

changing its size standards. The SBA adjusted its receipts-based size standard levels to mitigate the effects of inflation from 1984 to 1994. On April 11, 1995 (60 FR 18344), the NRC published a final rule amending its size standards. The size standards are as follows:

(a) A small business is a for-profit concern and is a—

(1) Concern that provides a service or a concern not engaged in manufacturing with average gross receipts of \$5 million or less over its last three completed fiscal years; or

(2) Manufacturing concern with an average number of 500 or fewer employees based upon employment during each pay period for the preceding 12 calendar months.

(b) A small organization is a not-for-profit organization which is independently owned and operated and has annual gross receipts of \$5 million or less.

(c) A small governmental jurisdiction is a government of a city, county, town, township, village, school district, or special district with a population of less than 50,000.

(d) A small educational institution is one that is—

(1) Supported by a qualifying small governmental jurisdiction; or

(2) Not state or publicly supported and has 500 or fewer employees.

(e) For purposes of this section, the NRC shall use the Small Business Administration definition of receipts. (13 CFR 402(b)(2)). A licensee who is a subsidiary of a large entity does not qualify as a small entity for purposes of this section.

Therefore, the small entity categories in § 171.16(c) of this final fee rule have been modified to reflect the changes in the NRC's size standards. Consistent with the establishment of an employee size standard for manufacturers, the NRC is establishing a new maximum small entity fee for manufacturing industries with 35 to 500 employees at \$1,800 and a lower-tier small entity fee of \$400 is established for those manufacturing industries and educational institutions not State or publicly supported with less than 35 employees. The lower-tier receipts-based threshold of \$250,000 is raised to \$350,000 to reflect approximately the same percentage adjustment as that made by the SBA when they adjusted

the receipts-based standard from \$3.5 million to \$5 million.

Section 171.16(d) is revised to reflect the FY 1995 budgeted costs for materials licensees, including Government agencies, licensed by the NRC. These fees are necessary to recover the FY 1995 generic and other regulatory costs totalling \$42.5 million that apply to fuel facilities, uranium recovery facilities, rare earth facilities, spent fuel facilities, holders of transportation certificates and QA program approvals, and other materials licensees, including holders of sealed source and device registrations.

Tables VI and VII show the NRC programs, cost centers, and resources that are attributable to fuel facilities and materials users, respectively. The costs attributable to the uranium recovery and rare earth classes of licensees are those associated with uranium recovery and rare earth licensing, inspection, and generic activities. For transportation, the costs are those budgeted for transportation licensing, inspection, and generic activities. Similarly, the budgeted costs for spent fuel storage are those for spent fuel storage licensing, inspection and generic activities.

TABLE VI.—ALLOCATION OF NRC FY 1995 BUDGET TO FUEL FACILITY BASE FEES¹

	Total program element		Allocated to fuel facility	
	Program support \$,K	FTE	Program support \$,K	FTE
Cost Center: Fuel Facilities:				
Fuel Fabricators Oversight and Inspections	\$1,698	59.0	\$1,486	56.1
Cost Center: LLW and Decommissioning:				
Decommissioning	4,447	50.0	325	1.7
Cost Center: Other Nuclear Materials and Waste:				
Independent Analysis of Operating Experience	346	8.0	69	1.6
Technical Training and Qualification	692	2.0	138	.4
Adjudicatory Reviews	-	1.0	-	.5
Investigations, Enforcement, Legal Advice	11	39.0	1	1.6
Cost Center: Special Technical Program:				
Nuclear Materials Mgt. and Safeguards System	1,165	1.0	47	-
Total			\$2,066	61.9
Total Base Fee Amount Allocated to Fuel Facilities				² \$14.6 million
Less Part 170 Fuel Facility Fees				4.5 million
Part 171 Base Fees for Fuel Facilities				\$10.1 million

¹ Base annual fee includes all costs attributable to the fuel facility class of licensees. The base fee does not include costs allocated to fuel facilities for policy reasons.

² Amount is obtained by multiplying the direct FTE times the rate per FTE (\$203,096) and adding the program support funds.