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\*\*\*\*\*

Dated at Rockville, Maryland, this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

For the Nuclear Regulatory Commission.

\_\_\_\_\_  
Jesse L. Funches,  
Chief Financial Officer.

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DATE	5/31/01	5/31/01	/ /01	/ /01	/ /01	/ /01

  

OFFICE	NRR <i>attached</i>	OIP <i>attached</i>	EDO <i>attached</i>	DCFO	CFO <i>attached</i>	N
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(d) Annual fees of less than \$100,000 must be paid as billed by the NRC. Materials license annual fees that are less than \$100,000, except those for Class I and Class II uranium recovery licensees, are billed on the anniversary date of the license. The materials licensees that are billed on the anniversary date of the license are those covered by fee categories 1C, 1D, 2A(2) Other Facilities, 2A(3), 2A(4), 2B, 2C, 3A through 3P, 4B through 9D, 10A, and 10B.

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

May 29, 2001

MEMORANDUM TO: Diane B. Dandois, Chief  
License Fee and Accounts Receivable Branch  
Division of Accounting and Finance  
Office of the Chief Financial Officer

FROM: *Michael T. Lesar*  
Michael T. Lesar, Chief  
Rules and Directives Branch  
Division of Administrative Services  
Office of Administration

SUBJECT: OFFICE CONCURRENCE ON THE FINAL FY 2001 FEE RULE

The Office of Administration concurs, subject to the comments provided, on the final rule to establish the licensing, inspection, and annual fees necessary to recover approximately 98 percent of the NRC's operating budget for FY 2001. We have attached a marked copy of the package that presents our comments.

If you have any questions concerning this matter, please contact Michael T. Lesar, Chief, Rules and Directives Branch, ADM, at 415-7163 (MTL) or Victoria Voytko, ADM, at 415-6075 (VNV).

Attachment: As stated

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OFFICE	NRR	OIP	EDO	DCFO	CFO
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**From:** Claudia Seelig  
**To:** Constance Schum; Glenda Jackson  
**Date:** 5/30/01 9:47AM  
**Subject:** NMSS CONCURRENCE IN FEE RULE

We concur (including the revised pp. 30-32), but want you to consider the following minor comment. I will hand carry to Glenda the actual concurrence page signed by Margaret (Acting NMSS Director).

The top of page 11 discusses 420 RITS codes - and we agree that the statement is factually correct. However, stating that 125 of 420 RITS codes are used for Part 170 billing adds nothing of substance in response. This could be read to mask any actual percentage of total hours billed across the 420 codes. For example, is the bulk of the time reported in the 125 codes or the remaining codes? Bottom line is it may cause more confusion - and this level of detail does not appear to add value to the response.

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May 29, 2001

NOTE TO: Jacqueline Silber

FROM: Mike Kaltman

SUBJECT: COMMENTS ON FINAL FEE RULE

Reactor Fees

The following table shows the Part 171 license fees for three classes of activities that are relevant to NRR:

	<u>FY 2000</u>	<u>Proposed FY 2001</u>	<u>Final FY 2001</u>
Reactors	\$2,606,000	\$2,571,000	\$2,487,000
Spent Fuel Storage/ Reactor decommissioning	209,000	276,000	266,000
	<u>\$2,815,000</u>	<u>\$2,847,000</u>	<u>\$2,753,000</u>
Nonpower Reactors	\$87,100	\$99,000	\$74,000

The decrease in fees for all three classes of activities is attributable to increased actual recovery of costs from licensees compared to the assumptions made when the fees were first proposed for FY 2001.

The 27.3% increase in spent fuel storage/reactor decommissioning fees is a reflection of the increase in budgeted activities between FY 2000 and FY 2001 and (to a lesser extent) the higher grades of NRR personnel compared to NMSS staff involved with these activities. I looked into the methodology used to calculate these fees for both years and found that the computational methodology was the same. I also changed the basis of the computation from a percentage base to a FTE base; that change did not yield a significant difference in the annual fees.

Depth of Information Provided by NRC

NEI commented that NRC should "provide licensees and the public with a more expansive explanation of the specific activities and associated costs that form the bases for Part 171 fees. This will enable stakeholders to provide the NRC with more substantive feedback on the efficiency of regulatory activities." Specific reference was made to the Reactor Oversight Program as an area where cost savings could be achieved.

OCFO's response took the following positions (1) ample information was provided on which to base constructive comments, citing work papers, a 30-day comment period, and budget documentation (NUREG-1100), all of which are publicly available, and (2) "budgets and the manner in which NRC carries out its activities are outside the scope of this rulemaking." In a

telephone conversation with an OCFO staffer, I was informed that OCFO had established a precedent for not addressing budget questions in the fee rule context.

DIPM's position is that the OCFO response, as it stands, misses an opportunity to dispose of an issue that should be addressed. The staff believes the following addition (in italics) should be added to the text on page 6:

... provide more effective comments concerning the efficiencies of NRC's regulatory activities and the manner in which NRC carries out its fiscal responsibilities are not addressed in this final rule.

*The above notwithstanding, it should be noted that specific suggestions related to improving efficiencies in the Reactor Oversight Process (ROP) are being considered as part of the NRC staff evaluation of initial implementation of the ROP and in continuing process improvements. The staff evaluation of initial ROP implementation is being provided as a SECY paper and is scheduled for completion in July 2001.*

#### PMAS Staff Position

PMAS staff recommends concurrence by the Office Director with the provision that the textual addition be added to the Final Rule. The PMAS position is based on the importance it places on an open and constructive working relationship with NEI and the visibility of the ROP program. However, we should note that OCFO may be reluctant to make the suggested change.

cc: L. Barnett

Waiver - pg 12

Recommendation - pg 27

what  
about  
pg 31

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**From:** Maryann Grodin  
**To:** Glenda Jackson  
**Date:** 5/29/01 11:10AM  
**Subject:** Final Notice of Rulemaking - 10CFR 170/171 Fee Recovery

The Office of the Inspector General has no additional comments on the subject notice. Thank you for the opportunity to review this document.

Maryann Grodin

**From:** Claudia Seelig  
**To:** Constance Schum; Glenda Jackson  
**Date:** 5/30/01 9:47AM  
**Subject:** NMSS CONCURRENCE IN FEE RULE

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NAME	RCarlson/GJackson/ DDandois	TRossi	MSpringer	TBRothschild <i>Trip NCC</i>	PLohaus	MVirgilio
DATE	/ /01	/ /01	/ /01	5/31/01	/ /01	/ /01

OFFICE	NRR	OIP	EDO	DCFO	CFO
NAME	SCollins	JLee	WTravers	PRabideau	JLFunches
DATE	/ /01	/ /01	/ /01	/ /01	/ /01

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that are billed on the anniversary date of the license are those covered by fee categories 1C, 1D, 2A(2) Other Facilities, 2A(3), 2A(4), 2B, 2C, 3A through 3P, 4B through 9D, 10A, and 10B.

\*\*\*\*\*

Dated at Rockville, Maryland, this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

For the Nuclear Regulatory Commission.

\_\_\_\_\_  
Jesse L. Funches,  
Chief Financial Officer.

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NAME	RCarlson/GJackson/ DDandois	TRossi	MSpringer	TBRothschild <i>Trip NCC</i>	PLohaus	MVirgilio
DATE	/ /01	/ /01	/ /01	5/31/01	/ /01	/ /01

OFFICE	NRR	OIP	EDO	DCFO	CFO
NAME	SCollins	JLee	WTravers	PRabideau	JLFunches
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OFFICE	OCFO	OCFO:DAF	ADM	OGC	STP	NMSS
NAME	RCarlson/GJackson/ DDandois	TRossi	MSpringer	TBRothschild <i>Temp NLC</i>	PLohaus	MVirgilio
DATE	/ /01	/ /01	/ /01	5/31/01	/ /01	/ /01

OFFICE	NRR	OIP	EDO	DCFO	CFO
NAME	SCollins	JLee	WTravers	PRabideau	JLFunches
DATE	/ /01	/ /01	/ /01	/ /01	/ /01

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NAME	RCarlson/GJackson/ DDandois	TRossi	MSpringer	TBrothschild <i>Temp NLC</i>	PLohaus	MVirgilio
DATE	/ /01	/ /01	/ /01	5/31/01	/ /01	/ /01

OFFICE	NRR	OIP	EDO	DCFO	CFO
NAME	SCollins	JLee	WTravers	PRabideau	JLFunches
DATE	/ /01	/ /01	/ /01	/ /01	/ /01

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**From:** Tremaine Donnell  
**To:** Glenda Jackson  
**Date:** 5/31/01 2:31PM  
**Subject:** FINAL NOTICE OF RULEMAKING - 10 CFR 170 AND 171 - FEE RECOVERY

FINAL NOTICE OF RULEMAKING - 10 CFR PARTS 170 AND 171 - FEE RECOVERY FOR FY 2001

The Office of the Chief Information Officer (OCIO) has reviewed the subject final rule for Paperwork Reduction Act implications and concurs in it. Should you require further assistance, please contact Janette Copeland at 415-6617 or e-mail JEC.

**CC:** Janette Copeland