



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

Document # 19

May 28, 1999

SECRETARY

MEMORANDUM TO:

Jesse L. Funches  
Chief Financial Officer

William D. Travers  
Executive Director for Operations

FROM:

Annette Vietti-Cook, Secretary

SUBJECT:

STAFF REQUIREMENTS - SECY-99-053 - FY 1999 FEE RULE

The Commission offices were briefed by the Chief Financial Officer on the public comments on the FY 1999 Proposed Fee Rule (briefing slides attached). In response to the public comments, the staff presented the following recommendations for developing the final fee rule.

- a. Rebaseline without a cap
- b. Continue existing policy of rebaselining in five years or earlier, if warranted
- c. Do not assess the new spent fuel storage/reactor decommissioning annual fee to those reactor licensees that have ceased operations and have no fuel onsite
- d. Expand the scope of Part 170, as proposed
- e. Eliminate materials flat amendment fees
- f. Establish hourly rates at proposed levels
- g. Consider further before promulgating the FY 2000 rule whether to include orders, escalated enforcement in Part 170

The Commission has approved the staff's recommendations in response to the comments received on the proposed rule with the following exception. The Commission continues to support the current policy of periodic rebaselining (i.e., percent change method in the intervening years between periodic rebaselining) but three years should be substituted for five years as the maximum interval for rebaselining. In general, the commenters were supportive of this view.

Separate from the FY 2000 proposed fee rule, the staff should provide a paper that examines the alternatives to imposing significantly higher annual fees on certain classes of licensees which may likely result from a declining number of licensees in the respective fee categories.

(CFO/EDO)

(SECY Suspense:

10/22/99)

SECY NOTE:

THIS PAPER CONTAINS SENSITIVE INFORMATION AND WILL BE LIMITED TO NRC UNLESS THE COMMISSION DETERMINES OTHERWISE.

The Commission acknowledges and shares commenters' concerns arising from the unsuccessful attempts to obtain a legislative remedy to remove activities from the fee base which do not directly benefit NRC licensees. The SOC accompanying the final rule should emphasize Commission efforts to resolve this concern.

The CFO is authorized to issue the final rule consistent with this SRM without the need to make it available to the Commission 5 business days prior to sending it to the Federal Register.

Attachment: Presentation to Commissioner Assistants - Comments on FY 1999 Proposed Fee Rule dated May 12, 1999

cc: Chairman Jackson  
Commissioner Dicus  
Commissioner Díaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
CIO  
OCA  
OIG  
OPA