Financial Protection Requirements and Fees (Gaps 12, 13, and 14)

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Reprocessing Public Meeting
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Gap 12 Summary

- Price Anderson protection and indemnity fees and amounts for reprocessing facilities are currently not included in 10 CFR Part 140, “Financial Protection Requirements and Indemnity Agreements”

- Several appendices to 10 CFR Part 140 do not include forms for reprocessing facilities
NRC Proposed Position

- Proposing to revise 10 CFR Part 140
  
  - Extend the applicability to reprocessing facilities
  
  - Establish the specific amount of primary liability insurance required for production or reprocessing facilities
  
  - Establish the appropriate fee for executing and issuing indemnity agreements for production or reprocessing facilities
  
  - Amend current appendices or include a new appendix to include a standard form for indemnity agreements for production or reprocessing facilities
Previous Stakeholder Input

- Have not received any stakeholder feedback
- NRC staff did not consider alternative approaches to proposed approach, because financial protection and liability insurance for reprocessing facilities are required by statute
NRC Proposed Position

- Proposing to revise 10 CFR Part 170
  - Extend the applicability to reprocessing facilities
  - Establish the schedules of fee
- No alternatives to rulemaking considered
  - Section 6101(c)(3) of Omnibus Budget Reconciliation Act of 1990 (OBRA-90) requires NRC to “[…] establish, by rule, a schedule of charges fairly and equitably allocating the aggregate amount of charges described in paragraph (2) among licensees.”
Previous Stakeholder Input

- NEI white paper addresses fees under 10 CFR Part 170
  - Identifies fees prescribed in 10 CFR 170 to be submitted with license application
- No other stakeholder input on this topic
- NRC’s position is consistent with NEI’s acknowledgement of fees prescribed by 10 CFR Part 170
Gap 14 Summary


- The scope of the regulation, described in 10 CFR 171.3, does not specifically include reprocessing or production facilities.
NRC Proposed Position

- Proposing to revise 10 CFR Part 171
  - Extend the applicability to reprocessing facilities
  - Establish the annual fee
- No alternatives to rulemaking considered
  - Section 6101(c)(3) of Omnibus Budget Reconciliation Act of 1990 (OBRA-90) requires NRC to “[…] establish, by rule, a schedule of charges fairly and equitably allocating the aggregate amount of charges described in paragraph (2) among licensees.”
Previous Stakeholder Input

- Have not received any stakeholder feedback
- NRC staff did not consider alternative approaches to rulemaking, because the annual fee is required by statute to be set by rule
Gap Integration

- Gaps concern issues that are specifically addressed by statute
- Rulemaking is the only alternative considered
- Stakeholder input has been considered
Questions for Stakeholders

• No questions were identified previously

• For discussion: If NRC proceeds with rulemaking, what sources of information should be considered to inform
  
  • The determination of the annual fee amount, and
  
  • The specific amount of primary liability insurance required?