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

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MAR 2 5 1991

MEMORANDUM FOR: Harold Denton, Director, GPA
Eric Beckjord, Director, RES
Robert M. Bernero, Director, NMSS
Thomas Murley, Director, NRR
Edward L. Halman, Acting Director, ADM
Robert Fonner, Deputy Assistant General Counsel for Rulemaking and Fuel Cycle

FROM: Ronald M. Scroggins, Controller

SUBJECT: PROPOSED RULEMAKING -- 100% FEE RECOVERY

Enclosed, for your concurrence, is a copy of the rulemaking package concerning 100% fee recovery.

Please note that in order to meet the time schedule for this paper, we are providing each addressee a separate concurrence copy of the paper. Please provide your concurrence as quickly as possible, but not later than COB, Wednesday, March 27, 1991. If you have any questions, please contact Jesse Funches on x27351 or Jim Holloway on x24301. Thank you for your assistance in this matter.

Ronald M. Scroggins
Controller

Enclosure: As stated

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

MEMORANDUM FOR: James M. Taylor
Executive Director
for Operations

FROM: Ronald M. Scroggins
Controller

SUBJECT: NOTICE OF PROPOSED RULEMAKING -- 100% FEE RECOVERY

On January 22, 1991, you forwarded a policy paper (SECY-91-017) to the Commission requesting decisions and other guidance on policy issues related to implementing the requirements of Public Law 101-508 to recover 100 percent of the FY 1991 NRC budget authority through fees. On March 8, 1991, the Commission, in the SRM (Enclosure 1) provided decisions and other guidance on the policy issues. The Commission also delegated authority to you to sign the proposed rules for publication in the Federal Register for a 30 day public comment period.

Enclosed for your signature is the Notice of Proposed Rulemaking (Enclosure 2) that amends 10 CFR Parts 170 and 171. These amendments to the Commission's fee regulations implement the Commission policy decisions and recover 100 percent of the FY 1991 budget authority through fees.

Please note that:

a. The House Committee on Interior and Insular Affairs, the House Committee on Energy and Commerce, the Committee on Environment and Public Works, and the Budget and Appropriation Committees will be notified by letter (Enclosure 3).

b. A public announcement will be issued when the proposed revisions are filed with the Office of the Federal Register for publication (Enclosure 4).

c. The Federal Register Notice will be mailed to all affected NRC licensees and holders of Certificates of Compliance, sealed source and device registrations and QA program approvals.

d. The proposed rules contain no information collection requirements and therefore are not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

e. Action required under these proposed rules would be administrative and would not affect the environment; therefore, neither an environmental impact statement nor an environmental assessment has been prepared for the proposed rules (10 CFR 51.22(c)(1)).

f. Even though the proposed rules may have an economic impact on a substantial number of small entities, the staff believes it has allocated the FY 1991 budgeted costs to classes of licensees as fairly and equitably as possible consistent with the requirements of Public Law 101-508. The staff is requesting comments from its licensees concerning this matter.

g. The proposed rules are administrative and would assess fees for regulatory services provided by the NRC to applicants and licensees. Accordingly, the backfit rule (10 CFR 50.109) does not apply to the proposed rules.

Coordination: The Office of Nuclear Reactor Regulation, Nuclear Material Safety and Safeguards, Nuclear Regulatory Research, Governmental and Public Affairs and Administration concur in the amendments. The Office of the General Counsel has no legal objection.

Ronald M. Scroggins
Controller

Enclosures:
1. SRM dated 3/8/91
2. Federal Register Notice of Proposed Rulemaking
3. Congressional Letters
4. Draft Public Announcement

Approved for Publication

The Commission, by SRM dated March 8, 1991, delegated authority to the EDO to sign the Notice of Proposed Rulemaking relating to 100 percent fee recovery consistent with Commission decisions and guidance.

The enclosed proposed rules will amend 10 CFR Parts 170 and 171. These amendments are necessary to implement the requirements of Public Law 101-508 to recover 100 percent of the FY 1991 budget authority through license and annual fees.

The proposed rules are consistent with the Commission policy decisions and guidance contained in the SRM. Since I have been given the specific delegated authority to sign the proposed rules, I am proceeding to issue them.

_____
Date

_____
James M. Taylor
Executive Director
for Operations

WEEKLY REPORT TO THE COMMISSION

OFFICE OF THE CONTROLLER

Proposed Rule to be Signed by EDO

On _____ 1991, the Executive Director for Operations approved proposed rules that would amend 10 CFR Parts 170 and 171. These amendments to the Commission's fee regulations are necessary to implement the requirements of Public Law 101-508 to recover 100 percent of the FY 1991 budget authority through fees.

This constitutes notice to the Commission that, in accordance with the authority delegated to the EDO in SRM dated March 8, 1991, the EDO has signed the proposed rules for publication in the Federal Register for a 30 day comment period.