory Staff	0	2.0	0	2.0	0	0.0

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
Administrative Assistants	61	1.0	61	1.0	0	0.0
Non-Supervisory Staff	0	1.0	0	1.0	0	0.0
Mission IT	33	0.0	33	0.0	0	0.0
Travel	30	0.0	30	0.0	0	0.0
Policy Support						
Mission IT	668	0.0	690	0.0	(22)	0.0
International Cooperation	0	0.0	0	0.0	0	0.0
International Policy Outreach	290	3.0	290	3.0	0	0.0
Performance Management	0	1.0	0	1.0	0	0.0
Commission	70	35.0	70	35.0	0	0.0
Commission Appellate Adjudication	5	6.0	90	6.0	(85)	0.0
EDO Operations	0	8.0	0	8.0	0	0.0
Policy Outreach	1,126	37.0	1,089	35.0	37	2.0
Secretariat	0	17.0	0	17.0	0	0.0
Official Representation	25	0.0	25	0.0	0	0.0
Corporate Rulemaking	0	1.0	0	1.0	0	0.0
Supervisory Staff	0	13.0	0	14.0	0	(1.0)
Administrative Assistants	75	15.0	75	15.0	0	0.0
Non-Supervisory Staff	63	1.0	63	1.0	0	0.0
Travel	824	0.0	824	0.0	0	0.0
Training						
Mission IT	158	2.0	266	2.0	(108)	0.0
Training and Development	1,212	4.0	1,282	4.0	(70)	0.0
Organizational Development	10	2.0	0	2.0	10	0.0
Supervisory Staff	0	3.0	0	3.0	0	0.0
Administrative Assistants	0	1.0	0	1.0	0	0.0
IT Security	150	0.0	150	0.0	0	0.0
Non-Supervisory Staff	0	1.0	0	1.0	0	0.0
Travel	341	0.0	341	0.0	0	0.0
Business Process Improvements	0	0.0	0	0.0	0	0.0
Total Agency Support (Corporate Support and the IG) Resources	169,384	611	183,545	609	(14,161)	2.0
Total value of Corporate Support Resources(FY19 \$181,567 contract funding + 611 FTE multiplied by S&B rate)	\$ 169,384	\$ 110,013	\$ 183,545	\$ 109,404	(14,161)	609.0
Office of Inspector General	1,703	58.0	1,414	58.0	289	0.0
Total value of the Office of Inspector General Resources(\$1,703 contract funding + 58 FTE multiplied by S&B rate)	\$ 1,703	\$ 10,440	\$ 1,414	\$ 10,092	289	348.0
Total Agency Support (Corporate Support and the IG) Resources	\$ 171,087	\$ 120,453	\$ 184,959	\$ 119,496	(13,872)	957.0

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
International Activities						
Licensing Export/Import	0	0.0	0	0.0	0	0.0
International Technical Cooperation	0	0.0	0	0.0	0	0.0
Licensing						
IT Infrastructure	0	0.0	0	0.0	0	0.0
EDO Operations	0	0.0	0	0.0	0	0.0
Policy Outreach	0	0.0	0	0.0	0	0.0
Business Process Improvements	0	0.0	0	0.0	0	0.0
Travel						
International Activities Travel	275	0.0	166	0.0	109	0.0
Mission Travel	1,845	0.0	2,120	0.0	(275)	0.0
Travel	0	0.0	5	0.0	(5)	0.0
Support Staff						
Supervisory Staff	0	32.0	0	49.0	0	(17.0)
Admin Assistants	280	17.0	550	24.0	(270)	(7.0)
Non-Supervisory Staff	48	12.0	0	12.0	48	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
Licensing						
RIC	0	0.0	0	0.0	0	0.0
EDO Operations	0	0.0	0	0.0	0	0.0
Policy Outreach	0	0.0	0	0.0	0	0.0
Business Improvements	0	0.0	0	0.0	0	0.0
Oversight						
Mission IT	0	0.0	0	0.0	0	0.0
IT Infrastructure	0	0.0	0	0.0	0	0.0
Research						
Mission IT	0	0.0	0	0.0	0	0.0
Training						
Training and Development	0	0.0	0	0.0	0	0.0
Business Process Improvements	0	0.0	0	0.0	0	0.0
Travel						
International Activities Travel	818	0.0	803	0.0	15	0.0
Mission Travel	12,135	0.0	13,508	0.0	(1373)	0.0
Support Staff						
Supervisory Staff	0	177.0	0	184.0	0	(7.0)
Admin Assistants	884	86.0	975	91.0	(91)	(5.0)
Non-Supervisory Staff	1,642	63.0	1,676	65.0	(34)	(2.0)
HR Activities	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Reactor Safety	17,927	387.0	19,803	425.0	(1876)	(38.0)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
International Activities						
Export/Import	0	0.0	0	0.0	0	0.0
Oversight						
IT Infrastructure	0	0.0	0	0.0	0	0.0
Travel						
International Activities Travel	120	0.0	120	0.0	0	0.0
Mission Travel	937	0.0	981	0.0	(44)	0.0
Support Staff						
Supervisory Staff	0	13.0	0	14.0	0	(1.0)
Admin Assistants	0	4.0	268	4.0	(268)	0.0
Non-Supervisory Staff	0	2.0	82	2.0	(82)	0.0

**PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY
BUSINESS LINE: NUCLEAR MATERIALS USERS**

International Activities							
Export/Import	0	0.0	0	0.0	0	0.0	
Licensing							
EDO Operations	0	0.0	0	0.0	0	0.0	
Policy Outreach	0	0.0	0	0.0	0	0.0	
Oversight							
IT Infrastructure	0	0.0	0	0.0	0	0.0	
Travel							
International Activities Travel	79	0.0	79	0.0	0	0.0	
International Assistance Travel	350	0.0	350	0.0	0	0.0	
Mission Travel	1,282	0.0	1,334	0.0	(52)	0.0	
Training							
Business Process Improvements	0	0.0	0	0.0	0	1.0	
Support Staff							
Supervisory Staff	0	25.0	0	25.0	0	0.0	
Admin Assistants	0	8.0	0	8.0	0	0.0	
Non-Supervisory Staff	436	10.0	497	10.0	(61)	0.0	

**PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE**

Licensing							
IT Infrastructure	0	0.0	0	0.0	0	0.0	
Policy Outreach	0	0.0	0	0.0	0	0.0	
Travel							
Mission Travel	652	0.0	730	0.0	(78)	0.0	
International Activities Travel	80	0.0	180	0.0	(100)	0.0	
Support Staff							
Supervisory Staff	0	10.0	0	11.0	0	(1.0)	
Support Services	0	0.0	0	0.0	0	0.0	
Budget	0	0.0	0	0.0	0	0.0	
Content Mgmt	0	0.0	0	0.0	0	0.0	
Admin Assistants	0	2.0	0	2.0	0	0.0	
HR Activities	0	0.0	0	0.0	0	0.0	
Non-Supervisory Staff	0	1.0	12	1.0	(12)	0.0	

**PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION**

Licensing							
IT Infrastructure	0	0.0	0	0.0	0	0.0	
Policy Outreach	0	0.0	0	0.0	0	0.0	
Oversight							
Travel							
Mission Travel	449	0.0	461	0.0	(12)	0.0	
International Activities Travel	120	0.0	120	0.0	0	0.0	
Support Staff							
Supervisory Staff	0	12.0	0	11.0	0	1.0	
Support Services	0	0.0	0	0.0	0	0.0	
Content Mgmt	0	0.0	0	0.0	0	0.0	
Budget	0	0.0	0	0.0	0	0.0	
Admin Assistants	0	2.0	0	2.0	0	0.0	
Non-Supervisory Staff	0	2.0	14	2.0	(14)	0.0	
Grand Total Nuclear Materials & Waste Safety	4,505	91.0	5,228	92	(723)	(1.0)	

Total Mission Program Indirect Resources 22,432 478.0 25,031 517.0 (2599) (39.0)

Total value of Mission Program Indirect Resources(FY 20
\$22,432 contract funding + 478 FTE multiplied by S&B rate) \$ 22,432 \$ 88,388 \$ 25,031 \$ 95,584 (2599) (7196.0)

Part 170 Fees

Specific Services

Section IV.A.2

Flat application fees are calculated by multiplying the average professional staff hours needed to process the licensing actions by the Final professional hourly rate (\$279 for FY 2020). The agency estimates the average professional staff hours every other year as part of its biennial review of fees which was performed in FY 2020.

Full cost fees are determined based on the professional staff time and appropriate contractual support of services. The full cost fees for professional staff time will be determined at the professional hourly rate in effect the time the service was provided.

The NRC estimates the amount of 10 CFR part 170 fees for each fee class based on established fee methodology guidelines (42 FR 22149; May 2, 1977), which specified that the NRC has the authority to recover the full cost of providing services to identifiable beneficiaries. The NRC uses these established guidelines to apply the most current financial data and workload projections by offices and divisions to calculate the 10 CFR part 170 fee estimates.

Current financial data includes: 1) four quarters of the most recent billing data (professional hourly rate invoice data); 2) actual contractual work charged (prior period data) to develop contract work estimates; and 3) the number of FTE hours charged, multiplied by the NRC professional hourly rate

DETERMINATION OF MATERIALS PART 170 APPLICATION FEES and Average Inspection Costs ** FY 2020			
FY2020 Professional Hourly Rate \$279			
Materials Part 170 Fee			
Category	FY 2020 Estimated Professional Process Time	FY 2020 Fee/Cost (Professional Time x FY 2020 Professional Hourly Rate)	FY 2020 Fee/Cost (Rounded)
	(Hours)*		
1. Special Nuclear Material			
1C. Industrial Gauges			
Inspection Costs**	7.7	\$2,149	\$2,100
New License	4.6	\$1,284	\$1,300
1D. All Other SNM Material, less critical mass			
Inspection Costs**	23.1	\$6,448	\$6,400
New License	9.3	\$2,596	\$2,600
2. Source Material			
2B. Shielding			
Inspection Costs**	10	\$2,791	\$2,800
New License	4.4	\$1,228	\$1,200
2C. Exempt Distribution/SM			
Inspection Costs**	14.5	\$4,047	\$4,000
New License	15.5	\$4,326	\$4,300
2D. General License Distribution			
Inspection Costs**	15.6	\$4,354	\$4,400
New License	9.9	\$2,763	\$2,800
2E. Manufacturing Distribution			
Inspection Costs**	15.6	\$4,354	\$4,400
New License	9.5	\$2,652	\$2,700
2F. All Other Source Material			
Inspection Costs**	28.8	\$8,038	\$8,000
New License	9.5	\$2,652	\$2,700
3. Byproduct Material			
3A. Mfg-Broad Scope			
Inspection Costs**	57.7	\$16,105	\$16,100
New License	46.8	\$13,063	\$13,100
3. Byproduct Material			
3A1. Mfg-Broad Scope			
Inspection Costs**	76.9	\$21,464	\$21,500
New License	62.2	\$17,361	\$17,400
3. Byproduct Material			
3A2. Mfg-Broad Scope			
Inspection Costs**	96.2	\$26,851	\$26,900
New License	77.7	\$21,687	\$21,700

DETERMINATION OF MATERIALS PART 170 APPLICATION FEES and Average Inspection Costs ** FY 2020			
FY2020 Professional Hourly Rate \$279			
Materials Part 170 Fee			
Category	FY 2020 Estimated Professional Process Time	FY 2020 Fee/Cost (Professional Time x FY 2020 Professional Hourly Rate)	FY 2020 Fee/Cost (Rounded)
3B. Mfg-Other			
Inspection Costs**	33.9	\$9,462	\$9,500
New License	12.9	\$3,601	\$3,600
3B1. Mfg-Other (sites 6-19)			
Inspection Costs**	45.2	\$12,616	\$12,600
New License	17.2	\$4,801	\$4,800
3B2. Mfg-Other (sites 20 or more)			
Inspection Costs**	56.5	\$15,770	\$15,800
New License	21.4	\$5,973	\$6,000
3C. Mfg/Distribution Radiopharmaceuticals			
Inspection Costs**	23.8	\$6,643	\$6,600
New License	18.7	\$5,219	\$5,200
3C1. Mfg/Distribution Radiopharmaceuticals			
Inspection Costs**	31.7	\$8,848	\$8,800
New License	24.9	\$6,950	\$6,900
3C2. Mfg/Distribution Radiopharmaceuticals			
Inspection Costs**	39.7	\$11,081	\$11,100
New License	31.0	\$8,653	\$8,700
3D. Distribution Radiopharmaceuticals/No Process			
Inspection Costs**	0	\$0	\$0
New License	0	\$0	\$0
3E. Irradiators/Self-Shielded			
Inspection Costs**	49.8	\$13,900	\$13,900
New License	11.5	\$3,210	\$3,200
3F. Irradiators < 10,000 Ci			
Inspection Costs**	15.7	\$4,382	\$4,400
New License	23.4	\$6,531	\$6,500
3G. Irradiators => 10,000 Ci			
Inspection Costs**	15.6	\$4,354	\$4,400
New License	223.2	\$62,298	\$62,300
3H. Exempt Distribution/Device Review			
Inspection Costs**	14.1	\$3,936	\$3,900
New License	23.9	\$6,671	\$6,700
3I. Exempt Distribution/No Device Review			
Inspection Costs**	14.5	\$4,047	\$4,000
New License	41.6	\$11,611	\$11,600
3J. General License Distribution/Device Review			
Inspection Costs**	10.5	\$2,931	\$2,900
New License	7.2	\$2,010	\$2,000

DETERMINATION OF MATERIALS PART 170 APPLICATION FEES and Average Inspection Costs ** FY 2020			
FY2020 Professional Hourly Rate \$279			
Materials Part 170 Fee			
Category	FY 2020 Estimated Professional Process Time	FY 2020 Fee/Cost (Professional Time x FY 2020 Professional Hourly Rate)	FY 2020 Fee/Cost (Rounded)
3K. General License Distribution/No Device Review			
Inspection Costs**	10.4	\$2,903	\$2,900
New License	4.1	\$1,144	\$1,100
3L. R&D-Broad			
Inspection Costs**	40.4	\$11,276	\$11,300
New License	19.7	\$5,499	\$5,500
3L1 R&D-Broad			
Inspection Costs**	53.9	\$15,044	\$15,000
New License	26.2	\$7,313	\$7,300
3L2 R&D-Broad			
Inspection Costs**	67.3	\$18,784	\$18,800
New License	32.7	\$9,127	\$9,100
3M. R&D-Other			
Inspection Costs**	23.8	\$6,643	\$6,600
New License	29.8	\$8,318	\$8,300
3N. Service License			
Inspection Costs**	34.2	\$9,546	\$9,500
New License	32	\$8,932	\$8,900
3O. Radiography			
Inspection Costs**	28.4	\$7,927	\$7,900
New License	22.8	\$6,364	\$6,400
3O1. Radiography			
Inspection Costs**	37.9	\$10,578	\$10,600
New License	30.4	\$8,485	\$8,500
3O2. Radiography			
Inspection Costs**	47.3	\$13,202	\$13,200
New License	38.0	\$10,606	\$10,600
3P. All Other Byproduct Material			
Inspection Costs**	24.5	\$6,838	\$6,800
New License	17	\$4,745	\$4,700
3P1. All Other Byproduct Material			
Inspection Costs**	32.7	\$9,127	\$9,100
New License	22.7	\$6,336	\$6,300
3P2. All Other Byproduct Material			
Inspection Costs**	40.8	\$11,388	\$11,400
New License	28.3	\$7,899	\$7,900

DETERMINATION OF MATERIALS PART 170 APPLICATION FEES and Average Inspection Costs ** FY 2020			
FY2020 Professional Hourly Rate \$279			
Materials Part 170 Fee			
Category	FY 2020 Estimated Professional Process Time	FY 2020 Fee/Cost (Professional Time x FY 2020 Professional Hourly Rate)	FY 2020 Fee/Cost (Rounded)
3R1. Radium-226 (less than or equal to 10x limits in 31.12)			
Inspection Costs**	24.2	\$6,755	\$6,800
New License	9.2	\$2,568	\$2,600
3R2. Radium-226 (more than 10x limits in 31.12)			
Inspection Costs**	16.2	\$4,522	\$4,500
New License	9	\$2,512	\$2,500
3S. Accelerator Produced Radionuclides			
Inspection Costs**	31.6	\$8,820	\$8,800
New License	51.1	\$14,263	\$14,300
4B. Waste Packaging			
Inspection Costs**	23.5	\$6,559	\$6,600
New License	24.9	\$6,950	\$6,900
4C. Waste-Prepackaged			
Inspection Costs**	14.2	\$3,963	\$4,000
New License	18	\$5,024	\$5,000
5. Well Logging			
5A. Well Logging			
Inspection Costs**	33	\$9,211	\$9,200
New License	16.5	\$4,605	\$4,600
6. Nuclear Laundries			
6A. Nuclear Laundry			
Inspection Costs**	21.7	\$6,057	\$6,100
New License	79.7	\$22,245	\$22,200
7. Human Use			
7A. Teletherapy			
Inspection Costs**	57.8	\$16,133	\$16,100
New License	40	\$11,165	\$11,200
7. Human Use			
7A1. Teletherapy			
Inspection Costs**	77.1	\$21,520	\$21,500
New License	53.2	\$14,849	\$14,800
7. Human Use			
7A2. Teletherapy			
Inspection Costs**	96.3	\$26,879	\$26,900
New License	66.4	\$18,533	\$18,500

DETERMINATION OF MATERIALS PART 170 APPLICATION FEES and Average Inspection Costs ** FY 2020			
FY2020 Professional Hourly Rate \$279			
Materials Part 170 Fee			
Category	FY 2020 Estimated Professional Process Time	FY 2020 Fee/Cost (Professional Time x FY 2020 Professional Hourly Rate)	FY 2020 Fee/Cost (Rounded)
7B. Medical-Broad			
Inspection Costs**	50.9	\$14,207	\$14,200
New License	31.2	\$8,708	\$8,700
7B1. Medical-Broad			
Inspection Costs**	67.9	\$18,952	\$19,000
New License	41.5	\$11,582	\$11,600
7B2. Medical-Broad			
Inspection Costs**	84.8	\$23,669	\$23,700
New License	51.8	\$14,456	\$14,500
7C. Medical-Other			
Inspection Costs**	25	\$6,978	\$7,000
New License	23.6	\$6,587	\$6,600
7C1. Medical-Other			
Inspection Costs**	33.3	\$9,281	\$9,300
New License	31.4	\$8,761	\$8,800
7C2. Medical-Other			
Inspection Costs**	41.5	\$11,583	\$11,600
New License	39.2	\$10,935	\$10,900
8. Civil Defense			
8A. Civil Defense			
Inspection Costs**	24.2	\$6,755	\$6,800
New License	9.2	\$2,568	\$2,600
9. Device, product or sealed source evaluation			
9A. Device evaluation-commercial distribution			
Application - each device	39	\$10,885	\$10,900
9B. Device evaluation - custom			
Application - each device	32.4	\$9,043	\$9,000
9C. Sealed source evaluation - commercial distribution			
Application - each source	19	\$5,303	\$5,300
9D. Sealed source evaluation - custom			
Application - each source	3.8	\$1,061	\$1,100
10. Transportation			
10B. Evaluation - Part 71 QA program			
Application - approval	15.1	\$4,215	\$4,200

DETERMINATION OF MATERIALS PART 170 APPLICATION FEES and Average Inspection Costs ** FY 2020			
FY2020 Professional Hourly Rate \$279			
Materials Part 170 Fee			
Category	FY 2020 Estimated Professional Process Time	FY 2020 Fee/Cost (Professional Time x FY 2020 Professional Hourly Rate)	FY 2020 Fee/Cost (Rounded)
17. Master Materials License¹			
Inspection Costs**	445.6	\$124,373	\$124,400
New License	397	\$110,808	\$110,800
NOTES:			
<p style="margin-left: 40px;">Rounding: <\$1000 rounded to nearest \$10, =or>\$1000 and <\$100,000 rounded to nearest \$100, =or>\$100,000 rounded to nearest \$1,000</p> <p>* hours based on FY 2019 Biennial Review ** Inspection costs are used in computation of the Annual fees for the category ¹ Beginning with FY 2011 fee rule, the Master Materials License Part 170 application fee was eliminated. Per FSME's recommendation in their Biennial Review, the fee for a new MML license will be fully costed based on the hours spent on reviewing a new application.</p>			

Part 170 Fees

Export and Import Fees

Section IV.A.2

Flat application fees are calculated by multiplying the average professional staff hours needed to process the licensing actions by the Final professional hourly rate (\$279 for FY 2020). The agency estimates the average professional staff hours every other year as part of its biennial review of fees. The agency estimates the average professional staff hours every other year as part of its biennial review of fees which was performed in FY 2020.

Note: The FY 2020 & 2019 enacted budget excluded international activities from the fee-recoverable budget, import and export licensing actions (see fee categories K.1. through K.5. of § 170.21 and fee categories 15.A. through 15.R. of § 170.31) were not be charged fees under the 2019 Final rule. To implement this, the NRC has revised fee categories K.1. through K.5. of § 170.21 and fee categories 15.A. through 15.R. of § 170.31 and included a new footnote in these tables.

**Mission Direct Budgeted Resources Allocated to
Import-Export Fee Class**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
<i>PRODUCT LINE/PRODUCTS:</i>						
International Activities						
Licensing Import/Export	0	0.0	0	0.0	0	0.0
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Reactor Safety	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
<i>PRODUCT LINE/PRODUCTS:</i>						
International Activities						
Licensing Import/Export	0	0.0	0	0.0	0	0.0
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
<i>PRODUCT LINE/PRODUCTS:</i>						
International Activities						
Licensing Import/Export	0	0.0	0	0.0	0	0.0
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
<i>PRODUCT LINE/PRODUCTS:</i>						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
<i>PRODUCT LINE/PRODUCTS:</i>						
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Materials & Waste Safety	0	0.0	0	0.0	0	0.0
TOTAL	0	6.0	0	0.0	0	6.0
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract \$)	\$0		\$0		\$0	

DETERMINATION OF MATERIALS PART 170 APPLICATION FEES and Average Inspection Costs ** FY 2020			
FY2020 Professional Hourly Rate \$279			
Materials Part 170 Fee			
Category	FY 2020 Estimated Professional Process Time	FY 2020 Fee/Cost (Professional Time x FY 2020 Professional Hourly Rate)	FY 2020 Fee/Cost (Rounded)
DETERMINATION OF EXPORT AND IMPORT PART 170 FEES FY 2020			
FY 2020 Professional Hourly Rate = \$279			
Export and Import Part 170 Fees	FY 2020 Estimated Professional Process Time	FY 2020 Fee/Cost (Professional Time x FY 2020 Professional Hourly Rate)	FY 2020 Fee/Cost (Rounded)
(Hours)*			
10 CFR 170.21, Category K			
Subcategory			
1	65	18,142	18,100
2	35	9,769	9,800
3	17	4,745	4,700
4	17	4,745	4,700
5	10	2,791	2,800
10 CFR 170.31, Category 15			
Subcategory			
A	65	18,142	18,100
B	35	9,769	9,800
C	17	4,745	4,700
D	17	4,745	4,700
E	18	5,024	5,000
F	60	16,747	16,700
G	30	8,373	8,400
H	11	3,070	3,100
I	1	279	300
J	60	16,747	16,700
K	30	8,373	8,400
L	15	4,187	4,200
M	0	0	0
N	0	0	0
O	0	0	0
P	0	0	0
Q	0	0	0
R	5	1,396	1,400
NOTES:			
The application fees and amendment fees are the same for each subcategory because, per discussion with IP representatives, the processing time is the same for a new license or an amendment to the license.			
Rounding: <\$1000 rounded to nearest \$10, =or>\$1000 and <\$100,000 rounded to nearest \$100, =or>\$100,000 rounded to nearest \$1,000			
* data based on FY 2019 Biennial Review			

DETERMINATION OF MATERIALS PART 170 APPLICATION FEES and Average Inspection Costs ** FY 2020			
FY2020 Professional Hourly Rate \$279			
Materials Part 170 Fee			
Category	FY 2020 Estimated Professional Process Time	FY 2020 Fee/Cost (Professional Time x FY 2020 Professional Hourly Rate)	FY 2020 Fee/Cost (Rounded)
DETERMINATION OF EXPORT AND IMPORT PART 170 FEES FY 2020			
FY 2020 Professional Hourly Rate = \$279			
Export and Import Part 170 Fees Category	FY 2020 Estimated Professional Process Time	FY 2020 Fee/Cost (Professional Time x FY 2020 Professional Hourly Rate)	FY 2020 Fee/Cost (Rounded)
(Hours)*			
10 CFR 170.21, Category K Subcategory			
1	65	18,142	18,100
2	35	9,769	9,800
3	17	4,745	4,700
4	17	4,745	4,700
5	10	2,791	2,800
10 CFR 170.31, Category 15 Subcategory			
A	65	18,142	18,100
B	35	9,769	9,800
C	17	4,745	4,700
D	17	4,745	4,700
E	18	5,024	5,000
F	60	16,747	16,700
G	30	8,373	8,400
H	11	3,070	3,100
I	1	279	300
J	60	16,747	16,700
K	30	8,373	8,400
L	15	4,187	4,200
M	0	0	0
N	0	0	0
O	0	0	0
P	0	0	0
Q	0	0	0
R	5	1,396	1,400
NOTES:			
The application fees and amendment fees are the same for each subcategory because, per discussion with IP representatives, the processing time is the same for a new license or an amendment to the license.			
Rounding: <\$1000 rounded to nearest \$10, =or>\$1000 and <\$100,000 rounded to nearest \$100, =or>\$100,000 rounded to nearest \$1,000			

Part 170 Fees

Reciprocity Fees - Agreement State Licensees

Section IV.A.2

The application fee for Agreement State licensees who conduct activities under the reciprocity provisions of 10 CFR 150.20 is determined using FYs 2014 through 2017 data and the FY 2020 professional hourly rate. The FYs 2014-2017 reciprocity fee data was provided as part of the FY 2019 biennial review of fees.

DETERMINATION OF MATERIALS PART 170 APPLICATION FEES and Average Inspection Costs ** FY 2020			
FY2020 Professional Hourly Rate \$279			
Materials Part 170 Fee			
Category	FY 2020 Estimated Professional Process Time	FY 2020 Fee/Cost (Professional Time x FY 2020 Professional Hourly Rate)	
DETERMINATION OF RECIPROCITY PART 170 FEES FY 2020			
NOTES:			
The reciprocity application and revision fees are determined using FYs 2014-2017 data*, and the FY 2019 professional hourly rate. The reciprocity application fee includes average costs for inspections, average costs for processing initial filings of NRC Form 241, and average costs for processing changes to the initial filings of NRC Form 241.			
FY 2020 Professional Hourly Rate:		\$279	
Average inspection costs: Reciprocity Part 170 Fee Fee Category 16	Avg Inspection Costs (Avg. no. of hours for insp. x professional hourly rate)	Total Amount	
Inspection		\$8,800	
Number of Inspections Conducted for FY14-17	78		
	<u>0</u>		
Total	78		\$171,600
Average for the 4 years	19.5		
Initial 241s		\$600	
Number of Completions for FY14-17	846		
	<u>0</u>		
Total	846		\$126,900
Average for the 4 years	211.5		
Revised 241s		\$100	
Number of Completions for FY14-17	6209		
	<u>0</u>		
Total	6209		\$155,225
Average for the 4 years	1552.25		
APPLICATION FEE:			
Amount for inspections [Cost/Initial 241]	\$811		
Amount for initial filing of NRC Form 241[Cost/Initial 241]	\$600		
for revisions to initial filing of NRC Form 241 [Cost/Initial 241]	\$734		
Total Application Fee	<u>\$2,145</u>		
Application Fee Rounded	\$2,100		
* data based on FY 2019 Biennial Review			

Part 170 Fees

General License Registration Fees

Section IV.A.2

This fee under byproduct material is for registration of a device(s) generally licensed under part 31 of this chapter.

DETERMINATION OF MATERIALS PART 170 APPLICATION FEES and Average Inspection Costs ** FY 2020			
FY2020 Professional Hourly Rate \$279			
Materials Part 170 Fee			
Category	FY 2020 Estimated Professional Process Time	FY 2020 Fee/Cost (Professional Time x FY 2020 Professional Hourly Rate)	
DETERMINATION OF GENERAL LICENSE REGISTRATION FEE , FY 2020 (FEE CATEGORY 3Q)			
	<u>Total GL Resources</u>	<u>% Supporting Registrable GLs</u>	<u>Total Supporting Registrable GLs</u>
<u>NMSS GL Program</u>			
budgeted FTE			
	Regions		0.00
	HQ		0.30
budgeted contract \$			
	Regions		\$0
	HQ		\$191,000
full cost of FTE	\$421,471		\$421,471
total budgeted resources, NMSS GL Program (equals full cost of FTE + contract \$)			\$317,441
portion of budgeted resources associated w/fee exempt GLs (nonprofit educational)			\$12,063
net to be recovered			\$305,379
fee assuming 517 registrable GLs			\$590.67
fee, rounded			\$600
Data based on the NRC budget documents and the 10/19 email (NMSS GL program).			

Fees Collected for Prior Year

As part of the NRC's fees transformation, beginning with the FY 2019 final fee rule work papers, we have compared the FY 2019 actual Part 170 and Part 171 percentage of total collections with the estimated Part 170 and Part 171 percentage of total collections.

FEES COLLECTED FOR PRIOR YEAR

Fee Class	FY 2019 Actual Part 170-User Fees % of Total Collections for the Fee Class	FY 2019 Actual Part 171-Annual Fees % of Total Collections for the Fee Class	FY 2018 Estimated Part 170-User Fees % of Total Collections for the Fee Class	FY 2018 Estimated Part 171-Annual Fees % of Total Collections for the Fee Class
Fee Relief Activities	100%	0%	100%	0%
Operating Power Reactors	32%	68%	35%	65%
Spent Fuel Storage/Reactor Decommissioning	47%	53%	28%	72%
Fuel Facilities	21%	79%	23%	77%
Uranium recovery	87%	13%	80%	20%
Research and Test Reactors	73%	27%	81%	19%
Rare Earth	0%	0%	100%	0%
Materials users	4%	96%	3%	97%
Transportation	78%	22%	73%	27%
Export and Import Fees	0%	0%	100%	0%
Total	32%	68%	34%	66%

As part of improving transparency of the fee setting process, NRC committed to providing more information to identify budgeted activities allocated to user fees or annual fees. The FY 2019 Congressional Budget Justification released on February 12, 2018, included which Products Lines may generally be annual or user fees for each business line.

In addition, NRC started reporting fees collected for the prior fiscal year, by fee class, beginning with the FY 2018 final fee rule workpapers. Each fee class data includes distribution of fees collected as user fees (10 CFR Part 170) and annual fees (10 CFR Part 171).

Part 171 Annual Fees

Section IV.B

Part 171 Annual Fees

Application of Fee-Relief Adjustment and LLW Surcharge

Section IV.B.1

Table III Table IV

The NRC applies the 10 percent of its budget that is excluded from fee recovery under OBRA-90, as amended (fee relief), to offset the total budget allocated for activities which do not directly benefit current NRC licensees. The budgeted resources for these fee-relief activities are totaled, and then reduced by the amount of the NRC's fee relief. Any difference between the fee relief and the budgeted amount of these activities results in a fee relief adjustment (increase or decrease) to all licensees' annual fees, based on their percent of the budget (the majority is allocated to power reactors each year).

The FY 2020 budgeted resources for NRC's fee-relief activities are \$79.2 million. The NRC's 10 percent fee relief amount in FY 2020 is \$80.9 million, leaving a \$1.7 million fee-relief credit that will decrease all licensees' annual fees based on their percentage share of the budget.

Separately, the NRC has continued to allocate the low-level waste (LLW) surcharge based on the volume of LLW disposal of three classes of licensees, operating reactors, fuel facilities, and materials users.

Note: For FY 2020 & 2019, the enacted budget excluded international activities from the fee-recoverable budget. This included conventions and treaty activities that are not attributable to an existing NRC licensee or class of licensees, and it included international cooperation activities that are not attributable to an existing NRC licensee or class of licensees.

FY 2020 FEE-RELIEF ACTIVITIES AND LLW GENERIC SURCHARGE

FTE rate: \$421,471

	DIRECT RESOURCES		Less Part 170	FEE AMOUNT
	\$,M	FTE	materials decommissioning revenue, \$ M	(\$,M)
TOTAL NRC				
NONPROFIT EDUCATIONAL EXEMPTION	0.3	20.7		9.0
INTERNATIONAL ACTIVITIES	0.0	0.0		0.0
SMALL ENTITY SUBSIDY				7.6
AGREEMENT STATE OVERSIGHT	2.0	23.6		11.9
REGULATORY SUPPORT TO AGREEMENT STATES	1.4	25.6		12.2
URANIUM RECOVERY PROGRAM & UNREGISTERED GENERAL LICENSES	17.0	16.2		23.9
DECOMMISSIONING/RECLAMATION GENERIC	1.0	34.8	3.6	12.0
MILITARY RADIUM 226	0.4	3.2		1.7
NON-MILITARY RADIUM 226	0.0	2.0		0.8
LLW GENERIC SURCHARGE	0.1	7.9		3.4
TOTAL	22.16	134.0		82.6

To meet the 90% fee recovery requirement for FY 2020, the Fee-Relief Activities are reduced by 10% of NRC's FY 2020 net budget authority (appropriation less Non-Recoverable Fee Items¹, as shown below)

	(\$,M)
Fee-Relief Activity (Total above less LLW generic surcharge) ²	79.18
Budget Authority minus Non-Fee Items	808.9
Percent reduction in fee recovery amount for FY 2020	10.0%
Reduction in annual fee recovery amount for FY 2020	80.89
Delta, Fee-Relief Activity (less generic LLW) and reduction in fee recovery amt	-1.72
Generic LLW Surcharge amount	3.4
Net adjustment to fee assessments	1.7

DISTRIBUTION OF ADJUSTMENT TO FEE ASSESSMENTS

	LLW GENERIC SURCHARGE		FEE-RELIEF ACTIVITIES		TOTAL ADJUSTMENT
	PERCENT	\$,M	PERCENT	\$,M	\$,M
POWER REACTORS	84.0%	2.881	86.4%	-1.485	1.396
SPENT FUEL STORAGE/REACTOR DECOMMISSIONING	0.0%	0.000	5.4%	-0.092	-0.092
TEST AND RESEARCH REACTORS	0.0%	0.000	0.5%	-0.009	-0.009
FUEL FACILITIES	12.7%	0.436	3.4%	-0.058	0.378
MATERIALS	3.3%	0.113	3.8%	-0.065	0.048
TRANSPORTATION	0	0.000	0.5%	-0.009	-0.009
RARE EARTH FACILITIES	0	0.000	0.0%	0.000	0.000
URANIUM RECOVERY	0	0.000	0.1%	-0.001	-0.001
TOTAL	100	3.430	100.0%	-1.719	1.711

NOTES:

¹Non-Recoverable Fee Items: DNFSB, WIR, ARI, IA and generic homeland security

²Generic LLW activities are not considered a fairness and equity issue because licensees will benefit from these activities

Utilization of Unobligated Carryover Funds

Budget Business Line / Fee Rule Allocation	FY2020 Carryover Funding \$40M	FY2019 Carryover Funding \$20M	Carryover Change(+/-)
Operating/New Reactor BL	20,921,000	10,401,000	10,520,000
<i>Power Reactor Fee Class</i>	<i>20,361,000</i>	<i>10,401,000</i>	<i>9,960,000</i>
<i>Indirect → Hourly Rate</i>	<i>560,000</i>	<i>0</i>	<i>560,000</i>
SFS/Transportation BL	1,466,000	2,383,000	-917,000
<i>SFS/RD Fee Class</i>	<i>422,000</i>	<i>1,583,000</i>	<i>-1,161,000</i>
<i>Transportation Fee Class</i>	<i>1,044,000</i>	<i>800,000</i>	<i>244,000</i>
NMU BL	2,918,000	0	2,918,000
<i>NMU Fee Class</i>	<i>340,000</i>		<i>340,000</i>
<i>Fee Relief</i>	<i>2,101,000</i>		<i>2,101,000</i>
<i>Indirect → Hourly Rate</i>	<i>477,000</i>		<i>477,000</i>
Decomm/LLW BL	1,070,000	562,000	508,000
<i>SFS/RD Fee Class</i>	<i>522,000</i>	<i>500,000</i>	<i>22,000</i>
<i>Fee Relief</i>	<i>548,000</i>	<i>62,000</i>	<i>486,000</i>
Fuel Facilities BL	440,000	22,000	418,000
Corporate BL	13,185,000	6,632,000	6,553,000

**Mission Direct Budgeted Resources Allocated to
Nonprofit Education Exemption Fee-Relief Category**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Licensing						
Research & Test Reactors	257	12.4	597	12.3	(340)	0.1
Oversight						
Enforcement	1.0	0.1	1.1	0.1	(0)	0.0
Event Evaluation	0	0.0	0	0.0	0	0.0
Inspection	0	3.4	0	3.6	0	(0.2)
Mission IT	0.0	0.0	0.6	0.0	(1)	0.0
Research & Test Reactor Insp.	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Rulemaking						
Rulemaking	0	1.3	0	0.0	0	1.3
Training						
Fukushima NTTF	0	0.0	0	0.0	0	0.0
Mission Training	6	0.0	17	0.0	(11)	0.0
Total Direct Resources	264.0	17.2	616	16.0	(352)	1.2
Grand Total Nuclear Reactor Safety	264.0	17.2	616	16.0	(352)	1.2
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Licensing						
Licensing Actions	0	1.3	0	1.3	0	0.0
Licensing Support	0	0.0	1	0.0	(1)	0.0
Mission IT	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Oversight						
Allegations & Investigations	0	0.2	0	0.6	0	(0.4)
Enforcement	2.9	0.2	2.9	0.4	0	(0.2)
Event Evaluation	0	0.1	0	0.2	0	(0.1)
Inspection	5.0	0.9	4.9	0.9	0	0.0
IT Infrastructure	0.0	0.0	6	0.0	(6)	0.0
Rulemaking						
Rulemaking	0	0.3	0	0.3	0	0.0
Rulemaking Support	0	0.2	0	0.2	0	0.0
Training						
Mission Training	5	0.0	6	0.0	(1)	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	12.9	3.2	21	3.9	(8)	(0.7)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
<i>PRODUCT LINE/PRODUCTS:</i>						
Licensing						
Transportation Certification	0	0.3	0	0.3	0	0.0
Total Direct Resources	0	0.3	0	0.3	0	0.0
Grand Total Nuclear Materials & Waste Safety	12.9	3.5	20.8	4.2	(8)	(0.7)
TOTAL Nonprofit Education Exemption	276.9	20.7	637	20.2	(360)	0.5
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract \$)	\$9,001		\$1,480		\$7,521	

**Mission Direct Budgeted Resources Allocated to
International Activities Fee-Relief Category**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
<i>PRODUCT LINE/PRODUCTS:</i>						
International Activities						
International Cooperation	0	0.0	0	0.0	0	0.0
Training						
Mission Training	0	0.0	0	0.0	0	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
<i>PRODUCT LINE/PRODUCTS:</i>						
International Activities						
Conventions & Treaties	0	0.0	0	0.0	0	0.0
International Cooperation	0	0.0	0	0.0	0	0.0
Training						
Fukushima NTTF	0	0.0	0	0.0	0	0.0
Mission Training	0	0.0	0	0.0	0	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Reactor Safety	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
<i>PRODUCT LINE/PRODUCTS:</i>						
International Activities						
Conventions & Treaties	0	0.0	0	0.0	0	0.0
Licensing Import/Export	0	0.0	0	0.0	0	0.0
International Cooperation	0	0.0	0	0.0	0	0.0
Training						
Mission Training	0	0.0	0	0.0	0	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
<i>PRODUCT LINE/PRODUCTS:</i>						
International Activities						
International Technical Cooperation	0	0.0	0	0.0	0	0.0
International Assistance	0	0.0	0	0.0	0	0.0
Travel						
International Activities Travel	0	0.0	0	0.0	0	0.0
Training						
Mission Training	0	0.0	0	0.0	0	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
<i>PRODUCT LINE/PRODUCTS:</i>						
International Activities						
International Technical Cooperation	0	0.0	0	1.0	0	(1.0)
Conventions & Treaties	0	0.0	0	1.0	0	1.0
Mission Training						
Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
<i>PRODUCT LINE/PRODUCTS:</i>						
International Activities						
International Technical Cooperation	0	0.0	0	0.0	0	0.0
Conventions & Treaties	0	0.0	0	0.0	0	0.0
Mission Travel			0	0.0	0	0.0
Training						
Mission Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Materials & Waste Safety	0	0.0	0	0.0	0	0.0

**Mission Direct Budgeted Resources Allocated to
International Activities Fee-Relief Category**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
TOTAL INTERNATIONAL ACTIVITIES	0	0.0	0	0.0	0	0.0
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract \$)	\$0		\$0		\$0	

Per the 2019 & 2020 Appropriation International activities are off the Fee Base.

**Mission Direct Budgeted Resources Allocated to
Agreement State Oversight Fee-Relief Category**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Training						
Mission Training	6	0.0	10	0.0	(4)	0.0
Total Direct Resources	6	0.0	10	0.0	(4)	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Oversight						
Mission Training	0	0.0	10	0.0	(10)	0.0
Training						
Mission Training	25	0.2	26	0.2	(1)	0.0
Total Direct Resources	25	0.2	36	0.2	(11)	0.0
Grand Total Nuclear Reactor Safety	31	0.2	46	0.2	(15)	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Oversight						
Allegations & Investigations	0	0.1	0	0.0	0	0.1
Enforcement	0	0.0	0	0.0	0	0.0
Event Evaluation	0	0.0	0	0.0	0	0.0
Inspection	0	0.0	0	0.0	0	0.0
Mission IT	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Research						
Materials Research	500	1.7	0	0.7	500	1.0
State Tribal and Federal Programs						
Agreement States	0	21.0	125	22.0	(125)	(1.0)
Mission IT	0	0.0	137	0.0	(137)	0.0
Travel						
Agreement State Travel	1,090	0.0	1,090	0.0	0	0.0
Total Direct Resources	1,590	22.8	1,352	22.7	238	0.1
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
<i>PRODUCT LINE/PRODUCTS:</i>						
Training						
Mission Training	333	0.6	446	0.0	(113)	0.6
Total Direct Resources	333	0.6	446	0.0	(113)	0.6
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
<i>PRODUCT LINE/PRODUCTS:</i>						
Training						
Mission Training	40	0.0	40	0.0	0	0.0
Total Direct Resources	40	0.0	40	0.0	0	0.0
Grand Total Nuclear Materials & Waste Safety	1,963	23.4	1,838	22.7	125	0.7
TOTAL AGREEMENT STATE OVERSIGHT	1,994	23.6	1,884	22.9	110	0.7
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract \$)	\$11,941		\$11,497		\$444	

**Mission Direct Budgeted Resources Allocated to
Agreement State Regulatory Support Fee-Relief Category**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
<i>PRODUCT LINE/PRODUCTS:</i>						
Training						
Mission Training	260	0.0	328	0.0	(68)	0.0
Total Direct Resources	260	0.0	328	0.0	(68)	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Event Response						
Response Operations	0	0.7	0	0.7	0	0.0
Response Programs	0	0.0	0	1.7	0	(1.7)
Licensing						
Licensing Actions	0	0.0	0	0.0	0	0.0
Licensing Support	45	8.0	242	7.0	(197)	1.0
Mission IT	124	0.0	124	0.0	0	0.0
Oversight						
Allegations & Investigations	0	0.1	0	0.1	0	0.0
Enforcement	0	0.0	0	0.0	0	0.0
Event Evaluation	301	1.9	860	2.7	(559)	(0.8)
Inspection	6.0	1.3	6.3	2.2	(0)	(0.9)
IT Infrastructure	0.0	0.0	646	0.0	(645.9)	0.0
Rulemaking						
Rulemaking	37	6.5	0	4.6	37	1.9
Rulemaking Support	0	2.5	0	2.5	0	0.0
State Tribal and Federal Programs						
Agreement States	0	0.0	0	1.0	0	(1.0)
Liaison	0	1.4	0	1.4	0	0.0
Training						
Mission Training	600	1.7	682	1.7	(82)	0.0
Total Direct Resources	1,113.0	24.1	2,560.2	25.6	(1,447.2)	(1.5)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
<i>PRODUCT LINE/PRODUCTS:</i>						
Licensing						
Uranium Recovery Environmental Reviews	0	0.0	0	1.0	0	(1.0)
Uranium Recovery Lic. Actions	0	1.5	0	1.5	0	0.0
Total Direct Resources	0	1.5	0	2.5	0	(1.0)
Grand Total Nuclear Materials & Waste Safety	1,373.0	25.6	2,888.2	28.1	(1,515.2)	(2.5)
TOTAL AGREEMENT STATE REGULATORY SUPPORT	1,373.0	25.6	2,888.2	28.1	(1,515.2)	(2.5)
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract \$)	\$12,163		\$14,684		(\$2,521)	

**Mission Direct Budgeted Resources Allocated to
In-situ Leach Facilities Rulemaking, Unregistered General Licensees, MOLY 99 and Fellowships Scholarships
Fee-Relief Category**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Licensing						
Research & Test Reactors	745	4.5	243	12.3	502	(7.8)
Oversight						
Research & Test Reactor Inspection	0	0.2	0	0.0	0	0.2
Training						
Mission Training	0	0.0	17	0.0	(17)	0.0
Total Direct Resources	745	4.7	260	12.3	485	(7.6)
Grand Total Nuclear Reactor Safety	745	4.7	260	12.3	485	(7.6)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Licensing						
Licensing Support	55	2.0	289	2.0	(234)	0.0
Mission IT	0	0.0	0	0.0	0	0.0
Security					0	0.0
Oversight						
Allegations & Investigations	0	0.0	0	0.0	0	0.0
Enforcement	0	0.0	0	0.0	0	0.0
Event Evaluation	0	0.1	0	0.2	0	(0.1)
Inspection	0	1.0	0	1.0	0	0.0
Mission IT	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Total Direct Resources	55	3.1	289	3.2	(234)	(0.1)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
<i>PRODUCT LINE/PRODUCTS:</i>						
Licensing						
Uranium Recovery Env. Reviews	246	0.9	546	1.7	(301)	(0.8)
Uranium Recovery Lic. Actions	0	5.3	0	6.9	0	(1.6)
Rulemaking						
Rulemaking	0	1.2	0	1.4	0	(0.2)
Training						
Mission Training	0.0	0.0	102	0.0	(102)	0.0
Oversight						
Uranium Recovery Inspection	0	0.9	0	1.6	0	(0.7)
Total Direct Resources	245.7	8.3	649	11.6	(403)	(3.3)
Grand Total Nuclear Materials & Waste Safety	301	11.4	938	14.8	(637)	(3.4)
PROGRAM: CORPORATE SUPPORT						
Outreach						
MSI Grants	0	0.0	0	0.0	0	0.0
Integrated University Program	16,000	0.0	15,000	0.0	1,000	0.0
Outreach & Compliance Coord. Pgm.	0	0.0	0	0.0	0	0.0
Grand Total Corporate Support	16,000	0.0	15,000	0.0	1,000	0.0
TOTAL ISL/MOLY99/GENERAL LICENSEES/FELLOWSHIPS & SCHOLARSHIPS	17,045.7	16.1	16,197.5	27.1	848	(11.0)
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract \$)	\$23,831		\$27,573		(\$3,742)	

Mission Direct Budgeted Resources Allocated to
Remediation of Non-Military Unlicensed Radium Sites

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
<i>PRODUCT LINE/PRODUCTS:</i>						
Licensing						
Decomm. Licensing Actions	0	1.3	0	1.9	0	(0.6)
Oversight						
Inspection	0	0.7	0	0.8	0	(0.1)
Total Direct Resources	0	2.0	0	2.7	0	(0.7)
Grand Total Nuclear Materials & Waste Safety	0	2.0	0	2.7	0	(0.7)
TOTAL GENERIC LOW LEVEL WASTE	0	2.0	0	2.7	0	(0.7)
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract \$)	\$843		\$1,133		(\$290)	

**Mission Direct Budgeted Resources Allocated to
Department of Defense Remediation program MOU activities**

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	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
<i>PRODUCT LINE/PRODUCTS:</i>						
Licensing						
Decomm. Licensing Actions	400	2.2	400	2.8	0	(0.6)
Oversight						
LLW Regulation & Oversight	0	0.0	0	0.0	0	0.0
Enforcement	0	0.0	0	0.0	0	0.0
Inspection	0	1.0	0	1.2	0	(0.2)
Mission Training						
Training	0	0.0	0	0.0	0	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Rulemaking						
Rulemaking	0	0.0	0	0.0	0	0.0
Rulemaking Support	0	0.0	0	0.0	0	0.0
Total Direct Resources	400	3.2	400	4.0	0	(0.8)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
<i>PRODUCT LINE/PRODUCTS:</i>						
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Materials & Waste Safety	400	3.2	400	4.0	0	(0.8)
TOTAL GENERIC LOW LEVEL WASTE	400	3.2	400	4.0	0	(0.8)
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract \$)	\$1,749		\$2,079		(\$330)	

**Mission Direct Budgeted Resources Allocated to
Generic Decommissioning and Reclamation Fee-Relief Category**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
<i>PRODUCT LINE/PRODUCTS:</i>						
International Activities						
International Cooperation	0	0.0	0	0.0	100	2.7
Licensing						
Decomm. Environmental Reviews	500	3.0	500	3.0	0	0.0
Decomm. Licensing Actions	58	21.1	439	19.5	(381)	1.6
Mission IT	114	0.0	62	0.0	52	0.0
Policy Outreach	0	0.5	0	0.5		
Uranium Recovery Lic. Actions	0	0.0	0	1.0	0	(1.0)
Mission Training						
NSPDP Training	0	0.0	0	1.0	0	(1.0)
Oversight						
Inspections	0	4.8	0	4.6	0	0.2
Research						
Waste Research	300	1.0	300	1.0	0	0.0
Rulemaking						
Rulemaking	0	4.4	0	4.6	0	(0.2)
Total Direct Resources	972	34.8	1,301	35.2	(329)	(0.4)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
<i>PRODUCT LINE/PRODUCTS:</i>						
International Activities						
International Cooperation	0	0.0	0	0.0	0	0.0
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Materials & Waste Safety	972	34.8	1,301	35.2	(329)	(0.4)
TOTAL GENERIC DECOMMISSIONING & RECLAMATION	972	34.8	1,301	35.2	(329)	(0.4)
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract \$)	\$11,993		\$13,007		(\$1,014)	
All decommissioning resources for licensees other than Part 50 power reactors and Part 72 licensees--i.e., site specific + generic resources--are allocated to the 'generic decommissioning' Fee-Relief category. OCFO then subtracts from this total the estimated Part 170 decommissioning revenue from these licensees. By definition, what's left is 'generic.'						

**Mission Direct Budgeted Resources Allocated to
Generic Low Level Waste Surcharge Category**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Oversight					0	0.0
Mission IT	0	0.0	18	0.0	(18)	0.0
Total Direct Resources	0	0.0	18	0.0	(18)	0.0
Grand Total Nuclear Reactor Safety	0	0.0	18	0.0	(18)	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
<i>PRODUCT LINE/PRODUCTS:</i>						
Licensing						
Policy Outreach	0	0.5	0	0.5	0	0.0
Oversight						
LLW Regulation & Oversight	50	5.0	111	5.0	(61)	0.0
Rulemaking						
Rulemaking	50	2.4	100	3.0	(50)	(0.6)
Rulemaking Support	0	0.0	0	0.0	0	0.0
Total Direct Resources	100	7.9	211	8.5	(111)	(0.6)
Grand Total Nuclear Materials & Waste Safety	100	7.9	211	8.5	(111)	(0.6)
TOTAL GENERIC LOW LEVEL WASTE	100	7.9	229	8.5	(129)	(0.6)
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract \$)	\$3,430		\$3,797		(\$367)	

Part 171 Annual Fees

Operating Power Reactors

Section IV.B.2.a

Table VI

The budgeted costs to be recovered through annual fees to power reactors are divided equally among the 95 power reactors licensed to operate. This results in a FY 2020 annual fee of \$4,534,000 per reactor. Additionally, each power reactor licensed to operate would be assessed the FY 2020 spent fuel storage/reactor decommissioning annual fee of \$172,000. This results in a total FY 2020 annual fee of \$4,706,000 for each power reactor licensed to operate.

Note: The NRC amended its licensing, inspection and annual fee regulations to establish a variable annual fee structure for light-water small modular reactors (SMR) on May 24, 2016. Under the variable annual fee structure, an SMR's annual fee would be calculated as a function of its licensed thermal power rating. This fee methodology complies with OBRA-90, as amended. Currently, there are no operating SMRs; therefore, the NRC will not propose an annual fee in FY 2020 for this type of licensee.

FY 2020 MISSION DIRECT BUDGETED RESOURCES				
	TOTAL		POWER REACTORS ALLOCATIONS	
	CONTRACT		CONTRACT	
	\$,K	FTE	\$,K	FTE
NUCLEAR REACTOR SAFETY	99,187.0	1,745.0	64,125.4	1,326.6
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)	15,270.0	434.0	107.7	1.4
CORPORATE	169,384.3	611.0	0.0	0.0
INSPECTOR GENERAL(no DNSFB)	1,703.0	58.0		
SUBTOTAL - FEE BASE RESOURCE	285,544.3	2,848.0	64,233.1	1,328.0
Figures below in \$, M (unless otherwise indicated)				
(1) FY 2020 ALLOCATIONS: equals \$, K + FTE*FTE rate (shown below)				623.95
(2) LESS ESTIMATED PART 170 FEE COLLECTIONS				194.8
(3) PART 171 ALLOCATIONS (equals 1 - 2)				429.1
(4) GENERIC TRANSPORTATION RESOURCES (allocated)				0.2
(5) NET PART 171 ALLOCATIONS (after transportation allocated)(equals 3+4)				429.4
(6) FY 2020 TOTAL ALLOCATIONS (after transportation allocation) (equals 2+5)				624.2
(7) % OF BUDGET (% total allocations, excl. fee-relief activities, import/export alloc, small entity)				86.37%
(8) Fee-Relief Adjustment (includes small entity) + LLW Surcharge				1.4
(9) Fee-Relief Adjustment and LLW Surcharge per licensee				0.01
(10) Part 171 billing adjustments				2.4
(11) Adjustments: Current Year Collections from Terminated Reactor (Indian Pt 2)				-2.442
(12) TOTAL FY 2020 ANNUAL FEE (equals 5+8+10+11)				430.7
(13) Number of Licensees				95
(14) Fee Per License (equals 12/13)				4.53
unrounded annual fee amount per license, actual \$				4,534,156
rounded annual fee, actual \$				4,534,000
FTE FULLY COSTED RATE (average based on budget data, actual \$): See Determination of Hourly Rate for calculations			421,471	

**Mission Direct Budgeted Resources Allocated to
Power Reactors Fee Class**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
<i>PRODUCT LINE/ PRODUCTS:</i>						
International Activities						
International Cooperation	0	0.0	0	0.0	0	0.0
Licensing						
Advanced Reactors	0	0.0	0	0.0	0	0.0
Combined Licenses	0	0.0	0	7.0	0	(7.0)
Design Certification	1,250	47.0	1,840	59.0	(590)	(12.0)
Early Site Permit	475	11.0	480	14.0	(5)	(3.0)
EDO Operations	0	1.0	0	1.0	0	0.0
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Fukushima NTTF	0	0.0	0	0.0	0	0.0
IT Infrastructure	1,605	0.0	1,451	0.0	154	0.0
Licensing Actions	150	19.0	150	22.0	0	(3.0)
Licensing Support	936	32.0	2,097	32.0	(1,161)	0.0
Mission IT	2,740	5.0	2,432	5.0	308	0.0
New Reactor Facilities	0	0.0	0	0.0	0	0.0
NSPDP Training	0	0.0	0	1.0	0	(1.0)
Operator Licensing	0	7.0	0	11.0	0	(4.0)
Pre-Application Reviews	0	10.0	0	9.0	0	1.0
Part 50	0	0.0	0	6.0	0	(6.0)
Security	0	0.0	0	0.0	0	0.0
Oversight						
Allegations & Investigations	0	8.9	0	8.9	0	0.0
Construction Inspection	210	39.0	210	38.0	0	1.0
Emergency Preparedness	0	1.0	0	1.0	0	0.0
Enforcement	6	2.0	6	3.0	0	(1.0)
Mission IT	0	0.0	0	0.0	0	0.0
NSPDP Training	0	0.0	0	1.0	0	(1.0)
Part 50	0	0.0	0	4.0	0	(4.0)
Security	238	3.0	600	4.0	(362)	(1.0)
Vendor Inspection	20	11.0	60	15.0	(40)	(4.0)
Research						
Adv. Reactors Research	0	0.0	0	0.0	0	0.0
Long term Research	0	0.0	0	0.0	0	0.0
New Reactors Research	2,535	10.0	2,685	11.0	(150)	(1.0)
Rulemaking (PL)						
Rulemaking	0	9.0	0	9.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Rulemaking Support	0	0.0	0	1.0	0	(1.0)
Training						
Mission Training	959	9.0	1,045	9.0	(86)	0.0
Mission IT	85	0.0	30	0.0	55	0.0
NSPDP Training	0	2.0	0	0.0	0	2.0
Total Direct Resources	11,209	226.9	13,086	271.9	(1,877)	(45.0)
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
<i>PRODUCT LINE/ PRODUCTS:</i>						
Event Response						
Mission IT/Infrastructure	4,344	11.0	7,485	14.0	(3,141)	(3.0)
Other Response Activities	1,420	0.0	1,607	0.0	(187)	0.0
Response Operations	125	19.0	125	19.0	0	0.0
Response Program	0	15.0	0	15.0	0	0.0
International Activities						
International Cooperation	0	0.0	0	0.0	0	0.0
Licensing						
EDO Operations	0	3.0	0	3.0	0	0.0
Emergency Preparedness	0	4.0	0	8.0	0	(4.0)
Generic Issues Program	0	0.0	0	0.0	0	0.0
Fukushima NTTF/Japan Lessons Learned	400	10.0	650	21.0	(250)	(11.0)
License Renewal	170	39.0	589	38.0	(419)	1.0

**Mission Direct Budgeted Resources Allocated to
Power Reactors Fee Class**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
Licensing Actions	1,656	153.0	5,339	164.0	(3,683)	(11.0)
Licensing Support	1,565	82.0	4,456	59.0	(2,891)	23.0
Mission IT	241	0.0	150	0.0	91	0.0
NSPDP Training	0	0.0	0	4.0	0	(4.0)
Operator Licensing	255	38.0	405	35.0	(150)	3.0
Policy Outreach	0	3.0	0	3.0	0	0.0
Research & Test Reactors	0	0.0	0	0	0	0.0
RIC	0	1.0	718	2	(718)	(1.0)
Security	250	11.0	250	13	0	(2.0)
Oversight						
Allegations & Investigations	25	49.9	25	53.9	0	(4.0)
Emergency Preparedness	0	20.0	0	20.0	0	0.0
Enforcement	116	16.7	116	15.7	0	1.0
Event Evaluation	0	35.0	0	36.0	0	(1.0)
Fukushima NTTF	0	7.0	0	7.0	0	0.0
Inspection	2,200	319.0	2,878	330.0	(678)	(11.0)
Information Services	1,181	0.0	0	0.0	1,181	0.0
IT Infrastructure	1,874	0.0	5,030	0.0	(3,156)	0.0
Mission IT	4,760	5.0	3,765	6.0	996	(1.0)
NSPDP Training	0	0.0	0	4.0	0	(4.0)
Research & Test Reactor Insp.	0	0.0	0	0.0	0	0.0
Security	3,745	57.0	3,755	57.0	(10)	0.0
Vendor Inspection	0	2.0	0	2.0	0	0.0
Research						
Consequence Analysis & Hlth Effects	0	0.0	0	0.0	0	0.0
Aging & Materials Research	5,091	20.0	4,991	20.0	100	0.0
Digital I&C & Electrical Res.	0	0.0	0	0.0	0	0.0
Engineering Research	2,911	24.0	3,483	24.0	(572)	0.0
Fire Safety Research	0	0.0	0	0.0	0	0.0
Fukushima NTTF	0	0.0	0	0.0	0	0.0
Generic Issues & Oper. Exp.	0	2.0	0	4.0	0	(2.0)
International Research	0	0.0	0	0.0	0	0.0
Longterm Research	0	0.0	0	0.0	0	0.0
Materials Performance Research	0	0.0	0	0.0	0	0.0
Mission IT	2,736	2.0	3,260	3.0	(524)	(1.0)
NSPDP Training	0	0.0	0	2.0	0	(2.0)
Operational Events Analysis	0	0.0	0	0.0	0	0.0
Reactor Research	0	7.0	0	7.0	0	0.0
Reactor Safety Codes & Analysis	0	0.0	0	0.0	0	0.0
Risk Analysis	6,215	50.0	8,071	51.0	(1,856)	(1.0)
Systems Analysis Research	7,247	23.0	2,842	22.0	4,405	1.0
Seismic & Structural Research	0	0.0	0	0.0	0	0.0
Rulemaking (PL)						
Fukushima NTTF/Japan Lessons Learned	0	0.0	0	0.0	0	0.0
Rulemaking	225	23.7	730	29.0	(505)	(5.3)
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Rulemaking Support	300	13.0	200	18.0	100	(5.0)
Security	0	0.0	0	0.0	0	0.0
Training						
Business Process Improvements	0	0.6	0	0.6	0	0.0
Fukushima NTTF/Japan Lessons Learned	0	0.0	0	0.0	0	0.0
Organizational Development	70	0.0	0	0.0	70	0.0
Mission IT	744	0.0	763	0.0	(19)	0.0
Mission Training	3,050	24.8	3,276	24.8	(226)	0.0
NSPDP Training	0	9.0	0	0.0	0	9.0
Total Direct Resources	52,916	1099.7	64,959	1,135.0	(12,043)	(35.3)
Grand Total Nuclear Reactor Safety	64,125	1326.6	78,045	1,406.9	(13,920)	(80.3)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
<i>PRODUCT LINE/PRODUCTS:</i>						
Research						
Materials Research	0	0.0	0	0.0	0	0.0
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						

**Mission Direct Budgeted Resources Allocated to
Power Reactors Fee Class**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
<i>PRODUCT LINE/PRODUCTS:</i>						
International Activities						
Multilateral/Bilateral	0	0.0	0	0.0	0	0.0
Oversight						
Inspection	6	0.0	6	0.0	0	0.0
Rulemaking						
Rulemaking	0	0.0	0	0.0	0	0.0
State, Tribal and Federal Programs						
Liaison	0	0.8	0	0.8	0	0.0
Training						
Mission Training	102	0.2	116	0.2	(14)	0.0
Total Direct Resources	108	1.0	122	1.0	(14)	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
<i>PRODUCT LINE/PRODUCTS:</i>						
Licensing						
Decomm. Licensing Actions	0	0.0	0	1.0	0	(1.0)
Uranium Recovery Env. Reviews	0	0.0	0	0.0	0	0.0
Uranium Recovery Lic. Actions	0	0.0	0	0.0	0	0.0
Mission Training						
Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	0	0.0	0	1.0	0	(1.0)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
<i>PRODUCT LINE/PRODUCTS:</i>						
International Activities						
International Cooperation	0	0.0	0	0.0	0	0.0
Licensing						
Emergency Preparedness	0	0.0	0	0	0	0.0
Environmental Reviews	0	0.0	0	0	0	0.0
Licensing Support	0	0.0	0	0	0	0.0
Mission IT	0	0.0	0	0	0	0.0
Security	0	0.0	0	0	0	0.0
Storage Licensing	0	0.0	0	1	0	(1.0)
Transportation Certification	0	0.0	0	0	0	0.0
Research						
Waste Research	0	0.0	0	0.0	0	0.0
Rulemaking (PL)						
Rulemaking	0	0.4	0	0.4	0	0.0
Travel						
Mission Travel	0	0.0	0	0.0	0	0.0
Training						
Mission Training	0	0.0	0	0	0	0.0
Total Direct Resources	0	0.4	0	1.4	0	(1.0)
Grand Total Nuclear Materials & Waste Safety	107.7	1.4	122	3.4	(14)	(2.0)
TOTAL POWER REACTORS						
	64,233.1	1,328.0	78,167	1,410.3	(13,934)	(82.3)
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract \$)	623,947		670,164		(\$46,217)	

The budgetary resources allocated to Power Reactors Fee Class from Nuclear Materials & Waste Safety Program include (but are not limited to) activities pertaining to analysis, data collection, modeling future strategies for disposal of spent fuel and high level waste and monitoring developments in the evolving national waste management strategy. In addition to tribal program activities, dosimeter costs and materials training widely attended by all agency staff including inspectors benefitting numerous facets of the agency's mission.

**Reconciliation of Operating & New Reactor
Business Line vs. Fee Class**

(Dollars in thousands)

Product Lines	Reactor Business Lines (CBJ)	
	Contract \$	FTE
Event Response	8,645.0	45.0
Generic Homeland Security	100.0	8.0
International Activities	120.0	22.0
Licensing	18,604.0	505.0
Oversight	20,373.0	586.0
Rulemaking	525.0	47.0
Research	40,173.0	175.0
Mission Support/Supervisors	3,420.0	401.0
State/Tribal/Federal Programs	0.0	0.0
Training	4,994.0	35.0
Travel	15,548.0	0.0
	<u>\$ 112,502.0</u>	<u>1824.0</u>
FTE rate \$184,000 times 1485 FTEs & \$188,000 times 339 FTEs (includes Salaries & Benefits only)		<u>\$ 336,972.0</u>
Total Business Line Budget (BL)	\$ 112,502.0	\$ 336,972.0 = \$ 449,474.0

**Power Reactor Fee Class
(Proposed Fee Rule)**

Deductions from BL resources		
Event Response ⁵	(2,756.0)	0.0
Generic Homeland Security ¹	(100.0)	(8.0)
International Activities ¹	(120.0)	(22.0)
Licensing ^{3,5}	(6,911.0)	(29.0)
Oversight ^{3,5}	(5,997.6)	(9.5)
Research ^{1,5}	(13,438.0)	(37.0)
Rulemaking ³	-	(1.3)
Mission Support/Supervisors ^{2,5}	(3,420.0)	(390.0)
Training ^{3,5}	(86.0)	(0.6)
Travel ²	(15,548.0)	0.0
	<u>(\$48,376.6)</u>	<u>(497.4)</u>
Increases from Other resources		
Oversight ⁴	5.7	0.0
Rulemaking ⁴	0.0	0.4
State/Tribal/Federal Programs ⁴	0.0	0.8
Training ⁴	102.0	0.2
	<u>\$107.7</u>	<u>1.4</u>
BL resources w/ fee rule allocations	\$ 64,233.1	1328.0
FTE fully costed rate \$421,471 times 1328 FTEs (includes Salaries, Benefits, indirect resources & agency support)		<u>\$ 559,713.5</u>
Total Fee Class Budget	\$ 64,233.1	\$ 559,713.5 = \$ 623,946.60
Variances	\$ (48,268.9)	(496) \$ 222,741.5 \$ 174,472.6

Notes:

Deductions include: Exclusion Items ¹, Indirect resources ², resources allocated to other fee classes/fee relief categories ³ and Carryover/Appropriation reductions ⁵

Increases include: resources allocated from other Business Lines ⁴
(i.e. Nuclear Materials and Decommissioning/LLW)

OPERATING POWER REACTOR ANNUAL FEE
FY 2020

NUMBER OF POWER REACTORS LICENSED TO OPERATE:
(by Nuclear Steam System Supplier & Design Type)

Westinghouse	47
General Electric	32
Combustion Engineering	11
Babcock & Wilcox	<u>5</u>
TOTAL REACTORS	95

DETERMINATION OF ANNUAL FEE:

TOTAL BUDGETED COSTS FOR OPERATING POWER REACTORS (PRIOR TO PART 170 & OTHER ADJUSTMENTS)	\$623,947,235
ANNUAL FEE PER REACTOR (rounded) (BUDGETED COSTS DIVIDED BY 95 OPERATING POWER REACTORS)	\$ 4,534,000
PLUS SPENT FUEL STORAGE/ REACTOR DECOMMISSIONING ANNUAL FEE	\$172,000
TOTAL ANNUAL FEE PER LICENSE	\$ 4,706,000

Consumer Price Index* Trend Analysis

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Average	Operating Reactor Annual Fee Based on CPI in Accordance with NEIMA
2014	1.6	1.1	1.5	2	2.1	2.1	2	1.7	1.7	1.7	1.3	0.8	1.6	\$5,223,000**
2015	-0.1	0	-0.1	-0.2	0	0.1	0.2	0.2	0	0.2	0.5	0.7	0.1	\$4,807,000
2016	1.4	1	0.9	1.1	1	1	0.8	1.1	1.5	1.6	1.7	2.1	1.3	\$4,869,491
2017	2.5	2.7	2.4	2.2	1.9	1.6	1.7	1.9	2.2	2	2.2	2.1	2.1	\$4,971,750
2018	2.1	2.2	2.4	2.5	2.8	2.9	2.9	2.7	2.3	2.5	2.2	1.9	2.5	\$5,096,044
2019	1.6	1.5	1.9	2	1.8	1.6	1.8	1.7	1.7	1.8			1.7	\$5,182,677
Average	1.5	1.4	1.5	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.5	1.6	

*Consumer Price Index (CPI-U) data is provided by the U.S. Department of Labor Bureau of Labor Statistic.

**Changes in the annual fees are based on the Consumer Price Index start in fiscal year 2016.

***Average CPI through October 2019

Part 171 Annual Fees

Spent Fuel Storage/Reactor Decommissioning

Section IV.B.2.b

Table VII

For FY 2020, budgeted costs of approximately \$21.0 million for spent fuel storage/reactor decommissioning are to be recovered through annual fees assessed to part 50 power reactors, and to part 72 licensees who do not hold a part 50 license. Those reactor licensees that have ceased operations and have no fuel onsite are not subject to these annual fees. The required annual fee recovery amount is divided equally among 122 licensees, resulting in a FY 2020 annual fee of \$172,000 per licensee.

FY 2020 MISSION DIRECT BUDGETED RESOURCES			SPENT FUEL STORAGE/ REACTOR DECOMM.	
	TOTAL		ALLOCATIONS	
	CONTRACT		CONTRACT	
	\$,K	FTE	\$,K	FTE
NUCLEAR REACTOR SAFETY	99,187.0	1,745.0	1.4	0.4
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)	15,270.0	434.0	3,538.7	81.2
CORPORATE	169,384.3	611.0	0.0	0.0
INSPECTOR GENERAL(no DNSFB)	1,703.0	58.0		
SUBTOTAL - FEE BASE RESOURCE	285,544.3	2,848.0	3,540.1	81.6
Figures below in \$, M (unless otherwise indicated)				
(1) FY 2020 ALLOCATIONS: equals \$, K + FTE*FTE rate (shown below)				37.9
(2) LESS ESTIMATED PART 170 FEE COLLECTIONS				17.8
(3) PART 171 ALLOCATIONS (equals 1 - 2)				20.2
(4) GENERIC TRANSPORTATION RESOURCES (allocated)				0.8
(5) NET PART 171 ALLOCATIONS (after transportation allocated)(equals 3+4)				21.0
(6) FY 2020 TOTAL ALLOCATIONS (after transportation allocation) (equals 2+5)				38.7
(7) % OF BUDGET (% total allocations, excl. fee-relief activities, import/export alloc, small entity)				5.36%
(8) Fee-Relief Adjustment (includes small entity) + LLW Surcharge				-0.1
(9) Fee-Relief Adjustment and LLW Surcharge per licensee				0.00
(10) Part 171 billing adjustments				0.1
(11) Adjustments: Current Year Collections from Terminated Reactor (Indian Pt 2)				0.000
(12) TOTAL FY 2020 ANNUAL FEE (equals 5+8+10+11)				21.0
(13) Number of Licensees				122
(14) Fee Per License (equals 12/13)				0.172
unrounded annual fee amount per license, actual \$				172,276
rounded annual fee, actual \$				172,000
FTE FULLY COSTED RATE (average based on budget data, actual \$): See Determination of Hourly Rate for calculations	421,471			

**Mission Direct Budgeted Resources Allocated to
Spent Fuel Storage/Reactor Decommissioning Fee Class**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Oversight						
Allegations & Investigations	0	0.1	0	0.1	(0)	0.0
Total Direct Resources	0	0.1	0	0.1	(0)	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Training						
Business Process Improvement	0	0.1	0	0.1	0	0.0
Oversight						
Allegations & Investigations	0	0.1	0	0.1	0	0.0
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Enforcement	1	0.1	1	0.1	0	0.0
Event Evaluation	0	0.0	0	0.0	0	0.0
Inspection	0	0.0	0	0.0	0	0.0
Mission IT	0	0.0	7	0.0	0	0.0
Research & Test Reactor Insp.	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Total Direct Resources	1.4	0.3	8	0.3	(7)	0.0
Grand Total Nuclear Reactor Safety	1.4	0.4	8.1	0.4	(7)	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
<i>PRODUCT LINE/PRODUCTS:</i>						
Licensing						
Licensing Actions	0	0.5	0	0.0	0	0.5
Total Direct Resources	0	0.5	0	0.0	0	0.5
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Licensing						
EDO Operations	0	0.5	0	0.5	0	0.0
Oversight						
Allegations & Investigations	0	0.0	0	0.0	0	0.0
Enforcement	2	0.2	2	0.4	0	(0.2)
Inspection	6	0.0	6	0.0	0	0.0
Rulemaking						
Rulemaking	0	0.0	0	0.0	0	0.0
State, Tribal and Federal Pro.						
Liaison	0	0.0	0	0.0	0	0.0
Training						
Mission Training	37	0.2	24	0.2	13	0.0
Total Direct Resources	44.7	0.9	31.7	1.1	13	(0.2)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
<i>PRODUCT LINE/PRODUCTS:</i>						
International						
International Cooperation	0	0.0	0	0.0	0	0.0
Conventions & Treaties	0	0.0	0	0.0	0	0.0
Licensing						
Decommissioning Licensing Actions	73	5.6	0	6.0	73	(0.4)
Decommissioning Environmental Reviews	100	0.0	0	0.0	100	0.0
IT Infrastructure	407	0.0	312	0.0	95	0.0
Oversight						
Inspection	0	6.5	0	6.4	0	0.1
Training						
Mission Training	138	0.3	183	0.0	(45)	0.3
Total Direct Resources	718	12.4	495	12.4	223	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
<i>PRODUCT LINE/PRODUCTS:</i>						
International Activities						
International Cooperation	0	0.0	0	0.0	0	0.0
Licensing						
Emergency Preparedness	0	0.0	0	1.0	0	(1.0)
Environmental Reviews	1400	6.0	117	6.0	1,283	0.0
Fukushima NTTF	0	0.0	0	0.0	0	0.0
IT Infrastructure	0	0.0	182.5	0.0	(183)	0.0

**Mission Direct Budgeted Resources Allocated to
Spent Fuel Storage/Reactor Decommissioning Fee Class**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
Licensing Actions	140	4.0	155	3.0	(15)	1.0
Licensing Support	100	9.0	553	8.8	(453)	0.2
Mission IT/Infrastructure	119	0.0	257	0.6	(138)	(0.6)
NSPDP Training	0	0.0	0	0.5	0	(0.5)
Policy Outreach	0	0.5	0	0.5	0	0.0
Security	0	3.0	0	3.0	0	0.0
Storage Licensing	452	25.0	300	23.0	152	2.0
Transportation Certification	0	0.0	0	0.0	0	0.0
Oversight						
Security	0	2.0	0	3.0	0	(1.0)
Inspection	0	10.0	0	8.5	0	1.5
Research						
Waste Research	514	3.0	615	2.0	(101)	1.0
Rulemaking						
Rulemaking (PL)	0	4.0	0	4.0	0	0.0
Rulemaking Support	0	0.4	0	0.4	0	0.0
Security	0	0.0	0	0.0	0	0.0
Training						
Mission Training	51	0.5	51	0.0	0	0.5
Travel						
Mission Travel	0	0.0	0	0.0	0	0.0
Total Direct Resources	2,776.0	67.4	2,231	64.3	546	3.1
Grand Total Nuclear Materials & Waste Safety	3,538.7	81.2	2,757.2	77.8	782	3.4
TOTAL SPENT FUEL STORAGE & REACTOR DECOMM.	3,540.1	81.6	2,765	78.2	775	3.4
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract \$)	\$37,932		\$35,591		\$2,341	

**Reconciliation of Spent Fuel Storage/
Transportation Business Line vs. Fee Class**
(Dollars in thousands)

**Spent Fuel Storage/
Transportation Business Line
(CBJ)**

Product Lines	Contract \$	FTE
Event Response	0.0	0.0
Generic Homeland Security	0.0	0.0
International Activities	0.0	2.0
Licensing	3,769.0	62.0
Oversight	0.0	13.0
Research	514.0	3.0
Rulemaking	0.0	6.0
Mission Support/Supervisors	0.0	15.0
State/Tribal/Federal Programs	0.0	0.0
Training	138.0	0.0
Travel	575.0	0.0
	<u>\$ 4,996.0</u>	<u>101.0</u>

FTE rate \$190,000 times 101 FTEs
(includes Salaries & Benefits only)

\$ 19,190.0

Total Business Line Budget (BL)

\$ 4,996.0 \$ 19,190.0 = \$ 24,186.0

**Spent Fuel Storage/ Reactor
Decommissioning
Fee Class (Proposed Fee Rule)**

Deductions from BL resources

Event Response ³	0.0	0.0
Generic Homeland Security ¹	0.0	0.0
International Activities ¹	0.0	(2.0)
Licensing ^{3,5}	(1,558.0)	(14.0)
Oversight ³	0.0	(1.0)
Mission Support/Supervisors ^{2,5}	0.0	(15.0)
Research ³	0.0	0.0
Rulemaking ³	0.0	(1.6)
State/Tribal/Federal Programs ³	0.0	0.0
Training ^{3,5}	(87.0)	0.0
Travel ^{2,5}	(575.0)	0.0
	<u>(\$2,220.0)</u>	<u>(33.6)</u>

Increases from Other resources

International Activities ⁴	0.0	0.0
Licensing ⁴	580.0	6.6
Oversight ⁴	9.1	7.0
Training ⁴	175.0	0.6
	<u>764.1</u>	<u>14.2</u>

BL resources w/ fee rule allocations

\$ 3,540.1 81.6

FTE fully costed rate \$421,471 times 81.6 FTEs

(includes Salaries, Benefits, indirect resources & agency support)

\$ 34,392.0

Total Fee Class Budget

\$ 3,540.1 \$ 34,392.0 = \$ 37,932.10

Variances

\$ (1,455.9) (19.4) \$ 15,202.0 \$ 13,746.1

Notes:

Deductions include: Exclusion Items¹, Indirect resources², resources allocated to other fee classes/fee relief categories³ and Carryover/Appropriation reductions⁵

Increases include: resources allocated from other Business Lines⁴
(i.e. Nuclear Materials and Decommissioning/LLW)

SPENT FUEL STORAGE/REACTOR DECOMMISSIONING
ANNUAL FEE
FY 2020

LICENSES SUBJECT TO THE ANNUAL FEE:

Operating Power Reactor Licensees: 95

Power Reactors in Decommissioning or Possession Only Status with
Fuel Onsite

Reactor	Docket No.
Big Rock Point	50-155
Indian Point, Unit 1	50-003
Dresden, Unit 1	50-010
Haddam Neck	50-213
Humboldt	50-133
La Crosse	50-409
Maine Yankee	50-309
Millstone 1	50-245
Rancho Seco	50-312
San Onofre, Unit 1	50-206
Yankee Rowe	50-029
Zion 1	50-295
Zion 2	50-304
Crystal River 3	50-302
Kewaunee	50-305
San Onofre, Unit 2	50-361
San Onofre, Unit 3	50-362
Vermont Yankee	50-271
Fort Calhoun	50-285
Oyster Creek	50-219
Pilgrim	50-293
Three Mile Island	50-289
Indian Point Unit 2	50-247

Total No. of Reactors in decommissioning or possession only status
with fuel onsite: 23

Part 72 Licensees without a Part 50 License

Ft. St. Vrain	72-009
GE Morris	72-001
Foster Wheeler Environmental Corp.	72-025
Trojan	72-017

Total Part 72 licenses: 4

The annual fee is determined by dividing the total budgeted costs of approximately \$21.0 million (including the fee-relief activities) by the total number of licensees (122). This results in an annual fee (rounded) of \$172,000 per license.

Part 171 Annual Fees

Fuel Facilities

Section IV.B.2.c

Table VIII

Table IX

Table X

The FY 2020 budgeted cost to be recovered in the annual fees assessment to the fuel facility class of licenses [which includes licensees in fee categories 1.A.(1)(a), 1.A.(1)(b), 1.A.(2)(a), 1.A.(2)(b), 1.A.(2)(c), 1.E., and 2.A.(1), under §171.16] is approximately \$18.1 million. This value is based on the full cost of budgeted resources associated with all activities that support this fee class, which is reduced by estimated part 170 collections and adjusted for allocated generic transportation resources, and the fee relief surcharge.

FY 2020 MISSION DIRECT BUDGETED RESOURCES				
	TOTAL		FUEL FACILITY ALLOCATIONS	
	CONTRACT		CONTRACT	
	\$,K	FTE	\$,K	FTE
NUCLEAR REACTOR SAFETY	99,187.0	1,745.0	0.0	0.1
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)	15,270.0	434.0	1,227.7	52.1
CORPORATE	169,384.3	611.0	0.0	0.0
INSPECTOR GENERAL(no DNSFB)	1,703.0	58.0		
SUBTOTAL - FEE BASE RESOURCE	285,544.3	2,848.0	1,227.7	52.2
Figures below in \$, M (unless otherwise indicated)				
(1) FY 2020 ALLOCATIONS: equals \$, K + FTE*FTE rate (shown below)				23.2
(2) LESS ESTIMATED PART 170 FEE COLLECTIONS				6.8
(3) PART 171 ALLOCATIONS (equals 1 - 2)				16.5
(4) GENERIC TRANSPORTATION RESOURCES (allocated)				1.2
(5) NET PART 171 ALLOCATIONS (after transportation allocated)(equals 3+4)				17.6
(6) FY 2020 TOTAL ALLOCATIONS (after transportation allocation) (equals 2+5)				24.4
(7) % OF BUDGET (% total allocations, excl. fee-relief activities, import/export alloc, small entity)				3.38%
(8) Fee-Relief Adjustment (includes small entity) + LLW Surcharge				0.4
(9) Fee-Relief Adjustment and LLW Surcharge per licensee				
(10) Part 171 billing adjustments				0.1
(11) Adjustments: Current Year Collections from Terminated Reactor (Indian Pt 2)				0.000
(12) TOTAL FY 2020 ANNUAL FEE (equals 5+8+10+11)				18.1
(13) Number of Licensees				different for different categories of licenses; see other worksheets
(14) Fee Per License (equals 12/13)				
unrounded annual fee amount per license, actual \$				
rounded annual fee, actual \$				
FTE FULLY COSTED RATE (average based on budget data, actual \$): See Determination of Hourly Rate for calculations	421,471			

**Mission Direct Budgeted Resources for
Fuel Facilities Fee Class**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Oversight						
Allegations & Investigations	0	0.0	0	0.0	0	0.0
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Enforcement	0	0.0	0	0.0	0	0.0
Event Evaluation	0	0.0	0	0.0	0	0.0
Inspection	0	0.0	0	0.0	0	0.0
Mission IT	0.0	0.0	8	0.0	(8)	0.0
Research & Test Reactor Insp.	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Training						
Business Process Improvements	0	0.1	0	0.1	0	0.0
Mission Training	0	0.0	0	0.0	0	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	0.0	0.1	8	0.1	(8)	0.0
Grand Total Nuclear Reactor Safety	0.0	0.1	8	0.1	(8)	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
<i>PRODUCT LINE/PRODUCTS:</i>						
Event Response						
Response Operations	30	2.0	30	2.0	0	0.0
International Activities						
International Cooperation	0	0.0	0	0.0	0	0.0
Conventions & Treaties	0	0.0	0	0.0	0	0.0
Licensing						
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Environmental Reviews	0	0.0	0	0.0	0	0.0
Fukushima NTTF	0	0.0	0	0.0	0	0.0
Licensing Actions	756	14.0	955	23.0	(199)	(9.0)
Licensing Support	0	0.0	0	0.0	0	0.0
Policy Outreach	0	1.0	0	1.0	0	0.0
Security	50	3.0	0	3.0	50	0.0
Oversight						
Allegations & Investigations	0	1.0	0	0.0	0	1.0
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Enforcement	10	3.0	10	2.0	0	1.0
Inspection	0	19.5	0	25.0	0	(5.5)
IT Infrastructure	0	0.0	367	0.0	(367)	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Mission IT	9	0.0	9	0.0	0	0.0
Security	100	5.0	312	6.0	(212)	(1.0)
Research						
Longterm Research	0	0.0	0	0.0	0	0.0
Materials Research	0	0.0	0	0.0	0	0.0
Rulemaking (PL)						
Rulemaking	0	3.0	0	4.0	0	(1.0)
Rulemaking support	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Training						
Mission Training	201	0.0	253	0.0	(52)	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	1,156.0	51.5	1,936	66.0	(780)	(14.5)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
<i>PRODUCT LINE/PRODUCTS:</i>						
International Activities						
Multilateral/Bilateral	0	0.0	0	0.0	0	0.0
Licensing						
EDO Operations	0	0.0	0	0.0	0	0.0
Oversight						
Allegations & Investigations	0	0.0	0	0.0	0	0.0
Enforcement	0	0.0	0	0.0	0	0.0
Event Evaluation	0	0.0	0	0.0	0	0.0
Inspection	6	0.0	6	0.0	0	0.0
Mission IT	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Rulemaking						
Rulemaking	0	0.0	0	0.0	0	0.0
State Tribal and Federal Programs						
Liaison	0	0.4	0	0.4	0	0.0
Training						
Mission Training	54	0.2	43	0.2	11.0	0.0

**Mission Direct Budgeted Resources for
Fuel Facilities Fee Class**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
Total Direct Resources	59.7	0.6	48.7	0.6	11.0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
<i>PRODUCT LINE/PRODUCTS:</i>						
Licensing						
Decomm Licensing Actions	0	0.0	0	0.0	0	0.0
IT Infrastructure	0	0.0	0	0.0	0	0.0
Uranium Recovery Env. Reviews	0	0.0	0	0.0	0	0.0
Uranium Recovery Lic. Actions	0	0.0	0	0.0	0	0.0
Training						
Mission Training	12	0.0	16	0.0	(4)	0.0
Oversight						
Inspection	0	0.0	0	0.0	0	0.0
Total Direct Resources	12.0	0.0	16.0	0.0	(4)	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
<i>PRODUCT LINE/PRODUCTS:</i>						
Licensing						
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Environmental Reviews	0	0.0	0	0.0	0	0.0
Licensing Support	0	0.0	0	0.0	0	0.0
Rulemaking	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Storage Licensing	0	0.0	0	0.0	0	0.0
Transportation Certification	0	0.0	0	0.0	0	0.0
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Materials & Waste Safety	1,227.7	52.1	2,000.7	66.6	(773)	(14.5)
TOTAL FUEL FACILITY	1,227.7	52.2	2,009	66.7	(781)	(14.5)
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract \$)	23,228		30,007		(\$6,779)	

Reconciliation of Fuel Facilities Business Line vs. Fee Class

(Dollars in thousands)

Product Lines	Fuel Facilities Business Line (CBJ)	
	Contract \$	FTE
Event Response	30.0	2.0
Generic Homeland Security	1,800.0	3.0
International Activities	0.0	7.0
Licensing	800.0	23.0
Oversight	559.0	30.0
Rulemaking	0.0	3.0
Mission Support/Supervisors	0.0	20.0
State/Tribal/Federal Programs	0.0	0.0
Training	491.0	0.0
Travel	1,057.0	0.0
	<u>\$ 4,737.0</u>	<u>88.0</u>
FTE rate \$184,300 times 88 FTEs (includes Salaries & Benefits only)		\$ 16,218.4
Total Business Line Budget (BL)	\$ 4,737.0	\$ 16,218.4 = \$ 20,955.4

Fuel Facilities Fee Class (Proposed Fee Rule)

Deductions from BL resources		
Generic Homeland Security ¹	(1,800.0)	(3.0)
International Activities ¹	0.0	(7.0)
Licensing ^{3,5}	0.0	(5.0)
Oversight ^{3,5}	(434.0)	(1.5)
Mission Support/Supervisors ^{2,5}	0.0	(20.0)
Training ³	(290.0)	0.0
Travel ²	(1,057.0)	0.0
	<u>(\$3,581.0)</u>	<u>(36.5)</u>
Increases from Other BL resources		
Oversight ⁴	5.7	0.0
State/Tribal/Federal Programs ⁴	0.0	0.4
Training ⁴	66.0	0.3
	<u>\$71.7</u>	<u>0.7</u>
BL resources w/ fee rule allocations	\$ 1,227.7	52.2
FTE fully costed rate \$421,471 times 52.2 FTEs (includes Salaries, Benefits, indirect resources& agency support)		\$ 22,000.8
Total Fee Class Budget	\$ 1,227.7	\$ 22,000.8 = \$ 23,228.50
Variiances	\$ (3,509.3)	(35.8) \$ 5,782.4 \$ 2,273.1

Notes:

Deductions include: Exclusion Items ¹, Indirect resources ², resources allocated to other fee classes/fee relief categories ³ and Carryover/Appropriation reductions ⁵

Increases include: resources allocated from other Business Lines ⁴
(i.e. Nuclear Materials and Decommissioning/LLW)

**FUEL FACILITY ANNUAL FEES
FY 2020**

Part 171 Amount	\$17,644,968
Less Billing Adjustment	94,514
Less Recession Adjustment	<u>0</u>
TOTAL	\$17,739,483

	<u>SAFETY</u>	<u>SAFEGUARDS</u>	<u>TOTAL</u>	<u>FEE-RELIEF</u>	<u>TOTAL ANNUAL FEE</u>
Allocation of Part 171 Amount to Safety/Safeguards	\$10,059,585	\$7,679,898	\$17,739,483	\$377,539	\$18,117,022

		<u>EFFORT FACTORS</u>					
		<u>Safety</u>		<u>Safeguards</u>		<u>Total</u>	
<u>FEE CATEGORY</u>	<u>NUMBER OF LICENSES</u>		%		%		%
1A(1)(a) SSNM (HEU)	2	88	47.3%	91	64.1%	179	54.6%
1A(1)(b) SNM (LEU)	3	70	37.6%	21	14.8%	91	27.7%
1A(2)(a) LIMITED OPS (Paducah)	0	0	0.0%	0	0.0%	0	0.0%
1A(2)(b) OTHERS (Gas centrifuge enrichment demonstration)	0	0	0.0%	0	0.0%	0	0.0%
1A(2)(c) OTHERS (hot cell facility)	0	0	0.0%	0	0.0%	0	0.0%
1E ENRICHMENT	1	16	8.6%	23	16.2%	39	11.9%
2A(1) UF6 (Honeywell)	1	12	6.5%	7	4.9%	19	5.8%
TOTAL	<u>7</u>	<u>186</u>	100.0%	<u>142</u>	100%	<u>328</u>	100%
	% of total	56.7%		43.3%			

<u>ALLOCATION to CATEGORY</u>			(1)	(2)	(3)	(4)	(5) TOTAL ANNUAL FEE PER LICENSE	FY 2020 Annual Fee Rounded
Fee Category								
1A(1)(a) SSNM (HEU)	2	\$4,759,373		\$4,921,625	\$9,680,998	\$206,035	\$4,943,517	\$4,944,000
1A(1)(b) SNM (LEU)	3	3,785,865		1,135,760	4,921,625	\$104,744	\$1,675,456	\$1,675,000
1A(2)(a) LIMITED OPS (Paducah)	0	0		0	0	\$0	\$0	\$0
1A(2)(b) OTHERS (Gas centrifuge enrichment demonstration)	0	0		0	0	\$0	\$0	\$0
1A(2)(c) OTHERS (hot cell facility)	0	0		0	0	\$0	\$0	\$0
1E ENRICHMENT	1	865,341		1,243,927	2,109,268	\$44,890	\$2,154,158	\$2,154,000
2A(1) UF6 (Honeywell)	1	649,005		378,587	1,027,592	\$21,870	\$1,049,462	\$1,049,000
	<u>7</u>	<u>\$10,059,585</u>		<u>\$7,679,898</u>	<u>\$17,739,483</u>	<u>\$377,539</u>		

Cols 1 and 2=budgeted amounts x percent of total effort factor

Col 3 = Col 1 + Col 2

Col 4 = Total fee-relief x percent of total effort factor

Col 5 = Col 3 + Col 4 + Col 5 / number of licensees

**NRC FUEL CYCLE FACILITIES
FY 2020 ANNUAL FEES - EFFORT FACTOR MATRIX**

CATEGORY	LICENSEE	DOCKET	FEE CATEGORY	PROCESSES														SUBTOTALS		TOTAL						
				SOLID UF6/METAL		ENRICHMENT		LIQUID UF6		HEU DOWN BLEND		CONVERSION POWDER		PELLET		ROD/ BUNDLE		SCRAP/ WASTE			HOT CELL		SENSITIVE INFORMATION			
				S	SG	S	SG	S	SG	S	SG	S	SG	S	SG	S	SG	S	SG		S	SG	S	SG	S	SG
Fuel Fabrication (HEU)	BWXT (SNM-42)	70-00027	1A(1)(a)	10	10	0	0	0	0	5	5	5	5	10	5	5	5	10	5	1	1	1	10	47	46	93
	NFS (SNM-124)	70-00143	1A(1)(a)	10	10	0	0	0	0	10	10	10	10	0	0	0	0	10	5	0	0	1	10	41	45	86
Uranium Enrichment	LES (SNM-2010)	70-03103	1E	5	1	5	10	1	1	0	0	0	0	0	0	0	5	1	0	0	0	10	16	23	39	
	Centrus ACP (SNM-2011)*	70-07004	1E	5	1	5	10	1	1	0	0	0	0	0	0	5	1	0	0	0	10	-	-	-	Not in op.	
	Global Laser Enrich (SNM-2019)*	70-07016	1E	5	1	5	10	1	1	0	0	0	0	0	0	5	1	0	0	0	10	-	-	-	Not in op.	
Fuel Fabrication (LEU)	Global Nuclear Fuels (SNM-1097)	70-01113	1A(1)(b)	5	1	1	0	1	1	0	0	5	1	5	1	1	1	5	1	0	0	1	1	24	7	31
	Framatome (SNM-1227)	70-01257	1A(1)(b)	5	1	0	0	1	1	0	0	5	1	5	1	1	1	5	1	0	0	1	1	23	7	30
	Westinghouse (SNM-1107)	70-01151	1A(1)(b)	5	1	0	0	1	1	0	0	5	1	5	1	1	1	5	1	0	0	1	1	23	7	30
UF6 Conversion	Honeywell (SUB-526)	40-03392	2A(1)	5	1	0	0	5	5	0	0	1	0	0	0	0	0	1	0	0	0	0	1	12	7	19
	International Isotopes (SUB-1011)	40-09086	2A(1)	5	1	0	0	5	5	0	0	1	0	0	0	0	0	1	0	0	0	1	-	-	-	Not in op.
Enrichment Demonstration	None		1A(2)(b)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hot Cell	None		1A(2)(c)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

S = Safety
SG = Safeguards

HIGH = 10
MODERATE = 5
LOW = 1
NONE = 0

TOTALS 186 142 328

Changes from Prior Year:

No Changes 0
New Addition 0

- Notes:
- 1 Centrus ACP is licensed, but not proceeding with construction.
 - 2 Global Laser Enrichment is licensed, but not proceeding with construction.
 - 3 International Isotopes is licensed, but not proceeding with construction.

** I hereby agree that the operating licenses noted above are in agreement with the operating and billable licensees in the Web-Based Licensing (WBL) system.

James R. Whitmore
Division Director, FCSE
for K. Brock
9/26/19

Part 171 Annual Fees

Uranium Recovery Facilities

Section IV.B.2.d

Table XI
Table XII
Table XIII
Table XIV

The total FY 2020 budgeted cost to be recovered through annual fees assessed to the uranium recovery class [which includes licensees in fee categories 2.A.(2)(a), 2.A.(2)(b), 2.A.(2)(c), 2.A.(2)(d), 2.A.(2)(e), 2.A.(3), 2.A.(4), 2.A.(5) and 18.B., under § 171.16], is approximately \$168,000 (rounded).

Of the required annual fee collections, \$119,000 is assessed to DOE's Uranium Mill Tailings Radiation Control Act (UMTRCA) under fee category 18.B. The remaining \$49,000 (rounded) would be recovered through annual fees assessed to the other licensees in this fee class (i.e., conventional mills, in-situ recovery facilities, 11e.(2) mill tailings disposal facilities (incidental to existing tailings sites.)

FY 2020 MISSION DIRECT BUDGETED RESOURCES				
		TOTAL		URANIUM RECOVERY ALLOCATIONS
		CONTRACT		CONTRACT
		\$,K	FTE	\$,K FTE
NUCLEAR REACTOR SAFETY	99,187.0	1,745.0	0.0	0.0
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)	15,270.0	434.0	122.3	1.2
CORPORATE	169,384.3	611.0	0.0	0.0
INSPECTOR GENERAL(no DNSFB)	1,703.0	58.0		
SUBTOTAL - FEE BASE RESOURCE	285,544.3	2,848.0	122.3	1.2
Figures below in \$, M (unless otherwise indicated)				
(1) FY 2020 ALLOCATIONS: equals \$, K + FTE*FTE rate (shown below)				0.63
(2) LESS ESTIMATED PART 170 FEE COLLECTIONS				0.46
(3) PART 171 ALLOCATIONS (equals 1 - 2)				0.17
(4) GENERIC TRANSPORTATION RESOURCES (allocated)				
(5) NET PART 171 ALLOCATIONS (after transportation allocated)(equals 3+4)				0.2
(6) FY 2020 TOTAL ALLOCATIONS (after transportation allocation) (equals 2+5)				0.6
(7) % OF BUDGET (% total allocations, excl. fee-relief activities, import/export alloc, small entity)				0.09%
(8) Fee-Relief Adjustment (includes small entity) + LLW Surcharge				0.0
(9) Fee-Relief Adjustment and LLW Surcharge per licensee				
(10) Part 171 billing adjustments				0.0
(11) Adjustments: Current Year Collections from Terminated Reactor (Indian Pt 2)				0.000
(12) TOTAL FY 2020 ANNUAL FEE (equals 5+8+10+11)				0.2
(13) Number of Licensees				different for different categories of licenses; see other worksheets
(14) Fee Per License (equals 12/13)				
unrounded annual fee amount per license, actual \$				
rounded annual fee, actual \$				
FTE FULLY COSTED RATE (average based on budget data, actual \$): See Determination of Hourly Rate for calculations		421,471		

**Mission Direct Budgeted Resources for
Uranium Recovery Fee Class**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
<i>PRODUCT LINE/ PRODUCTS:</i>						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Reactor Safety	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
<i>PRODUCT LINE/PRODUCTS:</i>						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Oversight						
Inspection	0	0.0	0	0.0	0	0.0
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
<i>PRODUCT LINE/PRODUCTS:</i>						
Licensing						
Decommissioning Licensing Actions	0	0.8	0	0.8	0	0.0
Uranium Recovery Envir. Reviews	4	0.1	54	0.3	(49)	(0.2)
Uranium Recovery Lic. Actions	40	0.2	60	0.6	(20)	(0.4)
Oversight						
Inspection	0	0.1	0	0.4	0	(0.3)
Mission Training						
Training	78	0.0	1	0.0	77	0.0
Total Direct Resources	122	1.2	115	2.1	8	(0.9)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
<i>PRODUCT LINE/PRODUCTS:</i>						
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Materials & Waste Safety	122.3	1.2	115	2.1	8	(0.9)
TOTAL URANIUM RECOVERY	122.3	1.2	115	2.1	8	(0.9)
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract \$)	\$628		\$996		(\$368)	

**Reconciliation of Spent Fuel Storage/
Transportation Business Line vs. Fee Class**
(Dollars in thousands)

**Spent Fuel Storage/
Transportation Business Line
(CBJ)**

Product Lines	Contract \$	FTE
Event Response	0.0	0.0
Generic Homeland Security	0.0	0.0
International Activities	0.0	2.0
Licensing	3,769.0	62.0
Oversight	0.0	13.0
Research	514.0	3.0
Rulemaking	0.0	6.0
Mission Support/Supervisors	0.0	15.0
State/Tribal/Federal Programs	0.0	0.0
Training	138.0	0.0
Travel	575.0	0.0
	<u>\$ 4,996.0</u>	<u>101.0</u>

FTE rate \$190,000 times 101 FTEs
(includes Salaries & Benefits only)

\$ 19,190.0

Total Business Line Budget (BL) \$ 4,996.0 \$ 19,190.0 = \$ 24,186.0

**Transportation Fee Class
(Proposed Fee Rule)**

Deductions from BL resources

Event Response ³	0.0	0.0
Generic Homeland Security ¹	0.0	0.0
International Activities ¹	0.0	(2.0)
Licensing ^{3,5}	(3,677.0)	(48.3)
Oversight ³	0.0	(12.0)
Mission Support/Supervisors ²	0.0	(15.0)
Research ³	(514.0)	(3.0)
Rulemaking ³	0.0	(4.8)
State/Tribal/Federal Programs ³	0.0	0.0
Training ³	(101.0)	0.0
Travel ²	(575.0)	0.0
	<u>(\$4,867.0)</u>	<u>(85.1)</u>

Increases from Other resources

International Activities ⁴	0.0	0.0
State/Tribal/Federal Programs ⁴	0.0	0.4
Oversight ⁴	2.2	0.1
Training ⁴	31.0	0.3
	<u>33.2</u>	<u>0.8</u>

BL resources w/ fee rule allocations \$ 162.2 16.7

FTE fully costed rate \$421,471 times 16.7 FTEs
(includes Salaries, Benefits, indirect resources & agency support)

\$ 7,038.6

Total Fee Class Budget \$ 162.2 \$ 7,038.6 = \$ 7,200.80

Variances \$ (4,833.8) (84.3) \$ (12,151.4) \$ (16,985.2)

Notes:

Deductions include: Exclusion Items¹, Indirect resources², resources allocated to other fee classes/fee relief categories³ and Carryover/Appropriation reductions⁵

Increases include: resources allocated from other Business Lines⁴
(i.e. Nuclear Materials and Decommissioning/LLW)

URANIUM RECOVERY ANNUAL FEES

FY 2020

	TOTAL
TOTAL ANNUAL FEE AMOUNT (excl. fee-relief adjustment):	\$169,499
TOTAL FEE-RELIEF ADJUSTMENT:	-1,494
TOTAL:	\$168,005

**GROUP 1
Calculation of DOE Annual Fee**

<u>Fee Category</u>	<u>contract \$</u>	<u>FTE</u>	<u>FTE Rate</u>	<u>Less: Part 170 Receipts</u>	<u>Total Fee</u>
18.B. DOE UMRCA Budgeted Costs:	\$0	0.80	\$421,471	-\$223,800	\$113,377
10% x (Total Annual Fee Amount (excl. Fee-Relief) less UMRCA)					\$5,612
10% of Fee-Relief Activities					-\$149
				<u>Total:</u>	<u>\$118,840</u>
				DOE's Annual Fee Rounded:	\$119,000

**GROUP 2
Calculation of Annual Fee Amount for Remaining UR Licensees**

	FY 2020
	Total Fee
Remaining Annual Fee Amount (excl. Fee-Relief Adjustment):	\$50,510
Remaining Fee Relief Adjustment (90%):	-\$1,344
Total:	\$49,165

CALCULATION OF ANNUAL FEE AMOUNTS BY CATEGORY:

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)		
<u>Type of Site</u>	<u>Fee Category</u>	<u>Number of Licenses</u>	<u>Category Benefit</u>	<u>Total Benefit Value</u>	<u>Percent</u>	<u>Total base annual fee</u>	<u>Annual Fee Per License</u>			<u>FY 2020 Annual Fee Rounded</u>
							<u>Base</u>	<u>Fee Relief</u>	<u>Total</u>	
Conventional & Heap Leach Mills	2.A.(2)(a)	0	-	-	0%	\$0	\$0	\$0	\$0	\$0
Basic In-situ Recovery Facilities	2.A.(2)(b)	1	190	190	100%	\$50,510	\$50,510	-\$1,344	\$49,165	\$49,200
Expanded In-situ Recovery Facilities	2.A.(2)(c)	0	-	-	0%	\$0	\$0	\$0	\$0	\$0
In-situ Recovery Resin Facilities	2.A.(2)(d)	0	-	-	0%	\$0	N/A	N/A	N/A	N/A
Resin Toll Milling Facilities	2.A.(2)(e)	0	-	-	0%	\$0	N/A	N/A	N/A	N/A
Facilities for Disposal of 11e(2) Materials	2.A.(3)	0	-	-	0%	\$0	N/A	N/A	N/A	N/A
Disposal Incident to Operation at Licensed Facilities	2.A.(4)	0	-	-	0%	\$0	\$0	\$0	\$0	\$0
Uranium Water Treatment Facility	2.A.(5)	0	-	-	0%	\$0	\$0	\$0	\$0	\$0
TOTAL		1	190	190	100%	\$50,510				

- Col. 3= Col. 1 x Col. 2
- Col. 5= Col. 4 x Group 2 Total Base Fee
- Col. 6= Col. 5 / Col. 1
- Col. 7= Col. 4 x Group 2 Fee-Relief Adjustment Amount / Col. 1
- Col. 8= Col. 6 + Col. 7

Part 171 Annual Fees

Research and Test Reactors

Section IV.B.2.e

Table XV

Approximately \$317,000 in budgeted costs is to be recovered through annual fees assessed to the research and test reactor class of licenses for FY 2020. This required annual fee recovery amount is divided equally among the four research and test reactors subject to annual fees, and results in a FY 2020 annual fee of \$79,200 for each licensee.

FY 2020 MISSION DIRECT BUDGETED RESOURCES				TEST AND RESEARCH REACTORS ALLOCATIONS	
		TOTAL			
		CONTRACT		CONTRACT	
		\$,K	FTE	\$,K	FTE
NUCLEAR REACTOR SAFETY		99,187.0	1,745.0	67.0	8.5
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)		15,270.0	434.0	0.5	0.0
CORPORATE		169,384.3	611.0	0.0	0.0
INSPECTOR GENERAL(no DNSFB)		1,703.0	58.0		
SUBTOTAL - FEE BASE RESOURCE		285,544.3	2,848.0	67.5	8.5
Figures below in \$, M (unless otherwise indicated)					
(1) FY 2020 ALLOCATIONS: equals \$, K + FTE*FTE rate (shown below)					3.650
(2) LESS ESTIMATED PART 170 FEE COLLECTIONS					3.370
(3) PART 171 ALLOCATIONS (equals 1 - 2)					0.280
(4) GENERIC TRANSPORTATION RESOURCES (allocated)					0.031
(5) NET PART 171 ALLOCATIONS (after transportation allocated)(equals 3+4)					0.311
(6) FY 2020 TOTAL ALLOCATIONS (after transportation allocation) (equals 2+5)					3.681
(7) % OF BUDGET (% total allocations, excl. fee-relief activities, import/export alloc, small entity)					0.51%
(8) Fee-Relief Adjustment (includes small entity) + LLW Surcharge					-0.009
(9) Fee-Relief Adjustment and LLW Surcharge per licensee					-0.002
(10) Part 171 billing adjustments					0.014
(11) Adjustments: Current Year Collections from Terminated Reactor (Indian Pt 2)					0.000
(12) TOTAL FY 2020 ANNUAL FEE (equals 5+8+10+11)					0.316871
(13) Number of Licensees					4
(14) Fee Per License (equals 12/13)					0.0792
unrounded annual fee amount per license, actual \$					79,218
rounded annual fee, actual \$					79,200
FTE FULLY COSTED RATE (average based on budget data, actual \$): See Determination of Hourly Rate for calculations		421,471			

**Mission Direct Budgeted Resources for
Test and Research Reactors Fee Class**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
<i>PRODUCT LINE/ PRODUCTS:</i>						
Oversight						
Allegations & Investigations	0.0	0.0	0.0	0.0	0.0	0.0
Construction Inspection	0.0	0.0	0.0	0.0	0.0	0.0
Emergency Preparedness	0.0	0.0	0.0	0.0	0.0	0.0
Enforcement	0.0	0.0	0.0	0.0	0.0	0.0
Mission IT	0.0	0.0	0.0	0.0	0.0	0.0
Part 50	0.0	0.0	0.0	0.0	0.0	0.0
Security	0.0	0.0	0.0	0.0	0.0	0.0
Vendor Inspection	0.0	0.0	0.0	0.0	0.0	0.0
Training						
Mission Training	0.0	0.0	0.0	0.0	0.0	0.0
NSDP Training	0.0	0.0	0.0	0.0	0.0	0.0
Total Direct Resources	0.0	0.0	0.0	0.0	0.0	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Licensing						
Emergency Preparedness	0.0	0.0	0.0	0.0	0.0	0.0
Generic Issues Program	0.0	0.0	0.0	0.0	0.0	0.0
Japan Lessons Learned	0.0	0.0	0.0	0.0	0.0	0.0
License Renewal	0.0	0.0	0.0	0.0	0.0	0.0
Licensing Actions	0.0	0.0	0.0	0.0	0.0	0.0
Licensing Support	0.0	0.0	0.0	0.0	0.0	0.0
Mission IT	0.0	0.0	0.0	0.0	0.0	0.0
Operator Licensing	0.0	0.0	0.0	0.0	0.0	0.0
Research & Test Reactors	43.0	8.1	70.0	1.4	(27.0)	6.7
Security	0.0	0	0.0	0.0	0.0	0.0
Oversight						
Allegations & Investigations	0.0	0.0	0.0	0.0	0.0	0.0
Emergency Preparedness	0.0	0.0	0.0	0.0	0.0	0.0
Enforcement	0.0	0.0	0.1	0.0	(0.1)	0.0
Event Evaluation	0.0	0.0	0.0	0.0	0.0	0.0
Inspection	0.0	0.4	0.0	0.4	0.0	0.0
Mission IT	0.0	0.0	0.1	0.0	(0.1)	0.0
Research & Test Reactor Insp.	0.0	0.0	0.0	0.0	0.0	0.0
Rulemaking						
Rulemaking (PL)	0.0	0.0	0.0	0.0	0.0	0.0
Training						
Mission Training	24.0	0.0	8.0	0.0	16.0	0.0
NSDP Training	0.0	0.0	0.0	0.0	0.0	0.0
Total Direct Resources	67.0	8.5	78.2	1.8	(11.2)	6.7
Grand Total Nuclear Reactor Safety	67.0	8.5	78.2	1.8	(11.2)	6.7
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
<i>PRODUCT LINE/PRODUCTS:</i>						
Total Direct Resources	0.0	0.0	0.0	0.0	0.0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Oversight						
Inspection	0.5	0.0	0.5	0.0	0.0	0.0
Training						
Mission Training	0.0	0.0	0.0	0.0	0.0	0.0
Total Direct Resources	0.5	0.0	0.5	0.0	0.0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
<i>PRODUCT LINE/PRODUCTS:</i>						
Total Direct Resources	0.0	0.0	0.0	0.0	0.0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
<i>PRODUCT LINE/PRODUCTS:</i>						
Total Direct Resources	0.0	0.0	0.0	0.0	0.0	0.0
Grand Total Nuclear Materials & Waste Safety	0.5	0.0	0.5	0.0	0.0	0.0
TOTAL TEST & RESEARCH REACTORS	67.5	8.5	78.7	1.8	(11.2)	6.7
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract \$)	3,650.0		834.3		2,815.7	

Reconciliation of Operating Reactor Business

Line vs. Fee Class

(Dollars in thousands)

**Operating Reactor Business
Line (CBJ)**

	Contract \$	FTE
Product Lines		
Event Response	8,645.0	45.0
Generic Homeland Security	100.0	8.0
International Activities	60.0	18.0
Licensing	9,833.0	372.0
Oversight	19,859.0	520.0
Rulemaking	525.0	38.0
Research	29,795.0	128.0
Mission Support/Supervisors	2,672.0	330.0
State/Tribal/Federal Programs	0.0	0.0
Training	3,944.0	26.0
Travel	12,953.0	0.0
	<u>\$ 88,386.0</u>	<u>1485.0</u>

FTE rate \$184,000 times 1485 FTEs (includes Salaries & Benefits only)

\$ 273,240.0

Total Business Line Budget (BL) \$ 88,386.0 \$ 273,240.0 = \$ 361,626.0

**Test & Research Reactor Fee
Class (Proposed Fee Rule)**

Deductions from BL resources

Event Response ^{3,5}	(8,645.0)	\$ (45.0)
Generic Homeland Security ¹	(100.0)	(8.0)
International Activities ¹	(60.0)	(18.0)
Licensing ^{3,5}	(9,790.0)	(363.9)
Oversight ^{3,5}	(19,859.0)	(519.6)
Research ^{1,5}	(29,795.0)	(128.0)
Rulemaking ³	(525.0)	(38.0)
Mission Support/Supervisors ^{2,5}	(2,672.0)	(330.0)
Training ^{3,5}	(3,920.0)	(26.0)
Travel ²	(12,953.0)	0.0
	<u>(\$88,319.0)</u>	<u>(1,476.5)</u>

Increases from Other resources

Oversight ⁴	0.5	0.0
Rulemaking ⁴	0.0	0.0
State/Tribal/Federal Programs ⁴	0.0	0.0
Training ⁴	0.0	0.0
	<u>\$0.5</u>	<u>0.0</u>

BL resources w/ fee rule allocations \$ 67.5 8.5

FTE fully costed rate \$421,471 times 8.5 FTEs (includes Salaries, Benefits, indirect resources& agency support)

\$ 3,582.5

Total Fee Class Budget \$ 67.5 \$ 3,582.5 = \$ 3,650.00

Variances \$ (88,318.5) (1,477) \$(269,657.5) \$ (357,976.0)

Notes:

Deductions include: Exclusion Items ¹, Indirect resources ², resources allocated to other fee classes/fee relief categories ³ and Carryover/Appropriation reductions ⁵

Increases include: resources allocated from other Business Lines ⁴ (i.e. Nuclear Materials and Decommissioning/LLW)

TEST AND RESEARCH REACTOR ANNUAL FEE

FY 2020 FEE RULE

DETERMINATION OF THE FY 2020 ANNUAL FEE:

TEST AND RESEARCH REACTORS SUBJECT TO ANNUAL FEES (See note)

	License No.	Docket No.
1. Dow Chemical - TRIGA MARK I	R-108	50-264
2. AEROTEST	R-98	50-228
3. GE, NTR	R-33	50-73
4. NIST	TR-5	50-184

DETERMINATION OF ANNUAL FEE

BUDGETED COSTS	\$316,871
ANNUAL FEE PER LICENSE (rounded) (Budgeted costs divided by number of test and research reactor licensees subject to annual fee)	\$79,200

NOTE: Does not include License R-38 (TRIGA MARK I), Docket No. 50-89, issued to General Atomics. License R-38 was amended in 1997 to authorize possession only.

Part 171 Annual Fees

Rare Earth Facilities

Section IV.B.2.f

During FY 2016 NRC did receive an application under the Rare Earth fee class 2.A. (2)(f). However, no FY 2020 budgetary resources were allocated to this fee class, and did not require an annual fee to be established.

NRC revised the fee category for this fee class from 2.A.(2)(c) to 2.A.(2)(f) in FY 2009.

NRC eliminated fee category 2.A.(5) Uranium Water Treatment Facility effective with the FY 2019 Fee Rule.

FY 2020 MISSION DIRECT BUDGETED RESOURCES				
			RARE EARTH ALLOCATIONS	
TOTAL				
	CONTRACT		CONTRACT	
	\$,K	FTE	\$,K	FTE
NUCLEAR REACTOR SAFETY	99,187.0	1,745.0	0.0	0.0
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)	15,270.0	434.0	0.0	0.0
CORPORATE	169,384.3	611.0	0.0	0.0
INSPECTOR GENERAL(no DNSFB)	1,703.0	58.0		
SUBTOTAL - FEE BASE RESOURCE	285,544.3	2,848.0	0.0	0.0
Figures below in \$, M (unless otherwise indicated)				
(1) FY 2020 ALLOCATIONS: equals \$, K + FTE*FTE rate (shown below)				0.00
(2) LESS ESTIMATED PART 170 FEE COLLECTIONS				0.00
(3) PART 171 ALLOCATIONS (equals 1 - 2)				0.00
(4) GENERIC TRANSPORTATION RESOURCES (allocated)				
(5) NET PART 171 ALLOCATIONS (after transportation allocated)(equals 3+4)				0.00
(6) FY 2020 TOTAL ALLOCATIONS (after transportation allocation) (equals 2+5)				0.00
(7) % OF BUDGET (% total allocations, excl. fee-relief activities, import/export alloc, small entity)				0.00%
(8) Fee-Relief Adjustment (includes small entity) + LLW Surcharge				0.000
(9) Fee-Relief Adjustment and LLW Surcharge per licensee				
(10) Part 171 billing adjustments				0.000
(11) Adjustments: Current Year Collections from Terminated Reactor (Indian Pt 2)				0.0000
(12) TOTAL FY 2020 ANNUAL FEE (equals 5+8+10+11)				0.0000
(13) Number of Licensees				different for different categories of licenses; see other worksheets
(14) Fee Per License (equals 12/13)				
unrounded annual fee amount per license, actual \$				
rounded annual fee, actual \$				
FTE FULLY COSTED RATE (average based on budget data, actual \$): See Determination of Hourly Rate for calculations			421,471	

Mission Direct Budgeted Resources for Rare Earth Fee Class

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
<i>PRODUCT LINE/ PRODUCTS:</i>						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Reactor Safety	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
<i>PRODUCT LINE/PRODUCTS:</i>						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
<i>PRODUCT LINE/PRODUCTS:</i>						
Licensing						
Decommissioning Licensing Actions	0	0.0	0	0.0	0	0.0
Uranium Recovery Envir. Reviews	0	0.0	0	0.0	0	0.0
Uranium Recovery Lic. Actions	0	0.0	0	0.0	0	0.0
Oversight						
Inspection	0	0.0	0	0.0	0	0.0
Mission Training						
Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
<i>PRODUCT LINE/PRODUCTS:</i>						
Total Direct Resources	0	0.0	0	0.0	0	0.0
Grand Total Nuclear Materials & Waste Safety	0	0.0	0	0.0	0	0.0
TOTAL RARE EARTH	0	0.0	0	0.0	0	0.0
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract \$)	\$0		\$0.0		\$0	

Part 171 Annual Fees

Materials Users

Section IV.B.2.g

Table XVI

The following fee categories under §171.16 are included in this fee class: 1.C., 1.D., 1.F., 2.B., 2.F., 3.A. through 3.S., 4.A. through 4.C., 5.A., 5.B., 6.A., 7.A. through 7.C., 8.A., 9.A. through 9.D., 16, and 17. The annual fee for these categories of materials users licenses is developed as follows:

Annual fee = Constant x [Application Fee + (Average Inspection Cost/ Inspection Priority)] + Inspection Multiplier x (Average Inspection Cost / Inspection Priority) + Unique Category Costs.

To equitably and fairly allocate the \$34.1 million in FY 2020 budgeted costs to be recovered in annual fees assessed to the approximately 2,600 diverse materials users licensees, the NRC continues to calculate the annual fees for each fee category within this class based on the 10 CFR part 170 application fees and estimated inspection costs for each fee category. Because the application fees and inspection costs are indicative of the complexity of the material license, this approach provides a proxy for allocating the generic and other regulatory costs to the diverse fee categories. This fee calculation method also considers the inspection frequency (priority), which is indicative of the safety risk and resulting regulatory costs associated with the categories of licenses.

FY 2020 MISSION DIRECT BUDGETED RESOURCES				
	TOTAL		MATERIALS ALLOCATIONS	
	CONTRACT		CONTRACT	
	\$,K	FTE	\$,K	FTE
NUCLEAR REACTOR SAFETY	99,187.0	1,745.0	25.0	0.1
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)	15,270.0	434.0	485.5	78.7
CORPORATE	169,384.3	611.0	0.0	0.0
INSPECTOR GENERAL(no DNSFB)	1,703.0	58.0		
SUBTOTAL - FEE BASE RESOURCE	285,544.3	2,848.0	510.5	78.8
Figures below in \$, M (unless otherwise indicated)				
(1) FY 2020 ALLOCATIONS: equals \$, K + FTE*FTE rate (shown below)				33.7
(2) LESS ESTIMATED PART 170 FEE COLLECTIONS				1.1
(3) PART 171 ALLOCATIONS (equals 1 - 2)				32.7
(4) GENERIC TRANSPORTATION RESOURCES (allocated)				1.3
(5) NET PART 171 ALLOCATIONS (after transportation allocated)(equals 3+4)				33.9
(6) FY 2020 TOTAL ALLOCATIONS (after transportation allocation) (equals 2+5)				35.0
(7) % OF BUDGET (% total allocations, excl. fee-relief activities, import/export alloc, small entity)				3.80%
(8) Fee-Relief Adjustment (includes small entity) + LLW Surcharge				0.0
(9) Fee-Relief Adjustment and LLW Surcharge per licensee				
(10) Part 171 billing adjustments				0.1
(11) Adjustments: Current Year Collections from Terminated Reactor (Indian Pt 2)				0.000
(12) TOTAL FY 2020 ANNUAL FEE (equals 5+8+10+11)				34.1
(13) Number of Licensees				different for different categories of licenses; see other worksheets
(14) Fee Per License (equals 12/13)				
unrounded annual fee amount per license, actual \$				
rounded annual fee, actual \$				
FTE FULLY COSTED RATE (average based on budget data, actual \$): See Determination of Hourly Rate for calculations	421,471			

**Mission Direct Budgeted Resources for
Materials Fee Class**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Oversight						
Mission IT	0	0.0	13	0.0	(13)	0.0
Training						
Business Process Improvements	0	0.1	0	0.1	0	0.0
Mission Training	25	0.0	26	0.0	(1)	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	25.0	0.1	39	0.1	(14)	0.0
Grand Total Nuclear Reactor Safety	25.0	0.1	39	0.1	(14)	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
<i>PRODUCT LINE/PRODUCTS:</i>						
Training						
Mission Training	30	0.0	38	0.0	(8)	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	30	0.0	38	0.0	(8)	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Event Response						
Response Operations	0	0.3	0	0.3	0	0.0
Response Programs	0	2.0	0	0.3	0	1.7
International Activities						
International Cooperation	0	0.0	0	0.0	0	0.0
International Assistance	0	0.0	0	0.0	0	0.0
Licensing						
EDO Operations	0	0.5	0	0.5	0	0.0
Licensing Actions	7	29.7	13	30.7	(6)	(1.0)
Licensing Support	0	0.0	45	0.0	(45)	0.0
Mission IT	149	0.0	20	0.0	129	0.0
NSPDP Training	0	1.0	0	4.0	0	(3.0)
Policy Outreach	0	0.0	0	1.0	0	(1.0)
Security	0	1.0	0	1.0	0	0.0
Oversight						
Allegations & Investigations	0.0	9.6	0	10.3	0	(0.7)
Enforcement	41.1	11.6	41	12.0	0	(0.4)
Event Evaluation	49.0	1.9	140	1.9	(91)	0.0
Inspection	1.4	17.8	1	17.9	0	(0.1)
IT Infrastructure	0.0	0.0	99	0.0	(99)	0.0
Mission IT	0.0	0.0	0	0.0	0	0.0
Security	0.0	0.0	0	0.0	0	0.0
Research						
Materials Research	0	0.3	0	0.3	0	0.0
Rulemaking						
Rulemaking	0	2.2	0	3.1	0	(0.9)
Rulemaking Support	0	0.3	0	0.3	0	0.0
State Tribal and Federal Programs						
Agreement States	0	0.0	0	0.0	0	0.0
Liaison	0	0.0	0	0.0	0	0.0
Travel	0	0.0	0	0.0	0	0.0
Training						
Mission Training	147	0.5	167	0.5	(20)	0.0
Organizational Development	2	0.0	0	0.0	2	0.0
Total Direct Resources	396.5	78.7	526.4	84.1	(129.9)	(5.4)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
<i>PRODUCT LINE/PRODUCTS:</i>						
International Activities						
International Cooperation	0	0.0	0	0.0	0	0.0
Licensing						
Decommissioning Licensing Actions	0	0.0	0	0.0	0	0.0
Uranium Recovery Lic. Actions	0	0.0	0	0.0	0	0.0
Mission Training						
Training	49	0.0	64	0.0	(15)	0.0

**Mission Direct Budgeted Resources for
Materials Fee Class**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
Total Direct Resources	49	0.0	64	0.0	(15)	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
<i>PRODUCT LINE/PRODUCTS:</i>						
Licensing						
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Environmental Reviews	0	0.0	0	0.0	0	0.0
Licensing Support	0	0.0	0	0.0	0	0.0
Mission IT	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Storage Licensing	0	0.0	0	0.0	0	0.0
Transportation Certification	0	0.0	0	0.0	0	0.0
Mission Training						
Training	10	0.0	10	0.0	0	0.0
Total Direct Resources	10	0.0	10	0.0	0	0.0
Grand Total Nuclear Materials & Waste Safety	485.5	78.7	638	84.1	(153)	(5.4)
TOTAL MATERIAL USERS	510.5	78.8	677	84.2	(167)	(5.4)
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract \$)	\$33,722		\$36,022		(\$2,299)	

**Reconciliation of Nuclear Materials Users
Business Line vs. Fee Class**
(Dollars in thousands)

	Nuclear Material User Business Line (CBJ)	
	Contract \$	FTE
Product Lines		
Event Response	0.0	3.0
Generic Homeland Security	7,476.0	15.0
International Activities	5,620.0	12.0
Licensing	778.0	44.0
Oversight	1,946.0	47.0
Research	500.0	2.0
Rulemaking	285.0	12.0
Mission Support/Supervisors	913.0	43.0
State/Tribal/Federal Programs	262.0	24.0
Training	992.0	3.0
Travel	2,801.0	0.0
	\$ 21,573.0	205.0

FTE rate \$183,300 times 205 FTEs
(includes Salaries & Benefits only)

\$ 37,576.5

Total Business Line Budget (BL)

\$ 21,573.0 \$ 37,576.5 = \$ 59,149.5

Nuclear Material User Fee Class (Proposed Fee Rule)
--

Deductions from BL resources

Event Response ³	-	(0.7)
Generic Homeland Security ¹	(7,476.0)	(15.0)
International Activities ^{1,5}	(5,620.0)	(12.0)
Licensing ^{3,5}	(771.0)	(12.8)
Oversight ^{3,5}	(1,854.5)	(6.1)
Mission Support/Supervisors ^{2,5}	(913.0)	(43.0)
Research ³	(500.0)	(1.7)
Rulemaking ^{3,5}	(150.0)	(9.5)
State/Tribal/Federal Programs ^{3,5}	(262.0)	(24.0)
Training ^{3,5}	(829.0)	(1.5)
Travel ^{2,5}	(2,801.0)	0.0
	(\$21,176.5)	(126.3)

Increases from Other BL resources

State/Tribal/Federal Programs ⁴	0.0	0.0
Training ⁴	114.0	0.1
	114.0	0.1

BL resources w/ fee rule allocations

\$ 510.5 78.8

FTE fully costed rate \$421,471 times 78.8 FTEs
(includes Salaries, Benefits, indirect resources & agency support)

\$ 33,211.9

Total Fee Class Budget

\$ 510.5 \$ 33,211.9 = \$ 33,722.40

Variances \$ (21,062.5) (126.2) \$ (4,364.6) \$ (25,427.1)

Notes:

Deductions include: Exclusion Items ¹, Indirect resources ², resources allocated to other fee classes/fee relief categories ³ and Carryover/Appropriation reductions ⁵

Increases include: resources allocated from other Business Lines ⁴
(i.e. Nuclear Materials and Decommissioning/LLW)

License Fee Category	FY 2020 Materials Users Annual Fees																						FY 2020 Annual Fee (Rounded)		
	NUMBER OF LICENSES																								
	FY 2020																								
	(1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15)																								
	Less (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15)																								
Billed at FY 2020	Agree. State Transfer Adjust	Total For FY 2020	Part 170 Fees(\$)					Insp.	Calc. of General	Calc. of Insp.	Part 171 Base Fee Per License (\$)					Total Annual Fee per license	Total Exact Fee per license	Total Collections		Number of		Small Entity	FY 2020 Annual Fee (Rounded)		
Fee		FY 2020	Appl.	Insp.	Prior.	Multiple	Multiple	General	Unique	Inspection	(General+U nique+Insp action)	Materials LLW SurchARGE/no. of	multiplier x (appl fee/insp fee/insp priority)See	(Total Base Fee+ LLW SurchARGE + Fee-Relief)	Base Fee (\$,K)	TOTAL (\$,K)	Sm Entity	Sm Entity	Subsidy	annual fee and small entity fee x no. of small entities					
Fee	Fee							licenses x (Appl fee + insp fee/insp)	licenses x insp fee/insp priority)	multiplier* (Insp Fee + insp fee/insp priority) See below for	below for Calculation of	multiplier*(0	insp fee/insp priority) See								4500				
																					900				
SPECIAL NUCLEAR MATERIAL:																									
1C. Industrial Gauges	0	5	0	5.0	1,300			2,100	5	8600	2100	2187		622	2,809			-5	2,803	14	14	0	0	-	2,800
1D. Other SNM less critical quantity	0	51	0	51.0	2,600			6,400	5	197880	65280	4933		1895	6,829	274		-12	7,090	348	362	5	3	31,600	7,100
1F. Other SNM greater than critical quantity	0	3	0	3.0	2,600			1,700	3	9500	1700	4026		839	4,865	274		-10	5,130	15	15	1	1	4,800	5,100
SOURCE MATERIAL:																									
2B. Shielding	0	10	0	10.0	1,200			2,800	5	17600	5600	2238		829	3,067			-6	3,061	31	31	0	0	-	3,100
2C. Exempt Distribution/SM	0	25	0	25.0	4,300			4,000	5	127500	20000	6485		1184	7,669			-16	7,653	192	191	3	3	30,000	7,700
2D. Distribution to General License/SM	0	1	0	1.0	2,800			4,400	5	3680	880	4679		1303	5,982			-12	5,971	6	6	0	0	-	6,000
2E. Manufacturing Distribution	0	1	0	1.0	2,700			4,400	3	4167	1467	5298		2172	7,469			-13	7,456	7	7	0	0	-	7,500
2F. Other Source Materials	0	60	0	60.0	2,700			8,000	4	282000	120000	5976		2961	8,937	274		-15	9,197	538	552	7	1	41,200	9,200
BYPRODUCT MATERIAL:																									
3A. Manufacturing - Broad(Locations 1-5)	0	3	0	3.0	13,100			16,100	4	51375	12075	21774		9599	27,734	274		-54	27,954	83	84	0	0	-	28,000
3A1. Manufacturing - Broad(sites 6-19)	0	1	0	1.0	17,400			21,500	4	22775	5375	28958		7958	36,917	274		-71	37,119	37	37	0	0	-	37,100
3A2. Manufacturing - Broad (sites 20 or more)	0	1	0	1.0	21,700			26,900	4	28425	6725	36142		9957	46,099	274		-89	46,285	46	46	0	0	-	46,300
3B. Manufacturing - Other	0	34	0	34.0	3,600			9,500	4	203150	80750	7597		3516	11,114	274		-19	11,369	378	387	11	8	159,900	11,400
3B1. Manufacturing - Other (sites 6-19)	0	1	0	1.0	4,800			12,600	4	7950	3150	10108		4664	14,772	274		-25	15,021	15	15	0	0	-	15,000
3B2. Manufacturing - Other (sites 20 or more)	0	1	0	1.0	6,000			15,800	4	9950	3950	12651		5848	18,500	274		-31	18,743	18	19	0	0	-	18,700
3C. Radiopharmaceuticals - Manuf./Process	0	34	0	34.0	5,200			6,600	5	221680	44880	8290		1954	10,245	274		-20	10,498	348	357	14	1	93,600	10,500
3C1. Radiopharmaceuticals - Manuf./Process (sites 6-19)	0	1	0	1.0	6,900			8,800	5	8660	1760	11011		2606	13,617	274		-27	13,864	14	14	0	0	-	13,900
3C2. Radiopharmaceuticals - Manuf./Process (sites 20 or more)	0	1	0	1.0	8,700			11,100	5	10920	2220	13885		3287	17,172	274		-34	17,412	17	17	0	0	-	17,400
3D. Radiopharmaceuticals - No Manuf./Process	0	9	0	9.0	0			0	3	0	0	0		0	0			-0	0	0	0	0	0	-	0
3E. Irradiators - Self-Shield	0	49	0	49.0	3,200			13,900	5	293020	136220	7604		4116	11,720			-19	11,701	574	573	0	0	-	11,700
3F. Irradiators - < 10,000 Ci	0	4	0	4.0	6,500			4,400	5	29520	3520	9384		1309	10,687			-23	10,663	43	43	0	0	-	10,700
3G. Irradiators - > 10,000 Ci	0	7	0	7.0	62,300			4,400	2	451500	15400	82011		3257	85,269			-202	85,067	597	595	0	1	84,200	85,100
3H. Exempt Distribution - Device Review	0	34	0	34.0	6,700			3,900	5	254320	28520	9511		1155	10,666			-23	10,642	363	362	8	10	145,800	10,600
3I. Exempt Distribution - No Device Review	0	76	0	76.0	11,600			4,000	5	942400	60800	15767		1184	16,951			-39	16,912	1288	1285	13	11	337,200	16,900
3J. Gen. License - Device Review	0	6	0	6.0	2,000			2,900	5	15480	3480	3280		859	4,139			-8	4,131	25	25	2	0	-	4,100
3K. Gen. License - No Device Review	0	4	0	4.0	1,100			2,900	5	6720	2320	2136		859	2,995			-5	2,990	12	12	0	2	4,200	3,000
3L R&D - Broad	0	44	0	44.0	5,500			11,300	4	366300	124300	10685		4183	14,768	274		-26	15,016	650	661	0	1	14,100	15,000
3L(a). R&D - Broad(6-20 sites)	0	1	0	1.0	7,300			15,000	4	11050	3750	14050		5552	19,602	274		-35	19,842	20	20	0	0	-	19,800
3L(b). R&D - Broad(21 or more sites)	0	2	0	2.0	9,100			18,800	4	27600	9400	17547		6959	24,506	274		-43	24,736	49	49	0	0	-	24,700
3M. R&D - Other	0	82	0	82.0	8,300			6,600	5	788840	108240	12232		1954	14,186	274		-30	14,430	1163	1183	8	7	173,700	14,400
3N. Service License	0	53	0	53.0	8,900			9,500	4	597575	125875	14336		3516	17,853	274		-35	18,091	946	959	14	14	431,200	18,100
3O. Radiography	0	68	0	68.0	6,400			7,900	1	972400	537200	18182		11697	29,879			-45	29,835	2032	2029	29	4	849,300	29,800
3O1. Radiography (sites 6-19)	0	3	0	3.0	8,500			10,600	1	57300	31800	24286		15695	39,980			-60	39,920	120	120	0	0	-	39,900
3O2. Radiography (sites 20 or more)	0	1	0	1.0	10,600			13,200	1	23800	13200	30262		19544	49,806			-74	49,731	50	50	0	0	-	49,700
3P. All Other Byproduct Materials	0	891	0	891.0	4,700			6,800	5	5399460	1211760	7705		2014	9,719			-19	9,700	8660	8643	219	102	2,036,400	9,700
3P1. All Other Byproduct Materials (sites 6-19)	0	20	0	20.0	6,300			9,100	5	162400	36400	10325		2695	13,019			-25	12,994	260	260	0	0	-	13,000
3P2. All Other Byproduct Materials (sites 20 or more)	0	11	0	11.0	7,900			11,400	5	111980	25080	12944		3376	16,320			-32	16,288	180	179	0	0	-	16,300
3R1. Radium-226 (less than or equal to 10x limits in 31.12)	0	1	0	1.0	2,600			8,800	5	3960	1360	5035		2014	7,049			-12	7,036	7	7	0	0	-	7,000
3R2. Radium-226 (more than 10x limits in 31.12)	0	1	0	1.0	2,500			4,500	3	4000	1500	5086		2221	7,307			-13	7,294	7	7	0	0	-	7,300
3S. Accelerator Produced Radionuclides	0	18	0	18.0	14,300			8,800	2	336600	79200	23777		6515	30,292			-58	30,233	545	544	4	1	132,100	30,200
WASTE DISPOSAL AND PROCESSING:																									
4A. Waste Disposal*	0	0	0	0.0	12,800			11,200	2	0	0	23955		8291	31,687	274		-58	31,903	0	0	0	0	-	31,900
4B. Waste Receipt/Packaging	0	16	0	16.0	6,900			6,600	2	163200	52800	12969		4886	17,855	274		-32	18,097	286	290	3	1	58,000	18,100
4C. Waste Receipt - Prepackaged	0	1	0	1.0	5,000			4,000	3	6333	1333	8053		1974	10,027	274		-20	10,281	10	10	1	0	5,800	10,300

FY 2020 Materials Users Annual Fees																						
REBASELINE																						
WELL LOGGING:																						
5A. Well Logging	0	21	0	21.0	4,600	9,200	3	161000	64400	9748		4541	14,289		-24	14,265	300	300	4	1	52,600	14,300
5B. Field Flooding Tracers Studies*	0	0	0	0.0			3	0	0	0		0	0	274	0	274	0	0	0	0	-	-
NUCLEAR LAUNDRY:																						
6A. Nuclear Laundry	0	0	0	0.0			3	0	0	0		0	0		0	0	0	0	0	0	-	-
HUMAN USE OF BYPRODUCT, SOURCE, OR SNM:																						
7A. Teletherapy	0	5	0	5.0	11,200	16,100	4	76125	20125	19358	0	5959	25,318		-48	25,270	127	126	0	0	-	25,300
7A1. Teletherapy sites 6-19	0	1	0	1.0	14,800	21,500	4	20175	5375	25652	0	7958	33,611		-63	33,548	34	34	0	0	-	33,500
7A2. Teletherapy sites 20 or more	0	1	0	1.0	18,500	26,900	4	25225	6725	32073	0	9957	42,031		-79	41,952	42	42	0	0	-	42,000
7B. Medical - Broad	0	17	0	17.0	8,700	14,200	2	268600	120700	20090	0	10512	30,602	274	-49	30,827	520	524	0	0	-	30,800
7B1. Medical - Broad sites 6-19	0	2	0	2.0	11,600	19,000	2	42200	19000	26829	0	14066	40,894	274	-66	41,102	82	82	0	0	-	41,100
7B2. Medical - Broad sites 20 or more	0	1	0	1.0	14,500	23,700	2	26350	11850	33504	0	17545	51,049	274	-82	51,241	51	51	0	0	-	51,200
7C. Medical Other	0	689	0	689.0	6,600	7,000	3	6155067	1607667	11359	0	3455	14,813		-28	14,786	10206	10187	151	54	2,305,900	14,800
7C1. Medical Other sites 6-19	0	6	0	6.0	8,800	9,300	3	71400	18600	15131	0	4590	19,721		-37	19,683	118	118	1	0	15,200	19,700
7C2. Medical Othersites 20 or more	0	1	0	1.0	10,900	11,600	3	14767	3867	16776	0	5725	24,501		-46	24,455	25	24	0	0	-	24,500
CIVIL DEFENSE:																						
8A. Civil Defense	0	10	0	10.0	2,600	6,800	5	39600	13600	5035		2014	7,049		-12	7,036	70	70	1	0	2,500	7,000
DEVICE, PRODUCT, OR SEALED SOURCE SAFETY EVALUATION:																						
9A. Device/Product Safety Evaluation - Broad	0	91	0	91.0	10,900		5	991900	0	13859		0	13,859		-34	13,825	1261	1258	23	21	484,800	13,800
9B. Device/Product Safety Evaluation - Other	0	4	0	4.0	9,000		5	36000	0	11443		0	11,443		-28	11,415	46	46	0	0	-	11,400
9C. Sealed Sources Safety Evaluation - Broad	0	31	0	31.0	5,300		5	164300	0	6739		0	6,739		-17	6,722	209	208	20	3	61,400	6,700
9D. Sealed Sources Safety Evaluation - Other	0	10	0	10.0	1,100		5	11000	0	1399		0	1,399		-3	1,395	14	14	0	0	-	1,400
OTHER LICENSES:																						
17. Master Material License	0	3	0	3.0	110,800	124,400	2	519000	186600	219968	0	92094	312,063	274	-541	311796	936	935	0	0		312,000
TOTAL	0.0	2519.0	0.0	2519.0				20864278	5067878			1389456				34032	34080	542	250	7,555,500	Mat	
																			0	1	49,200	Uranium recovery 2A2b
																			542	251	7,604,700	
FTE RATE:	\$421,471															Total			793			
																% of total Materials Users licenses			31.48%			
Calculation of UNIQUE (generic activities related to specific fee categories):																						
Total budgeted resources (FY 2020 unique activities=Part 35 Implementation)		UNIQUE ACTIVITIES IDENTIFIED FOR FY 2020																				
	0.0	FTE	\$0.00 (CONTRACT COSTS)																			
Total cost (FTExFTE rate + any contract costs)		\$0																				
Percent of NRC materials licenses to the total materials licenses		13%																				
Amount allocated to NRC materials licensees (% x total cost)		\$0																				
No. of affected NRC licenses (for FY 2020, Cats. 7A, 7B, & 7C, + those medical under Master Matls Licenses)	855.0																					
Unique per license:		\$0																				
Total Part 171 (annual fee) amount, excluding fee-relief costs:		\$34,032,390																				
	FTE	FTE Rate																			Total	
Inspection Amount (budgeted costs for materials inspections):	17.8	x	\$421,471	=	\$7,502,192	=	\$7,503,592															
LLW Surcharge Amount (see FEE-RELIEF ACTIVITIES Sheet for further details):																						
Total LLW surcharge to be recovered:		\$3,428,625																				
Percentage to be recovered from materials licensees:		3.3%																				
Amount to be recovered from materials licensees:		\$113,178																				
No. of affected licensees:		413.0																				
LLW Surcharge per license:		\$274																				
Other Fee-Relief Amount (see FEE-RELIEF ACTIVITIES Sheet for further details):																						
Total other fee-relief to be recovered:		-\$1,719,062																				
Percentage to be recovered from materials licensees:		3.8%																				
Amount to be recovered from materials licensees:		-\$65,248																				

FY 2020 Materials Users Annual Fees										
REBASELINE										
		\$K		\$K		\$K		\$K		
TOTAL GENERAL = TOTAL Part 171 amount less INSPECTION less UNIQUE:		34,032	-	7,504	-	0	=	26,529		
ANNUAL FEE MULTIPLIER = TOTAL GENERAL /Total of Calc of Gen. Multiple col.:		26,529	/	20,864			=	1.27		
INSPECTION MULTIPLIER=INSPECTION AMOUNT/Total Calc of Insp. Multiple col.:		\$7,503,592	/	5,068			=	1.48		
FEE-RELIEF MULTIPLIER=Fee-Relief amount to be adjusted for materials licensees/total of Calc of Gen. Multiple col.):		-\$65,248	/	20,864			=	-0.0031		
COL (5) = COL (1) * [COL (2) + COL (3)/COL (4)]										
COL (6) = COL(1) * (COL (3)/COL (4))										
COL (7) = GENERAL MULTIPLIER * [COL(2) + COL (3)/COL (4)]										
COL (8) = (UNIQUE COSTS) / (NO. OF APPLICABLE LICENSES)										
COL (9) = INSPECTION MULTIPLIER*(COL3/COL4)										
COL (10) = COL (7) + COL(8)+COL(9)										
COL (11) = LLW SURCHARGE =% Allocated * LLW Costs/# affected licenses										
COL (12)=FEE-RELIEF MULTIPLIER*(COL(2)+COL(3)/COL(4))										
COL (13) = COL (10) + COL(11)+COL(12)										
COL (14) = [COL (1) * COL (10)] /1000										
COL (15) = [COL (1) * COL (13)] /1000										

ANNUAL FEE CALCULATION FOR AGREEMENT STATE USE ONLY

**FY 2020
Annual Fee
(Rounded)**

License Fee Category	Part 170 Fees(\$)			Calc. of General Multiple	Calc. of Insp. Multiple	Part 171 Base Fee Per License (\$)					Total Exact Annual Fee per license	
	Appl.	Insp.	Prior.			General	Inspection	Total	Adjustment per License			
									LLW Surcharge	Fee-Relief		Total
				(No. of licenses x (Appl fee + insp fee/insp priority))	(No. of licenses x insp fee/insp priority)	Annual fee multiplier*(Appl fee + insp fee/insp priority) annual fee multiplier of 1.27	Inspection multiplier*(insp fee/insp priority)insp. multiplier of 1.48	(General+ Inspection)	(Total Materials LLW Surcharge/ no. of affected licenses)	(Fee-Relief multiplier x (appl fee+insp fee/insp priority)See below for calculation of fee-relief multi.)	(Total Base Fee+ LLW Surcharge + Fee-Relief)	

NUCLEAR LAUNDRY:

6A. Nuclear Laundry	22,200	6,100	3	24233	2033	30,773	3009	33,782	273	-76	33979	33,979	34,000
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Part 171 Annual Fees

Transportation

Section IV.B.2.h

Table XVII

Table XVIII

Consistent with the policy established in the NRC's FY 2006 final fee rule, the NRC will recover generic transportation costs unrelated to DOE as part of existing annual fees for license fee classes. NRC will continue to assess a separate annual fee under §171.16, fee category 18.A., for DOE transportation activities.

The resources associated with generic transportation activities are distributed to the license fee classes based on the number of Certificates of Compliance (CoCs) benefiting (used by) that fee class, as a proxy for the generic transportation resources expended for each fee class. The amount of the generic resources allocated is calculated by multiplying the percentage of total CoCs used by each fee class (and DOE) by the total generic transportation resources to be recovered.

FY 2020 MISSION DIRECT BUDGETED RESOURCES				
	TOTAL		TRANSPORTATION ALLOCATIONS	
	CONTRACT		CONTRACT	
	\$,K	FTE	\$,K	FTE
NUCLEAR REACTOR SAFETY	99,187.0	1,745.0	1.2	0.2
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)	15,270.0	434.0	161.0	16.5
CORPORATE	169,384.3	611.0	0.0	0.0
INSPECTOR GENERAL(no DNSFB)	1,703.0	58.0		
SUBTOTAL - FEE BASE RESOURCE	285,544.3	2,848.0	162.2	16.7
Figures below in \$, M (unless otherwise indicated)				
(1) FY 2020 ALLOCATIONS: equals \$, K + FTE*FTE rate (shown below)				7.2
(2) LESS ESTIMATED PART 170 FEE COLLECTIONS				2.7
(3) PART 171 ALLOCATIONS (equals 1 - 2)				4.5
(4) GENERIC TRANSPORTATION RESOURCES (allocated)				-3.5
(5) NET PART 171 ALLOCATIONS (after transportation allocated)(equals 3+4)				1.0
(6) FY 2020 TOTAL ALLOCATIONS (after transportation allocation) (equals 2+5)				3.7
(7) % OF BUDGET (% total allocations, excl. fee-relief activities, import/export alloc, small entity)				0.515%
(8) Fee-Relief Adjustment (includes small entity) + LLW Surcharge				0.0
(9) Fee-Relief Adjustment and LLW Surcharge per licensee				
(10) Part 171 billing adjustments				0.0
(11) Adjustments: Current Year Collections from Terminated Reactor (Indian Pt 2)				0.000
(12) TOTAL FY 2020 ANNUAL FEE (equals 5+8+10+11)				1.0
(13) Number of Licensees				1
(14) Fee Per License (equals 12/13)				1.026212
				(DOE's fee)
unrounded annual fee amount per license, actual \$				1,026,212
rounded annual fee, actual \$				1,026,000
FTE FULLY COSTED RATE (average based on budget data, actual \$): See Determination of Hourly Rate for calculations	421,471			

**Mission Direct Budgeted Resources for
Transportation Fee Class**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: NEW REACTORS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Oversight						
Enforcement	0	0.0	0	0.0	(0)	0.0
Mission IT	0	0.0	0	0.0	0	0.0
Total Direct Resources	0	0.0	0	0.0	(0)	0.0
PROGRAM: NUCLEAR REACTOR SAFETY						
BUSINESS LINE: OPERATING REACTORS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Oversight						
Allegations & Investigations	0	0.0	0	0.0	0	0.0
Business Process Improvements	0	0.1	0	0.1	0	0.0
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Enforcement	1	0.1	1	0.1	0	0.0
Event Evaluation	0	0.0	0	0.0	0	0.0
Inspection	0	0.0	0	0.0	0	0.0
Mission IT	0	0.0	1	0.0	(1)	0.0
Research & Test Reactor Insp.	0	0.0	0	0.0	0	0.0
Security	0	0.0	0	0.0	0	0.0
Total Direct Resources	1	0.2	2	0.2	(1)	0.0
Grand Total Nuclear Reactor Safety	1.2	0.2	2	0.2	(1)	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: FUEL FACILITIES						
<i>PRODUCT LINE/PRODUCTS:</i>						
Training						
Mission Training	0	0.0	0	0.0	0	0.0
NSPDP Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: NUCLEAR MATERIALS USERS						
<i>PRODUCT LINE/PRODUCTS:</i>						
Oversight						
Allegations & Investigations	0	0.0	0	0.0	0	0.0
Enforcement	1	0.0	1	0.2	1	(0.2)
Event Evaluation	0	0.0	0	0.0	0	0.0
Inspection	0	0.0	0	0.0	0	0.0
Mission IT	13	0.0	0	0.0	13	0.0
Security	0	0.0	0	0.0	0	0.0
Rulemaking						
Rulemaking	0	0.0	0	0.0	0	0.0
State Tribal and Federal Programs						
Agreement States	0	0.0	0	0.0	0	0.0
Liaison	0	0.4	0	0.4	0	0.0
Training						
Mission Training	16	0.2	19	0.2	(3)	0.0
Organizational Development	2	0.0	0	0.0	2	0.0
Total Direct Resources	32	0.6	20	0.8	12	(0.2)
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: DECOMMISSIONING AND LOW LEVEL WASTE						
<i>PRODUCT LINE/PRODUCTS:</i>						
Mission Training						
Training	0	0.0	0	0.0	0	0.0
Total Direct Resources	0	0.0	0	0.0	0	0.0
PROGRAM: NUCLEAR MATERIALS AND WASTE SAFETY						
BUSINESS LINE: SPENT FUEL STORAGE AND TRANSPORTATION						
<i>PRODUCT LINE/PRODUCTS:</i>						
International						
International Cooperation	0	0.0	0	0.0	0	0.0
Licensing						
Emergency Preparedness	0	0.0	0	0.0	0	0.0
Environmental Reviews	0	0.0	0	0.0	0	0.0
Fukushima NTTF	0	0.0	0	0.0	0	0.0
IT Infrastructure	0	0.0	183	0.0	(183)	0.0
Licensing Support	0	2.0	0	2.2	0	(0.2)
Mission IT	92	0.0	219	0.4	(127)	(0.4)
Policy Outreach	0	0.5	0	0.5	0	0.0
Security	0	0.0	0	0.0	0	0.0
Storage Licensing	0	0.0	0	0.0	0	0.0

**Mission Direct Budgeted Resources for
Transportation Fee Class**

	FY20		FY19		Difference	
	Contract (\$,K)	FTE	Contract (\$,K)	FTE	Contract (\$,K)	FTE
PROGRAM: NUCLEAR REACTOR SAFETY						
Transportation Certification	0	10.7	5	10.7	(5)	0.0
Oversight						
Inspection	0	1.0	0	1.5	0	(0.5)
Rulemaking						
Rulemaking (PL)	0	1.2	0	1.2	0	0.0
Security	0	0.0	0	0.0	0	0.0
Training						
Mission Training	37	0.0	37	0.0	0	0.0
NSPDP Training	0	0.5	0	0.5	0	0.0
Travel						
Mission Travel	0	0.0	0	0.0	0	0.0
Total Direct Resources	129	15.9	444	17.0	(315)	(1.1)
Grand Total Nuclear Materials & Waste Safety	161.0	16.5	464	17.8	(303)	(1.3)
TOTAL TRANSPORTATION	162.2	16.7	466	18.0	(303)	(1.3)
Total value of budgeted resources for fee class(mission direct FTE x full cost of FTE + mission direct contract \$)	\$7,201		\$8,021		(\$821)	

Reconciliation of Decommissioning & Low Level Waste Business Line vs. Fee Class
(Dollars in thousands)

Decommissioning & LLW Business Line (CBJ)
Contract \$ FTE

Product Lines	Contract \$	FTE
Event Response	0.0	0.0
Generic Homeland Security	0.0	0.0
International Activities	75.0	4.0
Licensing	3,012.0	43.0
Oversight	50.0	24.0
Research	300.0	1.0
Rulemaking	50.0	8.0
Mission Support/Supervisors	0.0	13.0
State/Tribal/Federal Programs	0.0	0.0
Training	610.0	0.0
Travel	732.0	0.0
Total	\$ 4,829.0	93.0

FTE rate \$188,300 times 93 FTEs
(includes Salaries & Benefits only)

\$ 17,511.9

Total Business Line Budget (BL)

\$ 4,829.0

\$ 17,511.9 =

\$ 22,340.9

Uranium Recovery Fee Class (Proposed Fee Rule)

Deductions from BL resources

Event Response ³	0.0	0.0
Generic Homeland Security ¹	0.0	0.0
International Activities ^{2,3}	(75.0)	(4.0)
Licensing ³	(2,967.7)	(41.9)
Oversight ³	(50.0)	(23.9)
Mission Support/Supervisors ²	0.0	(13.0)
Research ³	(300.0)	(1.0)
Rulemaking ³	(50.0)	(8.0)
State/Tribal/Federal Programs ³	0.0	0.0
Training ³	(532.0)	0.0
Travel ²	(732.0)	0.0
Total	(\$4,706.7)	(91.8)

Increases from Other resources

International Activities ⁴	0.0	0.0
State/Tribal/Federal Programs ⁴	0.0	0.0
Oversight ⁴	0.0	0.0
Training ⁴	0.0	0.0
Total	0.0	0.0

BL resources w/ fee rule allocations

\$ 122.3

1.2

FTE fully costed rate \$421,471 times 1.2 FTEs (includes Salaries, Benefits, indirect resources & agency support)

\$ 505.8

Total Fee Class Budget

\$ 122.3

\$ 505.8 =

\$ 628.10

Variances

\$ (4,706.7)

(91.8)

\$ (17,006.1)

\$ (21,712.8)

Notes:

Deductions include: Exclusion Items ¹, Indirect resources ² and resources allocated to other fee classes/fee relief categories ³

Increases include: resources allocated from other Business Lines ⁴
(i.e. Nuclear Materials and Decommissioning/LLW)

TRANSPORTATION ANNUAL FEES

FY 2020

The total transportation budgeted costs of \$4,502,774 to be recovered from annual fees (not including fee-relief adjustments) is to be obtained from two sources:

1. Department of Energy (DOE)--has own annual fee (fee category 18A)
2. Other licensees (included in their annual fees)

Distribute these costs to DOE and the fee classes based on the percentage of CoCs benefitting (used) per fee class:

Fee Class	# CoCs	% CoCs	Transportation Resources to be included in annual fees	Resources in Millions
DOE	21.00	22.7%	\$1,020,650	\$1.0
Operating Reactors	5.00	5.4%	\$243,012	\$0.2
Spent fuel/reactor decom	16.00	17.3%	\$777,638	\$0.8
T&R reactors	0.65	0.7%	\$31,356	\$0.0
Fuel Facilities	24.00	25.9%	\$1,166,457	\$1.2
Materials Users	26.00	28.1%	\$1,263,661	\$1.3
Total	92.65	100.0%	\$4,502,774	\$4.5

FY 2020 fee rule

09/17/2018

Fee Class/CoC type	Byprod, normal form	Byprod, special form	Fissile uranium	Irradiated fuel	Pu Air	Pu, normal form	Pu, special form	Waste, B	TOTAL	% of TOTAL
Power Reactor								5	5	5.2%
Spent Fuel/Rx Decommissioning				16					16	16.5%
Non-power Rx			2	3					5	5.2%
Fuel facilities			24						24	24.7%
Materials users	5	21							26	26.8%
Transportation									0	0.0%
Rare earth facilities									0	0.0%
Uranium recovery									0	0.0%
Other import/export									0	0.0%
DOE	2		6	3	1	4	1	4	21	21.6%
CoC totals	7	21	32	22	1	4	1	9	97	100.0%

Regulatory Flexibility Analysis

Section VI.

The Regulatory Flexibility Act (RFA), as amended 5 U.S.C. § 601 *et seq.*, requires that agencies consider the impact of their rulemakings on small entities and, consistent with applicable statutes, consider alternatives to minimize these impacts on the businesses, organizations, and government jurisdictions to which they apply.

Additionally, the Small Business Regulatory Enforcement Fairness Act (SBREFA) requires all Federal agencies to prepare a written compliance guide for each rule for which the agency is required to prepare a regulatory flexibility analysis. Therefore, in compliance with the law, the NRC has made publicly available via ADAMS the “FY 2020 Small Entity Compliance Guide”.

Licensees may use this guide to determine whether they qualify as a small entity under NRC regulations and are eligible to pay reduced FY 2020 annual fees assessed under 10 CFR part 171. The NRC has established two tiers of annual fees for those materials licensees who qualify as small entities under the NRC’s size standards.

Budget Authority (FY 2020)

The table below delineates where the *major* portion of a Business Line's direct budgetary resources are allocated when calculating 10 CFR Part 171 fees for a license fee class. The indirect portion of a Business Line (e.g. Training, Travel, Mission Support and Supervisors), as well as Corporate Support and Inspector General budgetary resources, are distributed among all license fee classes.

CROSSWALK OF BUSINESS LINES' ALLOCATION TO FEE CLASSES*

Business Line	License Fee Class
Operating Reactors	Power Reactors, Test and Research Reactors, Import/Export
New Reactors	Power Reactors
Fuel Facilities	Fuel Facilities
Nuclear Materials Users	Materials Users, Import/Export
Spent Fuel Storage and Transportation	Spent Fuel Storage/Reactor Decommissioning, Transportation
Decommissioning and Low-level Waste	Spent Fuel Storage/Reactor Decommissioning, Uranium Recovery

**Delineates where the major portion of a Business Line's direct budgetary resources are allocated for a license fee class. Does not include fee-relief allocation. NRC does not have licensees under the Rare Earth fee class.*

More information about 10 CFR Part 170 and 10 CFR Part 171 can be found at NRC's public website: <http://www.nrc.gov/about-nrc/regulatory/licensing/fees.html>.

Budget Authority (FY 2020)

FY 2020 Budget Summary by Program

This report is provided as supplemental information. It provides a summary of the FY 2020 budgeted FTE and contract dollars allocated to each fee class and fee-relief/surcharge activities at the Program level. The Programs include: 1) Nuclear Reactor Safety, 2) Nuclear Materials & Waste Safety, 3) Corporate Support, and 4) Inspector General.

FY 2020 MISSION DIRECT BUDGETED RESOURCES														
	TOTAL				POWER REACTORS ALLOCATIONS		SPENT FUEL STORAGE/ REACTOR DECOMM. ALLOCATIONS		TEST AND RESEARCH REACTORS ALLOCATIONS		FUEL FACILITY ALLOCATIONS		MATERIALS ALLOCATIONS	
	CONTRACT		CONTRACT		CONTRACT		CONTRACT		CONTRACT		CONTRACT		CONTRACT	
	\$,K	FTE	\$,K	FTE	\$,K	FTE	\$,K	FTE	\$,K	FTE	\$,K	FTE	\$,K	FTE
NUCLEAR REACTOR SAFETY	99,187.0	1,745.0	64,125.4	1,326.6	1.4	0.4	67.0	8.5	0.0	0.1	25.0	0.1		
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)	15,270.0	434.0	107.7	1.4	3,538.7	81.2	0.5	0.0	1,227.7	52.1	485.5	78.7		
CORPORATE	169,384.3	611.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
INSPECTOR GENERAL(no DNSFB)	1,703.0	58.0												
SUBTOTAL - FEE BASE RESOURCE	285,544.3	2,848.0	64,233.1	1,328.0	3,540.1	81.6	67.5	8.5	1,227.7	52.2	510.5	78.8		

FY 2020 MISSION DIRECT BUDGETED RESOURCES											INCLUDED IN				
											PROFESSIONAL		HOURLY & FTE RATE		
	TOTAL										FEE-RELIEF ACTIVITIES		(overhead)		
	CONTRACT		TRANSPORTATION ALLOCATIONS		URANIUM RECOVERY ALLOCATIONS		RARE EARTH ALLOCATIONS		IMPORT/EXPORT ALLOCATIONS		CONTRACT		CONTRACT		
\$,K	FTE	\$,K	FTE	\$,K	FTE	\$,K	FTE	\$,K	FTE	\$,K	FTE	\$,K	FTE		
NUCLEAR REACTOR SAFETY	99,187.0	1,745.0	1.2	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	17,040.0	22.1	17,927.0	387.0
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)	15,270.0	434.0	161.0	16.5	122.3	1.2	0.0	0.0	0.0	0.0	0.0	5,121.6	111.9	4,505.0	91.0
CORPORATE	169,384.3	611.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	169,384.3	611.0
INSPECTOR GENERAL(no DNSFB)	1,703.0	58.0												1,703.0	58.0
SUBTOTAL - FEE BASE RESOURCE	285,544.3	2,848.0	162.2	16.7	122.3	1.2	0.0	0.0	0.0	0.0	0.0	22,161.6	134.0	193,519.3	1,147.0

FY 2020 MISSION DIRECT BUDGETED RESOURCES															
TOTAL		NONPROFIT ED. EXEMPTION		INTERNATIONAL ACTIVITIES		AGREEMENT STATE OVERSIGHT		AGREEMENT STATE REG SUPPORT		ISL RULE/ GEN LICENSEES/ FELLOWSHIPS		GENERIC DECOMMISS/ RECLAMATION			
CONTRACT		CONTRACT		CONTRACT		CONTRACT		CONTRACT		CONTRACT		CONTRACT			
\$,K	FTE	\$,K	FTE	\$,K	FTE	\$,K	FTE	\$,K	FTE	\$,K	FTE	\$,K	FTE		
NUCLEAR REACTOR SAFETY	99,187.0	1,745.0	264.0	17.2	0.0	0.0		31.0	0.2	0.0	0.0	16,745.0	4.7	0.0	0.0
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)	15,270.0	434.0	12.9	3.5	0.0	0.0		1,963.0	23.4	1,373.0	25.6	300.7	11.5	972.0	34.8
CORPORATE	169,384.3	611.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
INSPECTOR GENERAL(no DNSFB)	1,703.0	58.0													
SUBTOTAL - FEE BASE RESOURCE	285,544.3	2,848.0	276.9	20.7	0.0	0.0		1,994.0	23.6	1,373.0	25.6	17,045.7	16.2	972.0	34.8

FY 2020 MISSION DIRECT BUDGETED RESOURCES											
		MILITARY RADIUM		PUBLIC RADIUM		GENERIC LLW		BUDGET SUM			
		226		226							
TOTAL											
CONTRACT		CONTRACT		CONTRACT		CONTRACT		CONTRACT		CONTRACT	
\$,K	FTE	\$,K	FTE	\$,K	FTE	\$,K	FTE	\$,K	FTE	\$,K	FTE
NUCLEAR REACTOR SAFETY	99,187.0	1,745.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	99,187.0	1,745.0
NUCLEAR MATERIALS & WASTE SAFETY (no HLW/Gen Fund)	15,270.0	434.0	400.0	3.2	0.0	2.0	100.0	7.9	15,270.0	434.0	
CORPORATE	169,384.3	611.0	0.0	0.0	0.0	0.0	0.0	0.0	169,384.3	611.0	
INSPECTOR GENERAL(no DNSFB)	1,703.0	58.0							1,703.0	58.0	
SUBTOTAL - FEE BASE RESOURCE	285,544.3	2,848.0	400.0	3.2	0.0	2.0	100.0	7.9	285,544.3	2,848.0	

Omnibus Budget Reconciliation Act of 1990 (OBRA-90)

Referenced throughout the Final rule

This document is provided as supplemental information. The Final amendments to 10 CFR Parts 170 and 171 are necessary to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended. The OBRA-90, as amended, requires that the NRC recover approximately 90 percent of its budget authority in fiscal year 2020, less the amounts appropriated for Waste Incidental to Reprocessing, Defense Nuclear Facilities Safety Board, International Activities, Nuclear Waste Fund, and amounts appropriated for generic homeland security activities.

Court Decision, 1993

Allied Signal, Inc. v. NRC and Combustion Engineering v. NRC

This document is provided as supplemental information. In 1990 Congress required the NRC to collect annual charges and user fees approximating 100 percent of the agency's budget, effective for fiscal year 1991. NRC's FY 1991 fee rule imposed annual charges against virtually all of the agency's licensees in an effort to be more fair and equitable. Previously, it had levied annual charges only on operating nuclear power reactors, which constitute the most significant group of NRC licensees.

On July 10, 1991 (56 FR 31472), the NRC published a final rule in the *Federal Register* that established the Part 170 professional hourly rate and the materials licensing and inspection fees, as well as the Part 171 annual fees, to be assessed to recover approximately 100 percent of the FY 1991 budget. In addition to establishing the FY 1991 fees, the final rule established the underlying basis and methodology for determining both the Part 170 hourly rate and fees and the Part 171 annual fees. The FY 1991 rule was challenged in Federal court by *Allied Signal, Inc. v. NRC* and *Combustion Engineering v. NRC*.

The court remanded two issues to the NRC for further consideration. Despite the remand, the court did not vacate the rule. One of the remanded issues related to the exemption from annual fees for nonprofit educational institutions. The second remand issue dealt with LLW disposal costs.

2 of 13 DOCUMENTS

Allied-Signal, Inc., Petitioner v. U.S. Nuclear Regulatory Commission and the United States of America, Respondents
Combustion Engineering, Inc., Petitioner v. U.S. Nuclear Regulatory Commission and the United States of America, Respondents
Combustion Engineering, Inc., Petitioner v. U.S. Nuclear Regulatory Commission and the United States of America, Respondents
Allied-Signal, Inc., Petitioner v. U.S. Nuclear Regulatory Commission, Respondent

No. 91-1407, No. 91-1435, No. 92-1001, No. 92-1019

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA
 CIRCUIT

300 U.S. App. D.C. 196; 928 F.2d 146; 1993 U.S. App. LEXIS 4684

November 9, 1992, Argued
 March 16, 1993, Decided

PRIDE HISTORY: [*1] Petitions for Review of An Order of the U.S. Nuclear Regulatory Commission.

COUNSEL: John Hoff, with whom Leonard A. Miller was on the brief, for petitioners Allied Signal, Inc. in Nos. 91-1407 and 92-1019.

Harold F. Reis, with whom Michael F. Healy was on the brief, for petitioner Combustion Engineering, Inc. in Nos. 91-1435 and 92-1001.

L. Michael Ruffey, with whom William C. Parier, General Counsel, John F. Carter, Sr., Solicitor, and E. Leo Stagle, Deputy Solicitor, U.S. Nuclear Regulatory Commission, and Katherine Adams, Attorney, Department of Justice, were on the brief, for respondents.

JUDGES: Before: Silberman, Williams and D.H. Ginsburg, Circuit Judges. Opinion for the Court filed by Circuit Judge Williams.

OPINION BY: WILLIAMS

OPINION:

[*148] Williams, Circuit Judge.

Congress has directed the Nuclear Regulatory Commission to recover 100% of its costs from those who

receive its regulatory "services" and to allocate the costs "fairly and equitably" among those recipients. Petitioners Allied Signal and Combustion Engineering challenge an NRC rule making that allocation; they also attack the NRC's denial of various requested exemptions from the fees. They allege that the Commission's [*2] actions did not satisfy Congress's "fair[] and equitable" standard and also were arbitrary and capricious. We agree in part and remand the case to the Commission.

Under authority granted in the Independent Offices Appropriation Act of 1952 ("IOAA"), 51 U.S.C. § 9701, the Commission has long charged fees to any person who received a "service or thing of value" from the Commission. (That term includes, perhaps asymptomatically, "regulatory services" such as permit processing.) In 1986, Congress expanded the NRC's recovery authority in the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA"), Pub. L. No. 99-272, 100 Stat. 147, and authorized it to recover 33% of its total annual budget through fees. Because IOAA fees could not generate that sum, Congress allowed the NRC to assess fees not only for the service-specific costs covered by IOAA but also for the Commission's generic costs of operation (e.g., costs associated with rulemaking proceedings or safety research). Later acts raised the budget recovery level to 45% for the years 1988 through 1990. In carrying out the 33% and 45% recovery mandates, the Commission imposed fees for [*3] generic costs only on licensees who operated nuclear

power reactors, reasoning that they absorbed the most regulatory resources. See *Florida Power and Light Co. v. United States*, 269 U.S. App. D.C. 377, 846 F.2d 765 (D.C. Cir. 1988).

²¹ See *Omnibus Budget Reconciliation Act of 1987*, Pub. L. No. 100-203, 101 Stat. 1330-275; *Omnibus Reconciliation Act of 1989*, Pub. L. No. 101-239, 103 Stat. 2132.

In the 1990 Omnibus Reconciliation Act ("1990 OBRA"), Pub. L. No. 101-508, 104 Stat. 1384-299, Congress raised the recovery mandate for 1991-95 to 100% of the Commission's budget, see Pub. L. No. 101-508, § 6101 (codified at 42 U.S.C. § 2214), and told the Commission to promulgate a rule apportioning the generic fees "fairly and equitably" among licensees. *Id.* at § 6101(c)(3) (codified at 42 U.S.C. § 2214(c)(3)). The legislation further said that "to the maximum extent practicable, the charges [assessed by the rule] shall have a reasonable [²⁴] relationship to the cost of providing regulatory services and may be based on the allocation of the Commission's resources among licensees or classes of licensees." *Id.* After notice and comment, the Commission issued a rule purporting to carry out these directions. In doing so, it imposed fees on virtually all licensees. See *Revision of Fee Schedules, 100% Fee Recovery (the "Final Rule")*, 56 Fed. Reg. 31,472 (July 10, 1991) (codified at 10 CFR §§ 52, 71, 170, and 171).

[*149] 1

Allied, a uranium hexafluoride (UF) converter, first complains about the Commission's failure to consider the inability of UF converters to "pass through" OBRA fees to customers—i.e., to recoup them in whole or in part by raising prices. Allied asserts that the Commission's treatment of the issue was inconsistent with OBRA and also with the NRC's treatment of other licensees' passthrough capability.

Allied's claim rests on simple facts. It explains that domestic UF converters compete with foreign UF converters who are not subject to NRC licensing and thus are not required to pay NRC fees. Competition, it says, is stiff; success in bidding on UF conversion contracts often turns on [²⁵] differentials as small as one cent per pound. Fees imposed under the Final Rule, however, add up to almost five cents per pound of UF. Because adding

the fee to their prices will drive customers to foreign converters, domestic UF converters cannot pass the costs forward. Allied draws a sharp contrast between UF converters and other NRC licensees such as electric utilities, which it says are readily able to pass the costs on to customers. The Commission disputes none of these assertions.

Allied's statutory theory rests both on the 1990 OBRA and on the legislative history of 1986 COBRA—the latter being explicitly linked to the 1990 OBRA via its legislative history. Section 6201(c)(3) of the 1990 OBRA (codified at 42 U.S.C. § 2214(c)(3)) provides that

the Commission shall establish, by rule, a schedule of charges fairly and equitably allocating the aggregate amount of charges — [necessary to recoup 100% of the Commission's budget].

(Emphasis added.) The Conference Report to the 1990 OBRA states that the Commission has "the discretion — to assess annual charges against all of its licensees." H.R. Conf. Rep. No. 964, 101st Cong., [²⁶] 2d Sess. (1990), at 961. At the same time, however, the Report expressly "affirms the statement of the [floor] managers [of 1986 COBRA] on the present authority" of the NRC to assess fees. *Id.* That statement in turn declared that it was the "intention of the conferees that, because certain Commission licensees, such as universities, hospitals, research and medical institutions, and uranium producers have limited ability to pass through the costs of these charges to the ultimate consumer, the Commission should take this factor into account in determining whether to modify [its] current fee schedule for such licensees." 132 Cong. Rec. H57975 (March 6, 1986) (emphases added).

The statutory language and legislative history do not, in our view, add up to an inexorable mandate to protect classes of licensees with limited ability to pass fees forward. Even the 1986 legislative history, written in the context of COBRA's less-demanding 33% recovery mandate, only directed the Commission to "take — account" of passthrough considerations, which would not necessarily entail that those considerations control. Moreover, the 1990 Conference Report explicitly said that Congress preserved [²⁷] NRC's discretion to impose fees on "one or more classes of

non-power-reactor licenses if the Commission believes it can fairly, equitably, and practicably do so." H.R. Conf. Rep. No. 954, 101st Cong., 2d Sess. (1990), at 961. Even if we were to give the legislative history great weight, we could not conclude that Congress has "directly spoken" to whether the Commission must spare licenses that cannot pass the fees forward. See *Chevron v. Natural Resources Defense Council*, 467 U.S. 837, 842, 81 L. Ed. 2d 694, 104 S. Ct. 2778 (1984). The question therefore is whether the Commission's interpretation is reasonable. See *id.*, at 845; *Chemical Manufacturers Ass'n v. EPA*, 287 U.S. App. D.C. 49, 919 F.2d 158, 162-63 (D.C. Cir. 1990).

The Commission offered two justifications for its decision to disregard the passthrough concerns of UF converters. First, it argued that it could not adjust fees based on competitive impact because the 100% recovery mandate of 1990 CBRA [*150] would require any abatement of fees for one class of licensees to be recouped from others. See Final Rule, 56 Fed. Reg. at 31,476; Letter of NRC Denying Allied Exemption [*3] Request at 3-4. However, while one could argue that it is unfair to charge any regulatee more than its pro rata share of generic costs (and not unfair to excuse some regulatees from paying all of their pro rata share when less than 100 percent must be recovered), that potential explanation does not carry the day here. The Commission's willingness to make an exemption for nonprofit educational institutions belies the assertion that it will not charge any regulatee more than its pro rata share.

Nonetheless, the Commission also pointed to an entirely legitimate concern—the difficulty of assessing the ability of its 9000 licensees to pass through costs. See NRC Denial of Allied Exemption Request at 4. A firm's ability to pass through a burden to its customer depends on the price elasticities of supply and demand. "Inelastic suppliers and demanders pay taxes." Donald N. McCloskey, *The Applied Theory of Price* 374 (1982). (While the fees are technically not taxes, the same principle applies to costs generally.) Because these elasticities are typically hard to discover with much confidence, the Commission's refusal to read the statute as a rigid mandate to do so is not only understandable [*9] but reasonable.

It does not follow, however, that the Commission's application of the statute was in every respect reasonable. If capacity to pass the fees through can be determined with reasonable accuracy and at reasonable cost for

specific classes of licensees, there appears no reason why the Commission should not do so. In fact, the Commission *has* made such a determination for another class of licensees, even though that class's claim seems to be better founded than the claim of the domestic UF converters.

Specifically, in the Final Rule the Commission exempted nonprofit educational institutions from payment of certain 1990 CBRA fees. See 56 Fed. Reg. at 31,487-2, 31,491-2; 10 CFR § 171.11(a). This appears to be based at least in part on the rationale that such institutions "have a limited ability to pass the costs on to others." Final Rule, 56 Fed. Reg. at 31,477-2 (1991).¹² See also 56 Fed. Reg. at 31,487-2 (speaking of educational institutions' "limited ability to pass regulatory costs through to their clients").

¹² This passage refers to the service-specific fees, but so independent justification for the exemption from generic costs appears, and the Commission here seems to assume that the explanation extends to the generic. See Commission Brief at 8, 19-20.

[*10]

The Commission nowhere explains how it was able to make this finding for non-profits but is not able to resolve the elasticity claim one way or the other for domestic UF converters. The Commission does not so much as hint at data relating to the markets in which educational institutions serve their "clients."¹³ Neither does the Commission explain why a demand elasticity calculation was any easier or less costly to complete for educational institutions than for UF converters. Thus the Commission's denial of relief for UF converters, both at the rulemaking and the exemption stage, cannot be viewed as reasoned decision-making.

¹³ We note that for educational institutions with certain types of licenses, the exemption is unavailable with respect to activities such as "remunerated services — [performed for] other persons" and "activities performed under a Government contract." See 10 CFR § 171.13(a)(2) & (4). This exclusion from the exemption, however, is limited to specific types of licenses, namely "byproduct, source or special

nuclear material licenses."

[**11]

An inadequately supported rule, however, need not necessarily be vacated. See, e.g., *International Union, UMW v. FMSHA*, 287 U.S. App. D.C. 168, 920 F.2d 960, 966-67 (D.C. Cir. 1990); *Maryland People's Counsel v. FERC*, 247 U.S. App. D.C. 333, 768 F.2d 450, 455 (D.C. Cir. 1985); *ICORE, Inc. v. FCC*, 985 F.2d 1075, Slip op. at 12 (D.C. Cir. 1993). The decision whether to vacate depends on "the seriousness of the order's deficiencies (and thus the extent of doubt whether the agency chose correctly) and the disruptive consequences of an interim [*151] change that may itself be changed." *International Union*, 920 F.2d at 967.

It is conceivable that the Commission may be able to explain how the principles supporting an exemption for educational institutions do not justify a similar exemption for domestic UF converters. For example, the Commission may develop a reasoned explanation based on an alternative justification that it offered for the non-profit educational institutions' exemption—that "educational research provides an important benefit to the nuclear industry and the public at large and should not be discouraged." 56 Fed. Reg. at 31,477 [*12]. If, while this reference is quite vague—the benefits of UF conversion can hardly be depicted merely because the converters operate in a conventional market—perhaps the Commission's focus is on education, with the idea that education yields exceptionally large externalized benefits that cannot be captured in tuition or other market prices. We cannot tell at this point whether the exemption for educational institutions could be reasonably rooted in such a theory, but there is at least a serious possibility that the Commission will be able to substantiate its decision on remand.

At the same time, the consequences of vacating may be quite disruptive. Even assuming that we could merely vacate the rule insofar as it denies an exemption for UF converters, the Commission would need to refund all 1990 OBRA fees collected from those converters; in addition it evidently would be unable to recover those fees under a later-enacted rule. See *Bowen v. Georgetown University Hospital*, 488 U.S. 204, 208-09, 102 L. Ed. 2d 493, 109 S. Ct. 468 (1988), (rejecting retroactive application of rules even if operating only to cure defects in previously enacted rule). Therefore, because of the

possibility [*15] that the Commission may be able to justify the Rule, and the disruptive consequences of vacating, we remand to the Commission for it to develop a reasoned treatment of exemption claims based on pass-through limitations.

Combustion Engineering also raised a related pass-through argument—that long-term fixed price contracts in its sector of the industry constrain its ability to pass through costs and therefore require some sort of gradual phase-in. See Comments of Combustion Engineering, May 13, 1991 at 2. On remand, the Commission must address this claim as well.

II

Allied also argues that the Commission's apportionment of fees within the class of domestic UF converters violated the 1990 OBRA. Allied argues (again without dispute by the Commission) that it has required much less regulatory attention than the only other member of the UF converter class, the Sequoyah Fuel Corporation, because of the latter's environmental problems. See NRC Denial of Allied Exemption Request at 7. Thus, Allied says, allocation of the fees equally between the pro UF converters violated the 1990 OBRA's directives that OBRA charges be apportioned "fairly and equitably" and that "to the maximum extent [*14] practicable, the charges shall have a reasonable relationship to the cost of providing regulatory services." Pub. L. No. 101-508, § 6101(c)(3) (codified at 42 U.S.C. § 2214(c)(3)). Allied contends that the Commission instead ought to have divided the class's fees either in proportion to the amount of NRC attention required by each converter or in proportion to the service-specific (IOAA) fees paid by the two converters.

Allied's argument fails because it disregards the premise that 1990 OBRA fees are not service-specific; they do not relate to identifiable services but rather constitute generic costs. See Final Rule, 56 Fed. Reg. at 31,472. Assuming that the Commission correctly classified the costs in question (and Allied does not contest the classification), there is a presumption that even regulatory effort precipitated by the circumstances of a single licensee of a given class will yield results, such as research findings or regulations, of roughly equal importance for all members of the same class.

[*152] This conclusion is not undermined by the Commission's willingness to apportion 1990 OBRA fees

between groups [*15] of licensees on the basis of the situation required by each group. See Final Rule, 56 Fed. Reg. at 31,476; Letter of NRC Denying Allied Exemption Request at 2, 4-5. First, the spillover of benefits seems far greater within a group of licensees than between groups. See *id.* at 5. Second, the administrative costs of group-level apportionment are obviously much lower than licensee-level apportionment because the number of licensees greatly exceeds the number of groups.

Here, neither of the measuring devices proposed by Allied was workable or accurate enough to warrant our holding the Commission's rejection of them arbitrary or capricious. Any correlation between a licensee's IOAA (licensee-specific) costs and its benefits from generic costs seems purely coincidental. And to use as a yardstick each member's tendency to precipitate regulatory effort would not only disregard spillover effects but would raise exceptional measurement problems. See NRC Denial of Allied Exemption Request at 4-8.

III

Allied makes a narrower attack on the Commission's rejection of intra-group apportionment, namely that the Commission was arbitrary and capricious in failing [*16] to apportion the generic costs associated with the disposal of low level radioactive waste (LLW) on the basis of each licensee's actual waste. See Final Rule, 56 Fed. Reg. at 31,497; 10 CFR § 171.16(e). At the class level, the Commission allocated costs in accordance with each class's contribution to the total quantity of LLW. Because materials licensees (a group that includes UF converters) collectively generate 40% of the nation's LLW, the Commission allocated 40% of its LLW costs to that class. See *id.* When it turned to apportionment of those fees among the materials licensees, however, the Commission abandoned that approach and simply assessed each large fuel facility (of which Allied is one) an identical charge of \$ 143,500. For explanation, the NRC offered only the conclusory statement that "the Commission ... believes ... the surcharge should be the same for all large fuel facility licensees." See Final Rule, 56 Fed. Reg. at 31,481.

The Commission provides no rationale for apportioning costs among classes of LLW producers on the basis of LLW output but refusing to apply that same yardstick in apportioning generic costs [*17] within

classes, and no rationale is readily apparent. While it is conceivable that the real benefit of LLW disposal services is merely the availability of such services—in which case a flat fee would make sense—any such idea is inconsistent with the Commission's method of apportioning LLW fees among classes of licensees, which appears to assume that benefit is proportional to LLW quantity. If, on the other hand, any licensee's benefit from LLW disposal is directly proportional to its LLW disposal, apportioning even generic costs on the basis of output seems to make sense—not only as to classes but also as to individual licensees. Finally, assuming that the Commission calculated each class's quantity of LLW waste from data supplied by each licensee (as seems necessarily true), it is hard to see any administrative problem with apportioning the fees within the class on the basis of output; the data are available and the required computations would be rudimentary.

.... In applying the balancing of *International Union* and like cases, we here give little weight to the possibility that the Commission could pull a reasonable explanation out of the hat. Nonetheless, vacating the intra-class [*18] apportionment of LLW costs would give licensees a peculiar windfall; even ones that benefited from the Commission's choice would presumably be entitled to a refund, and, under *Georgetown University Hospital*, the LLW costs could be recovered from no one. To be sure, the costs are not great, absolutely or as a proportion of the Commission's \$ 465 [*153] million budget for FY 1991—\$ 3.8 million. See 56 Fed. Reg. at 31,486, 31,497. But that alone is hardly a reason to create such a windfall. Accordingly, we refrain from vacating the rule. If on remand the Commission concludes that the apportionment must be in accordance with usage, then those firms whose burden is lower under a new, non-arbitrary, rule should be entitled to refunds of the difference.

If indeed the remand leads to replacement of the per-licensee allocation, and licensees enjoy only refunds for the difference between liability under the old rule and liability under the new (rather than total refunds), it might be argued that such a result allows the new rule to have "retroactive effect", in violation of *Georgetown University Hospital*. See 488 U.S. at 208. There [*19] is, plainly, some retroactive effect. The effect, however, is only to define that aspect of the old rule that must be cut away as legally excessive. We do not read *Georgetown* as barring so limited a retroactive impact.

IV

Finally, Combustion Engineering challenges the Commission's decision to allocate OBRA fees equally to each low enriched uranium ("LEU") manufacturing license instead of dividing the fees equally among the LEU manufacturing licenses. Combustion owns and operates two LEU facilities, each separately licensed, and Combustion asserts that in the aggregate the two are operationally equivalent to the single-plant, single-license, facilities of the other LEU manufacturers. At oral argument Combustion explained that it has two licenses for the facilities only because of historical chance; it bought a company with a separate license almost 20 years ago and until the Commission implemented the current OBRA fee schedule there has never been any reason to consolidate the licenses. As before, the Commission disputes none of these contentions.

Combustion attacks both the regulation imposing the "equal fee per license" rule and the Commission's denial of an exemption. [*20] Both claims rest ultimately on the 1990 OBRA's direction that fees must be apportioned "fairly and equitably" and that "to the maximum extent practicable, . . . charges shall have a reasonable relationship to the cost of providing regulatory services." Pub. L. No. 101-508, § 6101(c)(3) (codified at 42 U.S.C. § 2214(c)(3)). Although we find the first claim unconvincing, we agree that the Commission has not justified its refusal to give the requested exemption.

The argument that the "equal fee per license" rule is "unfair and inequitable" is persuasive only on the ground that the rule produced troubling results when applied to Combustion's circumstances—which Combustion itself asserts are unusual. We see no reason for requiring the Commission to amend to that rather rare situation in the rule itself, cf. *NLRB v. Bell Aerospace Co.*, 416 U.S. 267, 40 L. Ed. 2d 134, 94 S. Ct. 1757 (1974), especially as the generic rule allowed (generically) for exemption. n4

n4 Insofar as Combustion argues, in parallel with Allied, that § 6101(c)(3) of OBRA generally requires intra-group apportionment on the basis of factors such as the amount of attention a licensee requires, the competitive position of the licensee, and the safety risks posed by the licensee's

activities, we reject it for the reasons stated as to Allied.

[**21]

Combustion's exemption argument, however, has merit. The Commission's own criteria call for an exemption if the licensee can show that "the assessment of the annual fee would result in a significantly disproportionate allocation of costs to the licensee." 10 CFR § 171.11(d). The double assessment against Combustion's two licenses increased its OBRA fees by \$ 236,500. Against this, the Commission is able to point to almost nothing by way of greater costs. Speaking to the issue in unusually rambling, discursive language, the NRC in substance could point to only two additional burdens—the need to mail an extra copy of certain NRC publications to the second facility and the need for two different NRC regional offices to monitor and respond to [*154] allegations about the two plants. See NRC Denial of Combustion Exemption Request at 5-6.

The double burden for Combustion, measured against *de minimis* additional burdens for the Commission, simply overcomes the hurdle established by 10 CFR § 171.11(d). n5 Thus the exemption denial is arbitrary and capricious. We therefore direct the Commission to grant an exemption for Combustion on the additional fees collected as a result of the double-licensing [*22] of its operation. n6

n5 10 CFR § 171.11(d) also contains two other factors that the Commission shall consider when evaluating an exemption request. Although parts of § 171.11(d) are ambiguous regarding whether an applicant must fulfill all, or only one, of the factors, the fact that an applicant could not "fulfill" the criterion listed in § 171.11(d)(6)—"any other relevant matter that the licensee believes shows that the annual fee was not based on a fair and equitable allocation of NRC costs"—reveals that the "factor" should not be read as conjunctive requirements. The factor instead seems to be best understood as independent considerations which can support an exemption.

n6 We are not required to address Allied's fee exemption request because of our previous disposition of Allied's other claims. The aspects of Allied's request dealing with pass-through

ability and LLW fees are almost certain to stand or fall along with the remanded claims; and the aspect claiming that OBRA requires licensee-specific calibration of fees fails.

reasonable and coherent treatment of (1) licensees' claims for special treatment on the basis of inability to pass the burden of the fees through to customers and (2) the method of apportioning generic LLW disposal costs among materials licensees. In addition, we direct the Commission to grant an exemption to Combustion for the generic fees attributable to the double-licensing of its LEU operation.

[*23]

So ordered.

We remand the case to the Commission for a