

CHAPTER 7

FEES

Section 1. Purpose.

(a) As authorized by the Act to support all direct and indirect costs associated with the operation of the Program, this Chapter establishes fees for radiation control services rendered by the Department and provisions regarding payment.

Section 2. Scope.

(a) These rules apply to a person who is:

(i) An applicant for or holder of a specific byproduct or source material license issued by the Department pursuant to Chapter 4 of these rules or by the NRC and recognized by the Department; and

(ii) Required to have routine and non-routine safety inspections of licensed activities.

Section 3. Costs Generally.

(a) "Direct Costs" are operating costs directly assignable to the Program. Direct Costs include salaries, supplies, travel, and other costs incurred by the Program such as, but not limited to, processing license applications, inspecting sites, and developing program rules.

(b) "Indirect Costs" are costs not directly assignable to the Program. Indirect Costs include the cost of activities such as human resource management, procurement, and accounting. Indirect Costs include the partial costs of state agencies such as Administration and Information, the Treasurer's Office, and other state agencies providing support or resources to the Program. These are costs which indirectly support the ability of the Program to function, but are not directly related to producing or inspecting a license or the immediate management of those functions. Uncollected fees from licensees will be charged as Indirect Costs for the following year. Indirect Costs will be collected by the Department as described in Section 4, below.

(c) Direct Costs fall into two different categories:

(i) "Site Specific Direct Costs" are incurred by the Department in the form of time and resources for a specific applicant or licensee. Site Specific Direct Costs shall include, but are not limited to, the costs of reviewing applications amendments, inspections, or incident response.

(ii) "Non-Site Specific Direct Costs" are not attributable to a specific licensee, but represent a cost to the Department attributable to the Program. These types of costs shall include, but are not limited to, materials such as paper and other office supplies, training of staff,

development of guidance documents, and other general administrative costs.

(d) The accumulation of costs can be described as follows:

(i) "Total Direct Costs" are the combination of the Site Specific Direct Costs and Non-Site Specific Direct Costs.

(ii) "Total Costs" are the sum of Site Specific Direct Costs, Non-Site Specific Direct Costs, and Indirect Costs.

(e) "Fiscal Year" is the twelve (12) month period from July 1 through June 30, as used by the State of Wyoming for budget formulation and execution.

(f) "Projected Costs" are the most recent two (2) year average of Total Costs assumed by the licensee.

Section 4. Tracking Costs.

(a) The Department shall keep a record of Site Specific Direct Costs associated with each license.

(b) Non-Site Specific Direct Costs shall be distributed to all licensees based on the proportion of an individual licensee's Site Specific Direct Costs, as compared to the combined Total Costs of all licensees. For example, if company X demands roughly fifty percent (50%) of the total billable Site-Specific Direct Costs for the Program they will be charged fifty percent (50%) of the Non-Site Specific Direct Costs.

(c) Indirect Costs will be calculated and allocated to licensees and the Program using the rates and basis for application detailed in the Cognizant Agency Negotiation Agreement, negotiated between the Department and the federal government. Indirect Costs are applied to both Site Specific and Non-Site Specific Direct Costs.

Section 5. Application Fees.

(a) All new license applications shall be accompanied by an initial one hundred thousand dollar (\$100,000.00) application fee. The application fee shall only cover the costs associated with processing the license application.

(b) The application fee shall be carried forward until the Department issues a license to the applicant. If the application fee is expended before the license is issued, an additional one hundred thousand dollar (\$100,000.00) application fee shall be assessed and collected from the applicant. This shall continue in increments of one hundred thousand dollars (\$100,000.00) until the Department issues a license to the applicant.

(c) Once the Department issues a license, the new licensee will be refunded or credited the amount of any unused portions of the application fee.

(d) Applicants that withdraw an application will not be refunded the unused application fee and forfeit any remaining initial application fees paid to the Department. However, applicants that withdraw an application after paying the additional application fees, as described in subparagraph (b) above, shall be refunded the unexpended balance of the additional application fees.

Section 6. Annual Fees.

(a) Annual fees are to be paid in full prior to the fiscal year for which the fees are assessed. The Department shall notify all licensees of the amount of their annual fee ninety (90) days prior to the start of the fiscal year. The annual fee must be received and processed prior to the Department taking any licensing or other requested action.

(b) Until the Department can establish Projected Costs for a licensee, the licensee shall be billed a predetermined annual fee. The predetermined annual fee shall be equal to the annual estimated cost of the Program divided by the total number of licensees.

(c) Once the Department establishes Projected Costs for a licensee, the licensee shall be assessed an annual fee based on the licensee's average Total Costs from the previous two years of operation.

(d) A new licensee shall be billed an annual fee equal to the average Total Costs of all licensees, until Projected Costs can be established.

(e) Following recognition of all costs for a fiscal year, the Department shall prepare a statement for each licensee showing the itemized actual Total Costs for the fiscal year.

(i) If the annual fee collected from the licensee exceeds the Total Costs attributable to the licensee, the statement shall be accompanied by a credit or refund of the difference in amounts to the licensee.

(ii) If the annual fee collected from the licensee is less than the Total Costs attributable to the licensee, the statement shall be accompanied by an invoice covering the difference in amounts owed to the Department. The licensee shall have sixty (60) days from the date of the invoice to pay the Department the full outstanding balance of the invoice.

(f) New licenses issued after the beginning of the fiscal year will be assessed an annual fee, as described above, but the fee will be prorated based on the date the license was issued.

(g) Failure to pay prescribed fees may result in, and is not limited to, the Department halting the processing of an amendment, suspending or revoking a license, or issuing a notice of violation and order as the Department deems necessary and appropriate to carry out the provisions of the Act.

(h) The minimum annual fee for all licensees is one thousand dollars (\$1,000.00).

Section 7. Method of Payment.

Payments made under this Chapter shall be paid in U.S. dollars through electronic funds transfer, check, or money order made payable to the Wyoming Department of Environmental Quality.