

June 5, 1997

PDR

AF55-2

MEMORANDUM FOR: David L. Meyer, Chief
Rules Review and Directives Branch
Division of Freedom of Information
and Publication Services, ADM

FROM: C. James Holloway, Jr. Signed by: C. James Holloway, Jr.
Assistant for Fee Policy and Rules, OCFO

SUBJECT: FINAL RULE (62 FR 29194-29220) 5/29/97

We have proofed the subject Federal Register Notice and listed below are items to be corrected:

1. page 29201, Table I. Under the FY 96 column, the second entry of the table entitled "Total Fee Base -- Less Other Receipts" should read \$6.0¹ rather than 6.01¹.
2. page 29216, fee Category 13B. Footnote 6 should not appear with the fee of \$283,000. There should be no footnote on the fee entry.

These are errors made by the Federal Register. Attached is a marked up copy of the changes to the final rule.

Attachment: As stated

DISTRIBUTION w/o attachment:

OCFO R/F
OCFO S/F
JFunches
JHolloway
DDandois
GJackson
DWeiss
MLesar (ADM)
SCrockett, OGC
TROthschild, OGC

DOCUMENT NAME: G:\HOLLOWAY\DMEYER

(To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy.)

OFFICE	OCFO									
NAME	JHolloway									
DATE	06/5/97									

OFFICIAL RECORD COPY

9706250293 970620
PDR PR
170 62FR29194 PDR

9706250293

UPP

AF55-2

039



United States
General Accounting Office
Washington, D.C. 20548

Office of the General Counsel

B-277100

PDR
AF55-2

June 5, 1997

The Honorable John H. Chafee
Chairman
The Honorable Max Baucus
Ranking Minority Member
Committee on Environment and Public Works
United States Senate

The Honorable Thomas J. Bliley, Jr.
Chairman
The Honorable John D. Dingell
Ranking Minority Member
Committee on Commerce
House of Representatives

Subject: Nuclear Regulatory Commission: Revision of Fee Schedules; 100% Fee Recovery, FY 1997

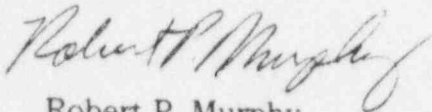
Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Nuclear Regulatory Commission (Commission), entitled "Revision of Fee Schedules; 100% Fee Recovery, FY 1997" (RIN: 3150-AF55). We received the rule on May 23, 1997. It was published in the Federal Register as a final rule on May 29, 1997. 62 Fed. Reg. 29194.

The final rule implements for fiscal year 1997 section 6101 of the Omnibus Budget Reconciliation Act of 1990, as amended, 42 U.S.C. § 2214. It requires the Commission to recover from its applicants and licensees approximately 100 percent of its budget authority, less amounts appropriated from the Nuclear Waste Fund. For FY 1997, the Commission must collect approximately \$462 million through these fees. Two types of fees are assessed: (1) applicants and licensees are charged for specific services, such as inspections and licensing reviews, that are provided by the Commission; and (2) the Commission assesses an annual fee to its licensees to recover generic costs that cannot be attributed to specific licensees.

Enclosed is our assessment of the Commission's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the

rule. Our review indicates that the Commission complied with the applicable requirements.

If you have any questions about this report, please contact James Vickers, Assistant General Counsel, at (202) 512-8210. The official responsible for GAO evaluation work relating to the Nuclear Regulatory Commission is Victor Rezendes, Director for Energy, Resources, and Science Issues. Mr. Rezendes can be reached at (202) 512-3841.



Robert P. Murphy
General Counsel

Enclosure

cc: The Honorable Shirley Ann Jackson
Chairman
Nuclear Regulatory Commission

ENCLOSURE

ANALYSIS UNDER 5 U.S.C. § 801(a)(1)(B)(i)-(iv) OF A MAJOR RULE
ISSUED BY
THE NUCLEAR REGULATORY COMMISSION
ENTITLED
"REVISION OF FEE SCHEDULES; 100% FEE RECOVERY, FY 1997"
(RIN: 3150-AF55)

(i) Cost-benefit analysis

The Commission was not required to, nor did it prepare, a cost-benefit analysis of the final rule. However, the preamble to the final rule contains an explanation of how the amount of the fees were computed to permit the Commission to recover the necessary costs required by the Omnibus Budget Reconciliation Act.

(ii) Agency actions relevant to the Regulatory Flexibility Act, 5 U.S.C. §§ 603-605, 607 and 609

Because it had determined that the final rule would have a significant impact on a substantial number of small entities, the Commission prepared an Initial Regulatory Flexibility Analysis in connection with the proposed rule. It was printed in its entirety in the preamble at 62 Fed. Reg. 8903.

The entire Final Regulatory Flexibility Analysis (FRFA) is contained in Appendix A of the final rule. The analysis describes the reason for the final rule and the legal basis for it; descriptions and estimates of the number of small entities affected by the rule; a discussion of the recordkeeping, reporting, and other compliance requirements; and the steps taken to minimize the burden on small entities.

The Commission states that the majority of the small entities are material licensees, approximately 1,400 licensees, or 20 to 25 percent of the total material licensees. To minimize the impact of the final rule on small entities, the Commission is continuing its practice of imposing a maximum annual fee to which small entities are subject.

In addition, in accordance with the Regulatory Flexibility Act, the Commission has prepared a small-entity compliance guide which is published in its entirety as an attachment to the FRFA.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

The rule, promulgated by an independent regulatory agency, is not subject to title II of the Unfunded Mandates Reform Act of 1995.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

The final rule was promulgated using the notice and comment procedures of 5 U.S.C. § 553. A notice of proposed rulemaking was published in the Federal Register on February 27, 1997 (62 Fed. Reg. 8885). Nine comments were received in response to the proposed rulemaking and the Commission responds to the comments in the preamble to the final rule.

Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520

The Commission states that the final rule contains no information collections subject to review under the Paperwork Reduction Act.

Statutory authorization for the rule

The final rule was promulgated under the authority of section 6101 of the Omnibus Budget and Reconciliation Act of 1990, as amended, 42 U.S.C. § 2214.

Executive Order No. 12866

The rule, promulgated by an independent regulatory agency, is not subject to the review requirements of Executive Order No. 12866.

Corrections

Federal Register

Vol. 62, No. 115

Monday, June 16, 1997

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection,
Activities: Proposed Collection;
Comment Request

Correction

In notice document 97-14712, beginning on page 30846, in the issue of Thursday, June 5, 1997, make the following correction:

On page 30846, in the second column, under the **DATES** section, in the second line, "July 7, 1997" should read "August 4, 1997".

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 96-21]

Ellis Turk, M.D.; Denial of Application

Correction

In notice document 97-10371, beginning on page 19603, in the issue of Tuesday, April 22, 1997, make the following correction:

On page 19605, in the second column, in the 15th line from the bottom, "controverted" should read "uncontroverted".

BILLING CODE 1505-01-D

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 170 and 171

RIN 3150-AF 55

Revision of Fee Schedules; 100% Fee Recovery, FY 1997

Correction

In rule document 97-13777, beginning on page 29194, in the issue of Thursday, May 29, 1997 make the following corrections:

(1) On page 29201, in "Table I -- Calculation of the Percentage Change to

the FY 1996 Annual Fees", under the heading "FY96", the sixth entry "16.01" should read "16.0".

(2) On page 29216, in "Schedule of Materials Annual Fees and Fees for Government Agencies Licensed by NRC", under the heading "Annual fees", the ninth entry "283,000" should read "283,000".

BILLING CODE 1505-01-D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-38616; File No. SR-PCX-97-09]

Self Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Exchange, Inc., Relating to the Elimination of Position and Exercise Limits for FLEX Equity Options

Correction

In notice document 97-13097, beginning on page 27642, in the issue of Tuesday, May 20, 1997, make the following correction:

On page 27642, in the second column, the first document, the Release No. should be as set forth above.

BILLING CODE 1505-01-D

PDR
AF 55-2