

NOTATION VOTE

RELEASED TO THE PDR

RESPONSE SHEET

2/24/94  
date

*[Handwritten initials]*  
initials

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER ROGERS

SUBJECT: SECY-93-342 - IMPLEMENTATION OF THE ENERGY POLICY ACT OF 1992 REQUIREMENT TO REVIEW NRC FEE POLICY

APPROVED <sup>SUBJECT TO</sup> <sub>COMMENTS</sub> <sup>KUR</sup> \_\_\_\_\_ DISAPPROVED \_\_\_\_\_ ABSTAIN \_\_\_\_\_  
NOT PARTICIPATING \_\_\_\_\_ REQUEST DISCUSSION \_\_\_\_\_

COMMENTS: SEE ATTACHMENT. KUR

280053

Kenneth C. Rogers  
SIGNATURE

December 27, 1993  
DATE

RELEASE VOTE

WITHHOLD VOTE

ENTERED ON "AS" YES  No

*[Handwritten mark]*

Commissioner Rogers Comments on SECY-93-342

The staff should be commended for an excellent job in performing this review of the fee policy and preparing the recommendations for procedural and legislative actions.

I agree with the four primary recommendations, except that I would also include under recommendation 1, an additional exclusion that represents the costs of maintaining the skills, quality and standards of the professional staff. This may represent approximately 2-3 percent of the total budget.

In addition, I also approve the several other procedural actions the staff proposes to take, namely:

1. The use of the cost-center concepts to provide better data on which to base fees.
2. The continued retention of the notice and comment rulemaking process for setting the fee schedules.
3. The continued assessment of license review fees for new licenses and power reactor license renewals.
4. The continued assessment of fees for the review and approval of topical reports.
5. The proration of annual fees during the fiscal year in which there is a new license or a terminated license.
6. The continued assessment of annual fees to licensees until the license is amended to authorize possession only or decommissioning.
7. The continued inclusion of the costs of IITs, vendor inspections, allegation hearings, etc. in the annual fee.
8. The EDO should be delegated the authority to issue the proposed and final fee rules for FY 1994 as was done in FY 1992 and FY 1993.

The staff should submit the report to the Commission for review and approval prior to sending it to the Congress.

Finally, I believe that when the report is transmitted to Congress, the Commission should go on the record and indicate to Congress that the Commission does not favor the inflexibility of the OBRA-90 legislation, which requires the Commission to recover 100 percent of its budget authority from licensee fees.

The Commission has had great difficulty reducing arbitrary inequities arising from this requirement of OBRA-90.

KCA  
12/7/93