

NOTATION VOTE

RESPONSE SHEET

RELEASED TO THE PDR
2/24/94
Date Initial

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION
FROM: THE CHAIRMAN
SUBJECT: SECY-93-342 - IMPLEMENTATION OF THE ENERGY POLICY ACT OF 1992 REQUIREMENT TO REVIEW NRC FEE POLICY

APPROVED (w/comments) DISAPPROVED _____ ABSTAIN _____
NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

See attached comments.

Excellent treatment of a difficult topic

280055

[Signature]
SIGNATURE

RELEASE VOTE

December 22, 1993
DATE

WITHHOLD VOTE

ENTERED ON "AS" YES No _____

DFC 1/1

I approve the staff's proposed implementation of the Energy Policy Act License Fee Review (SECY-93-342) subject to the following comments and proposed amendments:

1. Regarding staff's recommendation no. 3. The staff's intention is to address the inequity of NRC licensees funding, through the fee base, certain Federal agencies which hold NRC licenses and are currently exempt from NRC license fees. The staff's recommendation should be adjusted, in my view, to show that the Congress could address this inequity by either: (a) amending the Atomic Energy Act to permit NRC assessing these Federal licensees directly, or (b) removing from NRC's fee base those agency expenditures associated with work on these Federal licensees.
2. Although not specifically addressed in this fee report to Congress, I believe the staff should continue to explore means for minimizing large year-to-year fluctuations in license fees.
3. Although no adjustment is needed in the fee report to Congress, I would appreciate the staff's further inquiry into identification of the beneficiaries of NRC's research activities, particularly for advanced reactors. For instance, what portions of the NRC's work on the AP600, ROSA V facility, etc. is a benefit primarily to vendors vis-a-vis current or prospective holders of reactor operating licenses.
4. Regarding staff's recommendation no. 4: The staff's intention is to streamline the fee effort in a manner which also addresses concerns about the fairness and equity of fees. The staff's recommendation for assessing only an annual fee should include rationale indicating that NRC provides the service of regulating the license in total vs. through individual actions such as inspections, etc.

In addition to the above comments, I believe that the EDO should prepare the transmittal letter to Congress and that this letter should itself provide an effective summary of the results of the NRC fee study review. The letter should indicate clearly what portions of the fee study could be implemented via NRC action within the existing statutory authority and also clearly indicate where additional statutory authority would be required to affect change.