

Approved for Publication

The Commission delegated to the Executive Director for Operations (10 CFR 1.32(c)) the authority to develop and promulgate rules as defined in the Administrative Procedure Act (5 U.S.C. 551 (4)), subject to the limitations specified in NRC Management Directive 9.17, "Organization and Functions," Office of the Executive Director for Operations, paragraphs 0213, 038, 039, and 0310.

The enclosed final rule entitled "10 CFR Part 140, Financial Protection Requirements and Indemnity Agreements," amends the regulations in 10 CFR 140.11(a)(4) to increase the retrospective deferred premium, which is currently established at \$83.9 million per reactor per incident (but not to exceed \$10 million in any 1 year), to \$94.5 million per reactor per incident (but not to exceed \$10 million in any 1 year) in accordance with the aggregate percentage change (since August 1998) in the Consumer Price Index for all urban consumers published by the Secretary of Labor. The change in primary nuclear liability insurance, which was increased to \$300 million on January 1, 2003, is also reflected in this rule.

This final rule does not constitute a significant question of policy, nor does it amend regulations contained in 10 CFR Parts 7, 8, or 9 (Subpart C) concerning matters of policy. I, therefore, find that this rule is within the scope of my rulemaking authority and am proceeding to issue it.

Date

William D. Travers,
Executive Director for Operations