

November 5, 1997

MEMORANDUM TO: Jesse L. Funches Chief Financial Officer

FROM: John C. Hoyle, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - SECY-97-146 - NRC'S MANDATED AND NON-MANDATED ACTIVITIES AND REVISIONS TO AGENCY POLICY ON PERFORMING REIMBURSABLE WORK FOR OTHERS

The Commission has approved the criteria proposed for defining "mandated" and "non-mandated" activities, with one exception: the Commission remains split on the issue of whether a Commission decision per se should be viewed as establishing a mandate for the NRC. As a result, the Commission has not decided whether to designate an activity as mandated or non-mandated when it is required by a statute, executive order, treaty, convention, or government-to-government agreement, but the NRC is not explicitly named as the appropriate agency to carry out the activity. Certain NRC activities, to be performed in support of a government mandate that does not specifically require NRC action, will require Commission consideration on a case-by-case basis.

The Commission approves the following revisions to the NRC policy of recovering full agency costs through reimbursable agreements:

The NRC will pursue reimbursement from Federal agencies and other outside organizations for the full costs of activities that are not a part of its statutory mission and for which the NRC has not received appropriations, unless a waiver is granted by the Commission or the work meets one of the exceptions noted below:

1. The NRC will accept reimbursement of travel expenses from outside organizations to advise or lecture in conferences, meetings, or training programs when authorized by statute. In such cases, the NRC will not seek to recover the salary and benefits or overhead costs associated with the travel.
2. The NRC will continue to provide on-the-job training, limited regulatory advice, and formal technical training to foreign representatives without requiring reimbursement of costs.
3. The NRC imposes an annual fee on licensees for certain certifications and approvals held by another Federal agency, provided that in these cases, it is more beneficial to continue the annual fee payment than to seek full cost recovery.
4. For reimbursable employee details to other Federal agencies or outside organizations, the other Federal agency or other outside organization will be charged only the salary and benefit costs for that employee.

With respect to exception 2, the staff is advised that this approval is conditioned on training and travel assistance being provided to Agreement States on a non-reimbursable basis as directed by the Commission in the SRM on COMSECY-96-054 and, more recently, in the SRM on SECY-97-183. Any proposed change in the policy on funding of Agreement State training and travel should also include a re-examination of technical training on a non-reimbursable basis for foreign nationals.

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
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