



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

March 23, 2016

Mr. Alexander W. Louie
The Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Mr. Louie:

The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the U.S. Nuclear Regulatory Commission (NRC) recover through fees approximately 90 percent of its Fiscal Year (FY) 2016 budget authority, not including amounts appropriated for Waste Incidental to Reprocessing, Generic Homeland Security activities, Nuclear Waste Fund and for Inspector General services for the Defense Nuclear Facilities Safety Board in FY 2016.

The FY 2016 proposed fee rule is based on the Consolidated Appropriations Act, 2016 (Public Law 114-113) giving the NRC a total appropriation of \$1,002.1 million, a decrease of \$13.2 million from the FY 2015 appropriation of \$1,015.3 million. By law, the NRC is required to collect all fees by September 30, 2016.

In order to comply with the law, the Commission is proposing to amend its fee regulations under 10 CFR Parts 170 and 171. The NRC is required to recover approximately \$882.9 million for FY 2016. After accounting for billing and collection adjustments, the total amount to be billed as fees is approximately \$883.9 million. The amendments to 10 CFR Part 170 would revise the professional hourly rate and flat license application fees charged to licensees and applicants. The hourly rate used to assess 10 CFR Part 170 fees would decrease to \$266, previously \$268 for FY 2015.

The amendments to 10 CFR Part 171 would establish the amount of the FY 2016 annual fees to be assessed to NRC licensees to recover costs not recovered through 10 CFR Part 170 fees. Compared with the FY 2015 annual fees, the FY 2016 rebaselined fees will decrease for operating reactors, fuel facilities, research and test reactors, spent fuel storage/reactor decommissioning, some materials users, and DOE transportation activities, and increase for most uranium recovery licensees.

Additionally, the NRC proposes a policy to recover its costs when it responds to third-party demands for information in litigation where the NRC or United States is not a party ("Touhy requests") under 10 CFR Part 170. Currently, the NRC fee regulations prevent NRC from recouping these costs under 10 CFR Part 170 users fees; therefore, these costs are recouped under 10 CFR Part 171. The proposed language seeks to assess fees for NRC manpower hours spent on Touhy requests exceeding 50 hours. Requestors of information also retain the ability to request information under the Freedom of Information Act, or under 10 CFR Part 170.11 apply for an exemption to have the fees waived if it would be "in the public interest."

A. W. Louie

- 2 -

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,

/RA/

L. Ben Ficks, Director
Division of Planning and Budget
Office of the Chief Financial Officer

Enclosure:
Federal Register, Notice

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Sincerely,

/RA/

L. Ben Ficks, Director
Division of Planning and Budget
Office of the Chief Financial Officer

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