



CHIEF FINANCIAL
OFFICER

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

August 20, 2021

MEMORANDUM TO: Nader Mamish, Director
Office of International Programs

FROM: Cherish K. Johnson
Chief Financial Officer

SUBJECT: PUBLIC INTEREST EXEMPTION FROM PROVISIONS IN
THE FISCAL YEAR 2021 FEE RULE THAT REQUIRE FEES FOR
IMPORT/EXPORT LICENSING ACTIONS

The FY 2022 Congressional Budget Justification (CBJ) identified import/export licensing actions as a fee relief activity to be excluded from fee recovery and thus not subject to fees. The Fiscal Year (FY) 2021 Final Fee Rule, published in the *Federal Register* on June 16, 2021, provides for fees to be charged for import/export licensing actions, consistent with the FY 2021 CBJ (86 Fed. Reg. 32,146). Charging fees under title 10 of the *Code of Federal Regulations* (10 CFR) Part 170 for import/export licensing actions during the effective dates of the FY 2021 Final Fee Rule would be inconsistent with the Commission's substantive fee policy decision in the FY 2022 CBJ and would result in the NRC imposing fees for import/export licensing actions for only one fiscal year between FY 2018 and FY 2022. This would not be fair and equitable and could also lead to confusion for the affected import and export license applicants/licensees.

Therefore, in light of the particular facts and unique history associated with this matter, I have concluded that it would be in the public interest to grant an exemption from the provisions in the FY 2021 Final Fee Rule (in 10 CFR 170.21 and 10 CFR 170.31) that require fees for import/export licensing actions in accordance with 10 CFR 170.11(b), which states, "The Commission may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of this part as it determines are authorized by law and are otherwise in the public interest." This exemption is effective August 20, 2021.

Please contact me, Christine Galster at 301-415-0662, or Anthony Rossi at 301-415-7341 of the License Fee Policy Team with any questions.

cc: EDO
SECY
OGC
OCA

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IMPORT/EXPORT LICENSING ACTIONS, DATED: August 20, 2021

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