



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

AG 08-2
PDR

June 5, 1999

The Honorable James M. Inhofe, Chairman
Subcommittee on Clean Air, Wetlands, Private
Property and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the Nuclear Regulatory Commission (NRC) recover approximately 100 percent of its budget authority, less the appropriation from the Nuclear Waste Fund, for Fiscal Years 1991 through 1999 by assessing license and annual fees. For FY 1999, the NRC must collect approximately \$449.6 million through these fees.

In order to comply with the law, the Commission is amending its fee regulations in 10 CFR Parts 170 and 171. The final amendments to 10 CFR Part 170 will continue the Commission's initiatives to more appropriately recover costs for additional activities through 10 CFR Part 170 license and inspection fees rather than through 10 CFR Part 171 annual fees. The final amendments will also revise the professional hourly rates and "flat" licensing fees to reflect the costs of providing NRC licensing services to applicants and licensees.

The final amendments to 10 CFR Part 171 will establish the amount of the FY 1999 annual fees to be assessed to operating reactors, fuel cycle licensees, transportation certificate holders, and materials licensees consistent with the Commission's 1995 commitment (60 FR 32225) to reestablish annual fees if there is a substantial change in the total NRC budget or the magnitude of the budget allocated to a specific class of licensees. This will result in the FY 1999 annual fees decreasing for operating reactors and certain other licensees based on reduced budgeted costs for those classes of licensees. However, the annual fees will increase for some classes of licensees due to increased budgeted costs for those classes and decreases in the number of licensees in those classes.

For certain classes of licensees, the annual fee increases will be significant. Therefore, the Commission presented in the proposed rule two optional annual fee methods for FY 1999 public comment: 1) establish the annual fees without a cap on fee increases; or 2) establish the annual fees with a cap so that no licensee's annual fee increases more than 50 percent from FY 1998. The comments received on the proposed rule did not provide overwhelming support for establishing annual fees with a cap. The Commission has decided to establish the 1999 fees without a cap on fee increases. While the NRC is sensitive to the effects the reestablished annual fees will have on those licensees with significant increases, establishing new annual fees without a cap on the increase results in a fair and equitable allocation of costs among licensees. Those NRC licensees that can qualify as a small entity under the NRC's size standards will continue to be eligible to pay reduced annual fees.

-2-

Enclosed is a copy of the final rule which is being transmitted to the Federal Register for publication. The final rule will become effective 60 days after publication.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shirley Ann Jackson".

Shirley Ann Jackson

Enclosure: Final Revision to
10 CFR Parts 170 and 171

cc: Senator Bob Graham

The Honorable James M. Inhofe, Chairman

-2-

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IDENTICAL LETTERS SENT TO: ATTACHED LIST

Distribution:

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IDENTICAL LETTERS SENT TO:

**The Honorable James M. Inhofe, Chairman
Subcommittee on Clean Air, Wetlands, Private
Property and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, DC 20510**

cc: Senator Bob Graham

**The Honorable Joe Barton, Chairman
Subcommittee on Energy and Power
Committee on Commerce
United States House of Representatives
Washington, DC 20515**

cc: Representative Ralph M. Hall

**The Honorable Pete V. Domenici, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate
Washington, DC 20510**

cc: Senator Harry Reid

**The Honorable Ron Packard, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States House of Representatives
Washington, DC 20515**

cc: Representative Peter J. Visclosky

**The Honorable John R. Kasich, Chairman
Committee on the Budget
United States House of Representatives
Washington, DC 20515**

cc: Representative John M. Spratt, Jr.

**The Honorable Pete V. Domenici, Chairman
Committee on the Budget
United States Senate
Washington, DC 20510**

cc: Senator Frank R. Lautenberg



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

AG 08-2
PDR

June 5, 1999

The Honorable Joe Barton, Chairman
Subcommittee on Energy and Power
Committee on Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the Nuclear Regulatory Commission (NRC) recover approximately 100 percent of its budget authority, less the appropriation from the Nuclear Waste Fund, for Fiscal Years 1991 through 1999 by assessing license and annual fees. For FY 1999, the NRC must collect approximately \$449.6 million through these fees.

In order to comply with the law, the Commission is amending its fee regulations in 10 CFR Parts 170 and 171. The final amendments to 10 CFR Part 170 will continue the Commission's initiatives to more appropriately recover costs for additional activities through 10 CFR Part 170 license and inspection fees rather than through 10 CFR Part 171 annual fees. The final amendments will also revise the professional hourly rates and "flat" licensing fees to reflect the costs of providing NRC licensing services to applicants and licensees.

The final amendments to 10 CFR Part 171 will establish the amount of the FY 1999 annual fees to be assessed to operating reactors, fuel cycle licensees, transportation certificate holders, and materials licensees consistent with the Commission's 1995 commitment (60 FR 32225) to reestablish annual fees if there is a substantial change in the total NRC budget or the magnitude of the budget allocated to a specific class of licensees. This will result in the FY 1999 annual fees decreasing for operating reactors and certain other licensees based on reduced budgeted costs for those classes of licensees. However, the annual fees will increase for some classes of licensees due to increased budgeted costs for those classes and decreases in the number of licensees in those classes.

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Shirley Ann Jackson

Enclosure: Final Revision to
10 CFR Parts 170 and 171

cc: Representative Ralph M. Hall

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

June 5, 1999

The Honorable Pete V. Domenici, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the Nuclear Regulatory Commission (NRC) recover approximately 100 percent of its budget authority, less the appropriation from the Nuclear Waste Fund, for Fiscal Years 1991 through 1999 by assessing license and annual fees. For FY 1999, the NRC must collect approximately \$449.6 million through these fees.

In order to comply with the law, the Commission is amending its fee regulations in 10 CFR Parts 170 and 171. The final amendments to 10 CFR Part 170 will continue the Commission's initiatives to more appropriately recover costs for additional activities through 10 CFR Part 170 license and inspection fees rather than through 10 CFR Part 171 annual fees. The final amendments will also revise the professional hourly rates and "flat" licensing fees to reflect the costs of providing NRC licensing services to applicants and licensees.

The final amendments to 10 CFR Part 171 will establish the amount of the FY 1999 annual fees to be assessed to operating reactors, fuel cycle licensees, transportation certificate holders, and materials licensees consistent with the Commission's 1995 commitment (60 FR 32225) to reestablish annual fees if there is a substantial change in the total NRC budget or the magnitude of the budget allocated to a specific class of licensees. This will result in the FY 1999 annual fees decreasing for operating reactors and certain other licensees based on reduced budgeted costs for those classes of licensees. However, the annual fees will increase for some classes of licensees due to increased budgeted costs for those classes and decreases in the number of licensees in those classes.

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Enclosure: Final Revision to
10 CFR Parts 170 and 171

cc: Senator Harry Reid



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

AG 08-2
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June 5, 1999

The Honorable Ron Packard, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the Nuclear Regulatory Commission (NRC) recover approximately 100 percent of its budget authority, less the appropriation from the Nuclear Waste Fund, for Fiscal Years 1991 through 1999 by assessing license and annual fees. For FY 1999, the NRC must collect approximately \$449.6 million through these fees.

In order to comply with the law, the Commission is amending its fee regulations in 10 CFR Parts 170 and 171. The final amendments to 10 CFR Part 170 will continue the Commission's initiatives to more appropriately recover costs for additional activities through 10 CFR Part 170 license and inspection fees rather than through 10 CFR Part 171 annual fees. The final amendments will also revise the professional hourly rates and "flat" licensing fees to reflect the costs of providing NRC licensing services to applicants and licensees.

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Enclosure: Final Revision to
10 CFR Parts 170 and 171

cc: Representative Peter J. Visclosky



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

AG08-2
PDR

June 5, 1999

The Honorable John R. Kasich, Chairman
Committee on the Budget
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the Nuclear Regulatory Commission (NRC) recover approximately 100 percent of its budget authority, less the appropriation from the Nuclear Waste Fund, for Fiscal Years 1991 through 1999 by assessing license and annual fees. For FY 1999, the NRC must collect approximately \$449.6 million through these fees.

In order to comply with the law, the Commission is amending its fee regulations in 10 CFR Parts 170 and 171. The final amendments to 10 CFR Part 170 will continue the Commission's initiatives to more appropriately recover costs for additional activities through 10 CFR Part 170 license and inspection fees rather than through 10 CFR Part 171 annual fees. The final amendments will also revise the professional hourly rates and "flat" licensing fees to reflect the costs of providing NRC licensing services to applicants and licensees.

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Enclosure: Final Revision to
10 CFR Parts 170 and 171

cc: Representative John M. Spratt, Jr.



CHAIRMAN

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

AG 08-2
PDR

June 5, 1999

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Committee on the Budget
United States Senate
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Enclosure: Final Revision to
10 CFR Parts 170 and 171

cc: Senator Frank R. Lautenberg



AG08-2
PDR

Submission of Federal Rules Under the Congressional Review Act

President of the Senate Speaker of the House of Representatives GAO

Please fill the circles electronically or with black pen or #2 pencil.

1. Name of Department or Agency
U.S. Nuclear Regulatory Commission

2. Subdivision or Office
Office of the Chief Financial Officer

3. Rule Title
Revision of Fee Schedules; 100% Fee Recovery: FY-1999

4. Regulation Identifier Number (RIN) or Other Unique Identifier (if applicable)
RIN: 3150-AG08

5. Major Rule Non-major Rule

6. Final Rule Other

7. With respect to this rule, did your agency solicit public comments? Yes No N/A

8. Priority of Regulation (fill in one)
 Economically Significant; or Significant; or Substantive, Nonsignificant Routine and Frequent or Informational/Administrative/Other (Do not complete the other side of this form if filled in above.)

9. Effective Date (if applicable) 60 days from publication in the Federal Register

10. Concise Summary of Rule (fill in one or both) attached stated in rule

Submitted by: Shirley Ann Jackson (signature)

Name: Shirley Ann Jackson

Title: Chairman, U.S. Nuclear Regulatory Commission

For Congressional Use Only:

Date Received: _____

Committee of Jurisdiction: _____



24722

	Yes	No	N/A
A. With respect to this rule, did your agency prepare an analysis of costs and benefits?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
B. With respect to this rule, by the final rulemaking stage, did your agency			
1. certify that the rule would not have a significant economic impact on a substantial number of small entities under 5 U.S.C. § 605(b)?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
2. prepare a final Regulatory Flexibility Analysis under 5 U.S.C. § 604(a)?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
C. With respect to this rule, did your agency prepare a written statement under § 202 of the Unfunded Mandates Reform Act of 1995?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
D. With respect to this rule, did your agency prepare an Environmental Assessment or an Environmental Impact Statement under the National Environmental Policy Act (NEPA)?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
E. Does this rule contain a collection of information requiring OMB approval under the Paperwork Reduction Act of 1995?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
F. Did you discuss any of the following in the preamble to the rule?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
• E.O. 12612, Federalism	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
• E.O. 12630, Government Actions and Interference with Constitutionally Protected Property Rights	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
• E.O. 12866, Regulatory Planning and Review	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
• E.O. 12875, Enhancing the Intergovernmental Partnership	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
• E.O. 12988, Civil Justice Reform	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
• E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
• Other statutes or executive orders discussed in the preamble concerning the rulemaking process (please specify)			

3/23/99



AG08-2
PDR

Submission of Federal Rules Under the Congressional Review Act

President of the Senate

Speaker of the House of Representatives

GAO

Please fill the circles electronically or with black pen or #2 pencil.

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3. Rule Title
Revision of Fee Schedules; 100% Fee Recovery: FY-1999

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10. Concise Summary of Rule (fill in one or both) attached stated in rule

Submitted by: Shirley Ann Jackson (signature)

Name: Shirley Ann Jackson

Title: Chairman, U.S. Nuclear Regulatory Commission

For Congressional Use Only:

Date Received: _____

Committee of Jurisdiction: _____

3/23/99



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B. With respect to this rule, by the final rulemaking stage, did your agency			
1. certify that the rule would not have a significant economic impact on a substantial number of small entities under 5 U.S.C. § 605(b)?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
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 President of the Senate

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Office of the Chief Financial Officer

3. Rule Title

Revision of Fee Schedules; 100% Fee Recovery: FY-1999

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attached stated in rule

Submitted by: Shirley Ann Jackson (signature)

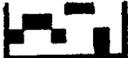
Name: Shirley Ann Jackson

Title: Chairman, U.S. Nuclear Regulatory Commission

For Congressional Use Only:

Date Received: _____

Committee of Jurisdiction: _____



24722

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