

fees on factors such as number of sources, the size of the facility, and market competitive positions, as suggested by commenters, would result in a fairer allocation of the 100 percent recovery requirement. (See FY 1991 Final Rule, 56 FR 31472; July 10, 1991, and Appendix A to that Final Rule; and Limited Revision of Fee Schedules, 57 FR 13625; April 17, 1992). The Commission has seen no evidence in the petition or comments on the petition which would lead it to change its current approach of charging fees by class of license.

3. *Comment:* Most commenters supported the petitioner's request that the NRC establish standards for its activities, such as a schedule for response intervals for processing licensing actions, and provide licensees with a cost sheet indicating these schedules in order to assure licensees that services will be provided in a reasonably stated time period. However, one commenter stated that licensees should not be in a position of dictating things such as time limits for processing applications. Several commenters also supported the petitioner's request that NRC provide more detailed information with the bills. Some commenters indicated that bills should be itemized to show hours spent, a description of the work performed (specifically work performed by contractors), the name(s) of the individual(s) who completed the work, and the dates on which the work was performed.

*Response:* The petitioner's requests that review standards be established, that cost sheets describing sample charges be developed, and that additional information be provided on the bills pertain to NRC practices and procedures which should not be codified in a rule. The Commission cannot establish fixed costs for completing licensing actions and inspections for major fuel cycle licensees since the cost varies for such activities. License and inspection fees, established by 10 CFR Part 170 under the authority of the Independent Offices Appropriation Act (IOAA) and the Atomic Energy Act (AEA), as amended, recover the NRC's cost of providing individually identifiable services to specific applicants and licensees. The NRC's principal concern is public health and safety and thus the NRC must spend the appropriate resources to accomplish this, not a predetermined amount. While the Commission is committed to the expeditious review of each application and uses all reasonable means of keeping costs as low as feasible, its responsibility for ensuring the public health and safety and

environmental protection cannot be compromised. The Commission is committed to the effective use of its increasingly limited resources and therefore cannot afford to use these resources unwisely if it is to successfully perform its mission.

In response to the request for one standard fee for the same type of action, the Commission notes that full-cost recovery fees based on the actual professional staff hour and contractual services costs expended for the review were established in 1984 for the NRC's larger licensees (reactor and major fuel cycle facilities). Previously, the IOAA fees for amendment actions and inspections of these licensees were "flat" fees based on the average number of hours to process the same type of licensing action or to conduct similar inspection. Commenters on the fee system at that time complained about the inequities of such a fee system for larger licensees. They pointed out that NRC's response time for applications filed by licensees could vary significantly, depending upon the quality and completeness of the information submitted by the applicant or licensee and the extent and complexity of the licensing action requested. The NRC agreed with the commenters and changed its method of assessing fees for larger licensees based on the fact that there were differences in the types and complexity of the applications being filed and the fact that the NRC maintained a system whereby employees processing applications and conducting inspections reported, on a periodic basis, the professional time expended to process an application or to conduct an inspection.

To ensure that applications are processed in a timely and cost-effective manner, each NRC office in the licensing process develops and works in accordance with an approved operating plan. Upon receipt of applications, schedules are established and resources allocated for each review based on the amount of time and professional staff effort determined necessary to complete the particular type of application or activity. Because the total assigned workload must be completed with limited resources, management is continuously challenged and, indeed, evaluated on its ability to balance workload and assigned resources in the most efficient and effective manner. Similarly, management is expected to adhere to established review schedules, and changes are approved only with suitable justification. The NRC staff's success in meeting schedules is monitored continuously and critically by both NRC management and the

Commission to ensure that projects are completed expeditiously and efficiently.

For the foregoing reasons, the Commission is denying the petitioner's request that standards be established, that cost sheets describing sample charges be developed for different types of work, and that response times be established by NRC and distributed to all licensees.

With regard to the petitioner's request that additional details be provided on the bills, the NRC believes that sufficient information is currently provided to licensees or applicants on which to base payment of the invoice. NRC's invoices for full-cost licensing actions and inspections currently contain information detailing the type of service for which the costs are being billed, the date or date range the service was performed, the number of professional staff-hours expended in providing the service, the hourly rate, and the contractual costs incurred. Additionally, the Inspection Report number is provided on inspection fee bills, and the date of the application, NRC's completion date, and the subject of the application or the amendment number, if appropriate, are provided on bills for licensing actions.

A licensee or applicant who does not understand the charges or who feels they need more information to understand a bill may request additional information from the NRC regarding the specific bill in question. The NRC will turn over all available data used to support the bill upon request of the licensee or applicant.<sup>1</sup> Additionally, if requested, the NRC program staff will provide a best estimate of the hours required to complete a specific licensing action, with the caveat that the actual hours expended may differ from that estimate. However, OMB Circular A-25, which provides guidelines for Federal agencies to assess fees for Government services, provides that new cost accounting systems need not be established solely for the purpose of determining or estimating full cost. Therefore, the NRC does not plan to develop additional systems solely to provide additional information on its fee invoices at this time.

4. *Comment:* Several commenters agreed with the petitioner that all Federal agencies should be assessed fees to recover their share of NRC's costs.

The Commission agrees that, where legally permissible, Federal agencies should pay for services rendered,

<sup>1</sup> At the request of uranium recovery industry representatives in a meeting with the NRC staff on October 24, 1994, this additional information will be provided with all Part 170 bills issued to uranium recovery licensees and applicants.