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# NRC NEWS

**U.S. NUCLEAR REGULATORY COMMISSION**

Office of Public Affairs Telephone: 301/415-8200

Washington, D.C. 20555-0001

E-mail: [opa.resource@nrc.gov](mailto:opa.resource@nrc.gov)

Site: <http://www.nrc.gov>

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## **NRC PROPOSES TO AMEND LICENSING, INSPECTION AND ANNUAL FEES RULE**

The Nuclear Regulatory Commission is proposing to amend its regulations for the licensing, inspection and annual fees it charges applicants and licensees for fiscal year (FY) 2010.

The agency is required by Congress to recover for the U.S. Treasury most of its annual appropriated budget through two types of fees. One is for specific NRC services, such as licensing and inspection activities, that apply to a specific license; the other is an annual fee for generic regulatory expenses and other costs not recovered through fees for specific services. These fees are contained in NRC regulations in Title 10 (Energy) of the *Code of Federal Regulations* (10 CFR) Part 170 (fees for license-specific services) and 10 CFR Part 171 (annual fees). These fees are paid to the U.S. Treasury and go into the general fund.

By law, the NRC must recover, through fees to applicants and licensees, 90 percent of its budget authority for FY 2010 (Oct. 1, 2009 - Sept. 30, 2010), less the amounts appropriated from the Nuclear Waste Fund for high-level radioactive waste activities and from general funds for waste-incident-to-reprocessing and generic homeland security activities. The total amount of fees to be recovered by Sept. 30 is approximately \$912.2 million, about 5 percent (\$41.5 million) more than in FY 2009.

The increase in FY 2010 fees is mostly in response to increased activities for reactor oversight, new reactor programs, information technology support, homeland security issues, and licensing reviews for fuel facilities, non-power reactors and spent fuel storage.

Approximately 40 percent of the fees will be billed for specific services (Part 170) and the remaining 60 percent will be billed to annual fees (Part 171). The hourly rate for Part 170 activities will increase nominally from \$257 to \$259 per hour. The increase is due primarily to increased infrastructure and support costs for the new reactor program, fuel facility reviews, reactor licensing renewal, and spent nuclear fuel storage and transportation activities.

The proposed rule includes several other changes. First, NRC will cut costs by no longer mailing hard copies of the proposed fee rule to all licensees, but will instead send a short summary with instructions on how to access complete documents on the Internet. Second, NRC will review its fee policies for power reactors, as it anticipates receiving additional applications

to license small and medium-sized commercial nuclear reactors. Third, in FY 2011 the agency plans to change its policy for issuing inspection bills to licensees. Currently, inspection costs are billed only after the inspections are completed. In some cases, this can result in inspection costs accumulating over several billing cycles. Instead, inspection hours will be billed on a quarterly basis as work is performed.

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

The proposed FY 2010 annual fees are categorized by types of licensees/applicants and include the following:

<u>Class/Category</u>	<u>FY 2010 Proposed Annual Fee</u>
Operating Power Reactors (including Spent Fuel Storage/ Reactor Decommissioning annual fee) . . . . .	\$4,719,000
Spent Fuel Storage/Reactor Decommissioning . . . . .	\$143,000
Test and Research Reactors (Non-power reactors) . . . . .	\$81,800
High-Enriched Uranium Fuel Facility. . . . .	\$5,442,000
Low-Enriched Uranium Fuel Facility . . . . .	\$2,048,000
UF6 Conversion Facility. . . . .	\$1,112,000
Conventional Mills. . . . .	\$38,300
Radiographers. . . . .	\$28,200
Well Loggers . . . . .	\$12,000
Gauge Users (Category 3P) . . . . .	\$4,500
Broad Scope Medical Licensees (Category 7B). . . . .	\$45,100

NRC estimates that the FY 2010 annual fees will be paid by licensees of 104 nuclear power reactors, 4 non-power reactors, 19 spent nuclear fuel storage/reactor-in-decommissioning facilities, 12 fuel cycle facilities, 10 uranium recovery facilities, and approximately 3,150 nuclear material users. The FY 2010 proposed fee rule, published today in the *Federal Register*, includes fees based on the Energy and Water Development and Related Agencies Appropriation Act, 2010 (Pub. L. 111-85), signed by the President on October 28, 2009.

Comments on the proposed rule may be submitted within 30 days of the *Federal Register* notice and needs to include Docket ID NRC-2009-033 in the subject line. Written comments should be addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555- 0001, ATTN: Rulemakings and Adjudications Staff. Comments may also be submitted by e-mail to [rulemaking.comments@nrc.gov](mailto:rulemaking.comments@nrc.gov), faxed to (301) 415-1101 or submitted online via the Federal eRulemaking Portal at [www.Regulations.gov](http://www.Regulations.gov) under Docket ID NRC-2009-0333.

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