

March 19, 2002

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

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

SUBJECT: NOTICE OF PROPOSED RULEMAKING -- FEE RECOVERY FOR
 FY 2002

Attached for your action are the following items relating to the publication of the subject proposed rule which was signed by the Chief Financial Officer on March 19, 2002.

4. Original and 25 copies of the Proposed Notice of Rulemaking - 10 CFR Parts 170 and 171.
5. Eight Congressional letters relating to the proposed rule.
6. Draft public announcement.

The proposed rule is consistent with Commission fee policy decisions and does not constitute a significant question of policy nor does it amend regulations contained in 10 CFR Part 7, 8, or 9 Subpart C concerning matters of policy.

Given the time urgency, the proposed rule should be published immediately. We are also attaching for your files a copy of the "Approved for Publication" and "Daily Staff Notes to the Commission."

Thank you for your assistance in this matter.

Attachments: As stated

cc: Walt Oliu, CIO

Distribution:

OCFO/DAF/LFARB RF w/o att
 OCFO/DAF RF (DAF 0-000) w/o att
 OCFO/DAF SF (LF-1.26) w/att
 A. Norris, OCFO/DAF/LFARB *w/att*

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ADAMS - Yes No SENSITIVE NON/SENSITIVE PUBLIC/NON-PUBLIC Initials - *DB*

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NAME	<i>GC</i> Jackson/R Carlson		<i>DB</i> Dandois	
DATE	03/20/02		03/20/02	



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

CHIEF FINANCIAL
OFFICER

The Honorable Sonny Callahan, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the U.S. Nuclear Regulatory Commission (NRC) recover approximately 96 percent of its FY 2002 budget authority, less the appropriation from the Nuclear Waste Fund, by assessing license and annual fees. The NRC is required to recover approximately \$479.5 million in FY 2002.

In order to comply with the law, the Commission is amending its fee regulations in 10 CFR Parts 170 and 171. The proposed amendments to 10 CFR Part 170 would revise the professional hourly rates and "flat" licensing fees to reflect the costs of providing NRC licensing services to applicants and licensees.

The proposed amendments to 10 CFR Part 171 would establish the amount of the FY 2002 annual fees to be assessed to reactor licensees, fuel cycle licensees, transportation certificate holders, and materials licensees to recover costs not recovered through 10 CFR Part 170 fees. The FY 2002 proposed annual fees would increase for most of the categories of licensees, including operating power reactors. These increases are primarily due to increased budgeted costs to be recovered through fees for FY 2002. However, the proposed annual fees would decrease for some licensees due primarily to decreased budgeted costs for those specific classes.

Those NRC licensees that can qualify as a small entity under NRC's size standards will continue to be eligible to pay reduced annual fees.

Enclosed is a copy of the proposed rule which is being transmitted to the *Federal Register* for publication. The notice provides for a 30-day public comment period.

Sincerely,

A handwritten signature in black ink, appearing to read "Jesse L. Funches".

Jesse L. Funches
Chief Financial Officer

Enclosure: Proposed Revision to
10 CFR Parts 170 and 171

cc: Representative Peter J. Visclosky

The Honorable Sonny Callahan, Chairman
 Subcommittee on Energy and Water Development
 Committee on Appropriations
 United States House of Representatives
 Washington, DC 20515

Dear Mr. Chairman:

The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the U.S. Nuclear Regulatory Commission (NRC) recover approximately 96 percent of its FY 2002 budget authority, less the appropriation from the Nuclear Waste Fund, by assessing license and annual fees. The NRC is required to recover approximately \$479.5 million in FY 2002.

In order to comply with the law, the Commission is amending its fee regulations in 10 CFR Parts 170 and 171. The proposed amendments to 10 CFR Part 170 would revise the professional hourly rates and "flat" licensing fees to reflect the costs of providing NRC licensing services to applicants and licensees.

The proposed amendments to 10 CFR Part 171 would establish the amount of the FY 2002 annual fees to be assessed to reactor licensees, fuel cycle licensees, transportation certificate holders, and materials licensees to recover costs not recovered through 10 CFR Part 170 fees. The FY 2002 proposed annual fees would increase for most of the categories of licensees, including operating power reactors. These increases are primarily due to increased budgeted costs to be recovered through fees for FY 2002. However, the proposed annual fees would decrease for some licensees due primarily to decreased budgeted costs for those specific classes.

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Sincerely,
 ORIGINAL SIGNED BY
 JESSE L. FUNCHES
 Jesse L. Funches
 Chief Financial Officer

Enclosure: Proposed Revision to
 10 CFR Parts 170 and 171

cc: Representative Peter J. Visclosky

Distribution:

OCA/RF OCFO/DAF/LFARB RF
 OCFO/RF OCFO/DAF RF (DAF 1-000)
 OCFO/SF OCFO/DAF SF (LF-1.26)

IDENTICAL LETTERS SENT TO ATTACHED LIST

ADAMS YES NO SENSITIVE/NONSENSITIVE PUBLIC/NON-PUBLIC INITIALS hcy
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NAME	G Jackson / B. B. Jackson	DDampas	CTurner	PRabideau	JFunches		
DATE	03/11/02	03/14/02	03/14/02	03/ /02	03/ /02	03/14/02	

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IDENTICAL LETTERS SENT TO:

The Honorable Harry Reid, Chairman
Subcommittee on Transportation, Infrastructure
and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

cc: Senator James M. Inhofe

The Honorable Joe Barton, Chairman
Subcommittee on Energy and Air Quality
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

cc: Representative Rick Boucher

The Honorable Harry Reid, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate
Washington, DC 20510

cc: Senator Pete V. Domenici

The Honorable Sonny Callahan, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

cc: Representative Peter J. Visclosky

The Honorable Jim Nussle, Chairman
Committee on the Budget
United States House of Representatives
Washington, DC 20515

cc: Representative John M. Spratt, Jr.

The Honorable Kent Conrad, Chairman
Committee on the Budget
United States Senate
Washington, DC 20510

cc: Senator Pete V. Domenici

The Honorable James M. Jefford, Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

cc: Senator Bob Smith

The Honorable W.J. "Billy" Tauzin, Chairman
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

cc: Representative John D. Dingell



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

The Honorable Harry Reid, Chairman
Subcommittee on Transportation, Infrastructure
and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

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In order to comply with the law, the Commission is amending its fee regulations in 10 CFR Parts 170 and 171. The proposed amendments to 10 CFR Part 170 would revise the professional hourly rates and "flat" licensing fees to reflect the costs of providing NRC licensing services to applicants and licensees.

The proposed amendments to 10 CFR Part 171 would establish the amount of the FY 2002 annual fees to be assessed to reactor licensees, fuel cycle licensees, transportation certificate holders, and materials licensees to recover costs not recovered through 10 CFR Part 170 fees. The FY 2002 proposed annual fees would increase for most of the categories of licensees, including operating power reactors. These increases are primarily due to increased budgeted costs to be recovered through fees for FY 2002. However, the proposed annual fees would decrease for some licensees due primarily to decreased budgeted costs for those specific classes.

Those NRC licensees that can qualify as a small entity under NRC's size standards will continue to be eligible to pay reduced annual fees.

Enclosed is a copy of the proposed rule which is being transmitted to the *Federal Register* for publication. The notice provides for a 30-day public comment period.

Sincerely,

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: Proposed Revision to
10 CFR Parts 170 and 171

cc: Senator James M. Inhofe



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

The Honorable Joe Barton, Chairman
Subcommittee Energy and Air Quality
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

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In order to comply with the law, the Commission is amending its fee regulations in 10 CFR Parts 170 and 171. The proposed amendments to 10 CFR Part 170 would revise the professional hourly rates and "flat" licensing fees to reflect the costs of providing NRC licensing services to applicants and licensees.

The proposed amendments to 10 CFR Part 171 would establish the amount of the FY 2002 annual fees to be assessed to reactor licensees, fuel cycle licensees, transportation certificate holders, and materials licensees to recover costs not recovered through 10 CFR Part 170 fees. The FY 2002 proposed annual fees would increase for most of the categories of licensees, including operating power reactors. These increases are primarily due to increased budgeted costs to be recovered through fees for FY 2002. However, the proposed annual fees would decrease for some licensees due primarily to decreased budgeted costs for those specific classes.

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Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure: Proposed Revision to
10 CFR Parts 170 and 171

cc: Representative Rick Boucher



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

The Honorable Harry Reid, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate
Washington, DC 20510

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In order to comply with the law, the Commission is amending its fee regulations in 10 CFR Parts 170 and 171. The proposed amendments to 10 CFR Part 170 would revise the professional hourly rates and "flat" licensing fees to reflect the costs of providing NRC licensing services to applicants and licensees.

The proposed amendments to 10 CFR Part 171 would establish the amount of the FY 2002 annual fees to be assessed to reactor licensees, fuel cycle licensees, transportation certificate holders, and materials licensees to recover costs not recovered through 10 CFR Part 170 fees. The FY 2002 proposed annual fees would increase for most of the categories of licensees, including operating power reactors. These increases are primarily due to increased budgeted costs to be recovered through fees for FY 2002. However, the proposed annual fees would decrease for some licensees due primarily to decreased budgeted costs for those specific classes.

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Office of Congressional Affairs

Enclosure: Proposed Revision to
10 CFR Parts 170 and 171

cc: Senator Pete V. Domenici



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

The Honorable Jim Nussle, Chairman
Committee on the Budget
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

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In order to comply with the law, the Commission is amending its fee regulations in 10 CFR Parts 170 and 171. The proposed amendments to 10 CFR Part 170 would revise the professional hourly rates and "flat" licensing fees to reflect the costs of providing NRC licensing services to applicants and licensees.

The proposed amendments to 10 CFR Part 171 would establish the amount of the FY 2002 annual fees to be assessed to reactor licensees, fuel cycle licensees, transportation certificate holders, and materials licensees to recover costs not recovered through 10 CFR Part 170 fees. The FY 2002 proposed annual fees would increase for most of the categories of licensees, including operating power reactors. These increases are primarily due to increased budgeted costs to be recovered through fees for FY 2002. However, the proposed annual fees would decrease for some licensees due primarily to decreased budgeted costs for those specific classes.

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Office of Congressional Affairs

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cc: Representative John M. Spratt, Jr.



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WASHINGTON, D.C. 20555-0001

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Committee on the Budget
United States Senate
Washington, DC 20510

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The proposed amendments to 10 CFR Part 171 would establish the amount of the FY 2002 annual fees to be assessed to reactor licensees, fuel cycle licensees, transportation certificate holders, and materials licensees to recover costs not recovered through 10 CFR Part 170 fees. The FY 2002 proposed annual fees would increase for most of the categories of licensees, including operating power reactors. These increases are primarily due to increased budgeted costs to be recovered through fees for FY 2002. However, the proposed annual fees would decrease for some licensees due primarily to decreased budgeted costs for those specific classes.

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United States Senate
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The proposed amendments to 10 CFR Part 171 would establish the amount of the FY 2002 annual fees to be assessed to reactor licensees, fuel cycle licensees, transportation certificate holders, and materials licensees to recover costs not recovered through 10 CFR Part 170 fees. The FY 2002 proposed annual fees would increase for most of the categories of licensees, including operating power reactors. These increases are primarily due to increased budgeted costs to be recovered through fees for FY 2002. However, the proposed annual fees would decrease for some licensees due primarily to decreased budgeted costs for those specific classes.

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United States House of Representatives
Washington, DC 20515

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cc: Senator James M. Inhofe

Distribution:

OCA/RF OCFO/DAF/LFARB RF
 OCFO/RF OCFO/DAF RF (DAF 1-000)
 OCFO/SF OCFO/DAF SF (LF-1.26)

IDENTICAL LETTERS SENT TO ATTACHED LIST

ADAMS - (YES/NO SENSITIVE - NON/SENSATIVE) (PUBLIC/NON-PUBLIC) INITIALS *JK*
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NAME	GCJackson/R Carlson/ DDandois	<i>JK</i>	CTurner	<i>JK</i>	PJRabideau	<i>JK</i>	JLPanches	<i>JK</i>		DKRathbun
DATE	03/11/02	<i>3/11</i>	03/14/02	<i>3/14</i>	03/ /02		03/14/02			03 / /02

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United States Senate
Washington, DC 20510

cc: Senator James M. Inhofe

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Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

cc: Representative Rick Boucher

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Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate
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