



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

July 28, 2021

ALL AGREEMENT STATES, CONNECTICUT, AND INDIANA

PROPOSED RULE – RECEIPTS BASED NRC SIZE STANDARDS (STC-21-056)

Purpose: This is to inform you that the U.S. Nuclear Regulatory Commission (NRC) has published a proposed rule for public comment to amend its small business size standards, which are used to qualify an NRC licensee as a “small entity” under the Regulatory Flexibility Act of 1980, as amended. The proposed rule will modify Title 10 of the *Code of Federal Regulations* (10 CFR) Parts 2 and 171.

Background: The proposed receipts-based NRC size standards rulemaking was published in the *Federal Register* on July 26, 2021 (Volume 86, Number 140, pages 39980 through 39984). The purpose of these size standards is for reducing annual NRC license fees for small entities.

The NRC is proposing to amend 10 CFR 2.810 to increase the receipts-based small entity size standard from \$7.0 million to \$8.0 million for small businesses and small, not-for-profit organizations. These proposed amendments are to remain consistent with inflation adjustments made by the Small Business Administration (SBA) to its size standard for nonmanufacturing concerns. In addition, the NRC is also proposing to increase the average gross receipts calculation process to change from a 3-year averaging period to a 5-year averaging period, as required by SBA regulations and in response to the Small Business Runway Extension Act of 2018 (Runway Act).

Further, and analogous to the proposed inflation adjustment in 10 CFR 2.810, the NRC is proposing to amend 10 CFR 171.16(c) to increase the upper tier receipts-based small entity size standard from \$7.0 million to \$8.0 million for small businesses and small, not-for-profit organizations. Likewise, the NRC is proposing to increase the lower tier receipts-based size standard from \$485,000 to \$555,000, based upon the percent change in the upper tier.

Discussion: While the NRC does not assess fees for Agreement State licensees, some Agreement States may use the NRC’s fee structure, including similar size standards for licensees in order to qualify for a reduced annual fee, in the assessment of fees for their licensees. The proposed rule is available on the Federal eRulemaking Portal at: <http://www.regulations.gov>; and search under Docket ID: NRC-2014-0264. The comment period for the proposed rule closes on August 25, 2021, comments received after this date will be considered if practicable.

If you have any questions regarding this correspondence, please contact the individual named below:

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Signed by Anderson, Brian
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STC-21-056 - Proposed Rule - Receipts Based NRC Size Standards DATE July 28, 2021

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