

NOTATION VOTE

RESPONSE SHEET

NOTE: SENSITIVE INFORMATION -- LIMITED TO NRC UNLESS THE COMMISSION DETERMINES OTHERWISE

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN JACKSON
SUBJECT: SECY-99-053 - FY 1999 FEE RULE

*Forced
Pete
Jim
Diane*

Approved x Disapproved _____ Abstain _____
w/comments
Not Participating _____

COMMENTS:

See attached comments.

Shirley Ann Jackson
Shirley Ann Jackson

SIGNATURE

March 1, 1999

DATE

Entered on "AS" Yes x No _____

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CHAIRMAN JACKSON'S COMMENTS ON SECY-99-053, "FY 1999 FEE RULE"

I believe that with the program changes over the past four years and changes in fee policy, the agency has reached the threshold for rebaselining as defined in the FY 1995 fee rule. I approve Option A (Rebaselining) for determining FY 1999 annual fees and soliciting specific comments on rebaselining with a cap. I believe that the method selected should be consistent with the NRC stated policy and the costs attributed to each class of licensees under rebaselining. Notwithstanding, my support for full rebaselining, I am concerned with the magnitude of the change in fees for certain classes. Licensees will have relatively short notice of the large increases in the annual fees, and may not have sufficient time to budget for them and Option C (Rebaselining with a 50 percent cap of Fees) would moderate the change.

I agree with Commissioner McGaffigan that the public should be made aware of the fact that we are considering a modified approach and participate in the decision making process. The Statement of Consideration for the FY 1999 fee rule should solicit specific comments on using a cap so that no licensees annual fee would be more than 50 percent with the effect that other licensees would pay slightly more. It should be clear that if the preponderance of comments supports this method it will be incorporated into the final rule. Further, we should seek public comment on the approach that NRC has been using for establishing fees for the past five years. Although using the percent change method has stabilized the fees for licensees, it has also created a problem of significant spikes in fees when the rebaselining method is applied. Therefore, we should seek public comment on whether the agency should continue the current policy to use the percent change method in FY 2000 through FY 2004, and rebaseline only if there is substantial change in the NRC budget or in the magnitude if a specific budget allocation to a class of licensees.