

TABLE II.—ACTIVITIES TO BE RECOVERED THROUGH ASSESSMENT OF A SURCHARGE—Continued

Activities	Dollars in millions
Agreement State Oversight .....	6.2
Regulatory Support to Agreement States .....	14.2
Site Decommissioning Management Plan .....	6.2
Generic Decommissioning and Reclamation .....	5.6
Generic Low Level Waste (LLW) .....	7.0
Total .....	\$63.2

The NRC is continuing the existing policy for recovering the \$7 million for generic LLW activities from licensees that generate significant LLW. The revised method of allocation, described in detail in the FY 1993 final rule (58 FR 38669; July 20, 1994) allocates the LLW costs between two groups: large generators (power reactors and large fuel facilities) and small generators (all other LLW-producing licensees). The remaining \$56.2 million is distributed to virtually all classes of licensees based on the percentage of the total budget directly allocated to each class. The resulting allocations of the \$63.2 million are as follows:

\$55.2 million to operating power reactors;  
 \$2.2 million to fuel facilities;  
 \$.6 million to spent fuel storage licensees;  
 \$.6 million to transportation licensees;  
 \$.6 million to uranium recovery facilities; and  
 \$4.0 million to other materials licensees.

#### IV. Section-by-Section Analysis

The following analysis of those sections that are amended by this final rule provides additional explanatory information. All references are to Title 10, Chapter I, U.S. Code of Federal Regulations.

##### Part 170

##### Section 170.11 Exemptions

This section is amended to conform the fee regulations to section 161 w. of the Atomic Energy Act of 1954, as amended (AEA). That section of the AEA currently allows the Commission to charge part 170 fees to power reactors operated by the Tennessee Valley Authority or other Federal government entities and to uranium enrichment facilities operated by the United States Enrichment Corporation (USEC), as these reactors and facilities are licensed or certified by the NRC. The NRC has been assessing the USEC 10 CFR part

170 fees under the authority provided in section 161w. of the AEA. In this final rule, the NRC is now amending § 170.11 to conform its regulations to this statutory provision. In all other cases, the NRC is prevented from charging 10 CFR part 170 fees to Federal agencies for services rendered, due to a prohibition on such charges contained in the Independent Offices Appropriation Act, 31 U.S.C. 9701.

##### Section 170.20 Average Cost Per Professional Staff Hour

This section is amended to establish two professional staff-hour rates based on FY 1995 budgeted costs—one for the reactor program and one for the nuclear material and nuclear waste program. Accordingly, the NRC reactor professional staff-hour rate for FY 1995 for all activities that are based on full cost under § 170.21 is \$123 per hour, or \$214,765 per direct FTE. The NRC nuclear material and nuclear waste professional staff-hour rate for all materials activities that are based on full cost under § 170.31 is \$116 per hour, or \$203,096 per direct FTE. The rates are based on the FY 1995 direct FTEs and NRC budgeted costs that are not recovered through the appropriation from the NWF. The NRC has used cost center concepts in reallocating certain costs to the reactor and materials programs in order to more closely align the budgeted costs with specific classes of licensees. The method used to determine the two professional hourly rates is as follows:

1. The direct program FTE levels are identified for both the reactor program and the nuclear material and waste program.

2. Direct contract support, which is the use of contract or other services in support of the line organization's direct program, is excluded from the calculation of the hourly rate because these support costs are charged directly through the various categories of fees.

3. All other direct program costs (i.e., Salaries and Benefits, Travel) represent "in-house" costs and are to be collected by dividing them uniformly by the total number of direct FTEs for the program. In addition, Salary and Benefits plus contracts for General and Administrative Support are allocated to each program based on that program's salary and benefits. This method results in the following costs, to be included in the hourly rates.

TABLE III.—FY 1995 BUDGET AUTHORITY TO BE INCLUDED IN HOURLY RATES

[Dollars in millions]		
Salary and benefits	Reactor program	Materials program
Program .....	\$148.5	\$43.5
Allocated Agency Management and Support .....	39.9	11.7
Subtotal .....	188.4	55.2
General and Administrative Support (G&A):		
Program Travel and Other Support .....	13.3	2.7
Allocated Agency Management and Support .....	73.6	21.6
Subtotal .....	86.9	24.3
Less offsetting receipts .....	.1	.....
Total Budget Included in Hourly Rate .....	275.2	79.5
Program Direct FTEs	1,281.6	391.6
Rate per Direct FTE	214,765	203,096
Professional Hourly Rate .....	123	116

Dividing the \$275.2 million budget for the reactor program by the number of reactor program direct FTEs (1281.6) results in a rate for the reactor program of \$214,765 per FTE for FY 1995. Dividing the \$79.5 million budget for the nuclear materials and nuclear waste program by the number of program direct FTEs (391.6) results in a rate of \$203,096 per FTE for FY 1995. The Direct FTE Hourly Rate for the reactor program is \$123 per hour (rounded to the nearest whole dollar). This rate is calculated by dividing the cost per direct FTEs (\$214,765) by the number of productive hours in one year (1744 hours) as indicated in OMB Circular A-76, "Performance of Commercial Activities." The Direct FTE Hourly Rate for the materials program is \$116 per hour (rounded to the nearest whole dollar). This rate is calculated by dividing the cost per direct FTEs (\$203,096) by the number of productive hours in one year (1744 hours). The two professional rates of \$123 per hour and \$116 per hour are lower than the FY 1994 rate of \$133 per hour because the budget has been reduced and cost center concepts have been implemented with the effect that more direct FTEs have been charged to the programs.