



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

February 18, 2020

Ms. Christine McDonald
The Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Ms. McDonald:

The Omnibus Budget Reconciliation Act of 1990, as amended, requires that the U.S. Nuclear Regulatory Commission (NRC) recover through fees approximately 90 percent of its Fiscal Year (FY) 2020 budget authority, not including any amounts appropriated for generic homeland security activities, Waste Incidental to Reprocessing, and Inspector General Services for the Defense Nuclear Facilities Safety Board. The FY 2020 proposed fee rule is based on the NRC appropriation stated in Public Law 116-93—Further Consolidated Appropriations Act, 2020, giving the NRC a total budget authority of \$855.6 million, which is a decrease of \$55.4 million from FY 2019. In addition, the Act excluded the development of a regulatory infrastructure for advanced nuclear reactor technologies and international activities from the fee-recoverable budget. By law, the NRC is required to collect all fees by September 30, 2020.

In order to comply with the law, the Commission is proposing to amend its fee regulations under Part 170 of Title 10 of the *Code of Federal Regulations* (10 CFR), "Fees for Facilities, Materials, Import and Export Licenses, and Other Regulatory Services Under the Atomic Energy Act of 1954, as Amended;" and 10 CFR Part 171, "Annual Fees for Reactor Licenses and Fuel Cycle Licenses and Materials Licenses, Including Holders of Certificates of Compliance, Registrations, and Quality Assurance Program Approvals and Government Agencies Licensed by the NRC." The NRC is required to recover approximately \$728.1 million for FY 2020. After accounting for billing and collection adjustments, the total amount to be recovered as fees is approximately \$728.5 million. Of this amount, the NRC estimates that \$230.6 million will be recovered through 10 CFR Part 170 service fees and approximately \$497.9 million will be recovered through 10 CFR Part 171 annual fees. In addition, the amendments to 10 CFR Part 170 revise the professional hourly rate and flat license application fees charged to licensees and applicants. The hourly rate used to assess 10 CFR Part 170 fees increases to \$279, previously \$278 for FY 2019.

The amendments to 10 CFR Part 171 establish the amount of the FY 2020 annual fees to be assessed to NRC licensees to recover costs not recovered through 10 CFR Part 170 fees. Compared to FY 2019, the FY 2020 rebaselined annual fees will increase for spent fuel storage/reactor decommissioning and the U.S. Department of Energy (DOE) transportation activities. Annual fees will decrease for operating power reactors, fuel facilities, research and test reactors, materials users, and the DOE Uranium Mill Tailings Radiation Control Act Program. Annual fees for the non-DOE uranium recovery licensee remain unchanged. Additionally, the FY 2020 proposed fee rule includes two policy changes that would: (1) remove the fee exceptions in §170.21, footnote 1 and § 170.31, footnote 2, and (2) amend § 171.15 regarding the assessment of annual fees for 10 CFR Part 52 combined license holders and future 10 CFR Part 50 power reactor licensees.

Enclosed is a copy of the proposed rule which is being transmitted to the *Federal Register* for publication. The notice provides for a 30-day public comment period.

Sincerely,

/RA/

Jason E. Shay, Budget Director
Division of Budget
Office of the Chief Financial Officer

Enclosure:
Federal Register, Notice

cc: Erin Cheese, OMB

SUBJECT: FISCAL YEAR 2020 PROPOSED FEE RULE LETTER TO THE OFFICE OF
MANAGEMENT AND BUDGET, DATED February 18, 2020

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