

U.S. NUCLEAR REGULATORY COMMISSION MANAGEMENT DIRECTIVE (MD)

MD 4.6	LICENSE FEE MANAGEMENT PROGRAM	DT-10-11
<i>Volume 4:</i>	Financial Management	
<i>Approved By:</i>	Gregory B. Jaczko Chairman	
<i>Date Approved:</i>	July 17, 2010	
<i>Expiration Date:</i>	July 17, 2015	
<i>Issuing Office:</i>	Office of the Chief Financial Officer	
<i>Contact Name:</i>	Mona S. Williams 301-415-7389	
EXECUTIVE SUMMARY		
<p>Directive 4.6 is being revised to reflect the change in legal requirements for the amount of fees to be collected and to reflect the change in organization structure within the Office of the Chief Financial Officer.</p>		

TABLE OF CONTENTS

I. POLICY	2
II. OBJECTIVES	2
III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY.....	2
A. The Commission	2
B. Chief Financial Officer (CFO).....	2
C. Chief Information Officer (CIO).....	3
D. Office Directors and Regional Administrators	3
E. Director, Division of the Controller (DOC), OCFO.....	3
IV. GENERAL INFORMATION	3
V. RECORDS SUPPORTING FEES ASSESSED	4
VI. APPLICABILITY	4
VII. REFERENCES.....	4

I. POLICY

It is the policy of the U.S. Nuclear Regulatory Commission to assess fees as required by Title V of the Independent Offices Appropriations Act of 1952 (IOAA) and the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, and to perform a biennial review of fees assessed as required by the Chief Financial Officers Act of 1990 (CFO Act).

II. OBJECTIVES

- To establish regulations and develop procedures by which the NRC meets the statutory requirements to assess fees.
- To capture and produce financial information to support the assessment of fees and to address questions raised concerning these fees.
- To ensure that the fees assessed are current and the information used as the basis for the fees is complete, accurate, and verifiable.
- To ensure adherence to appropriate management controls over fee-billable costs.

III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY

A. The Commission

Approves substantive changes in policy and regulations for the assessment of fees.

B. Chief Financial Officer (CFO)

1. Establishes, maintains, and oversees the implementation and interpretation of license fee policies and regulations.
2. Recommends substantive fee policy changes, including amendments to 10 CFR Parts 170 and 171, to the Commission.
3. Approves fee policy changes, other than substantive policy changes, including amendments to 10 CFR Parts 170 and 171.
4. Grants or denies requests for exemptions from the annual fees as imposed pursuant to OBRA-90 and as implemented through 10 CFR Part 171.
5. Grants or denies requests for exemptions from the fees imposed pursuant to the IOAA and as implemented through 10 CFR Part 170.
6. Issues orders suspending or revoking licenses for nonpayment of assessed fees.
7. Biennially reviews fees assessed pursuant to 10 CFR Part 170 to ensure that the fees reflect the costs incurred in providing the services as required by the CFO Act and in support of the CFO's responsibility to review all agency fees set forth in Management Directive (MD) 4.1, "Accounting Policy and Practices," Section (031)(c).

C. Chief Information Officer (CIO)

Provides technical guidance for the automated license fee systems in accordance with NRC policy for information technology.

D. Office Directors and Regional Administrators

1. Ensure that staff-hours and contract costs are entered into the appropriate agency system and certified according to established agency procedures and guidance to support the assessment of fees under 10 CFR Part 170.
2. Ensure that systems data supporting fee billing are complete and accurate and provide a quarterly certification statement of contract cost data expended on application reviews and inspections to the Chief of Accounts Receivable/Payable Branch, Division of the Controller (DOC), Office of the Chief Financial Officer (OCFO).
3. Ensure that appropriate management controls over fee-billable costs are established and adhered to consistent with MD 4.4, "Management Controls."
4. Submit verified staff-hour data on a biennial basis to the CFO to support the determination of "flat" fees used for the assessment of materials license fees under the IOAA and 10 CFR Part 170.
5. Provide copies of applications that are subject to fees under 10 CFR Part 170 and the resulting licensing actions to DOC.
6. Provide support for evaluating 10 CFR Part 170 fee waiver requests.

E. Director, Division of the Controller (DOC), OCFO

1. Administers the assessment and collection of fees for the NRC.
2. Drafts user fee rules, including the fee schedules for 10 CFR Parts 170 and 171.
3. Administers the fiscal and accounting functions needed to support the assessment and collection of fees (see MD 4.1, Section (031)(a)).
4. Recommends fee policy changes to the CFO.
5. Provides the CFO with recommendations on requests for exemptions from the annual fees assessed under 10 CFR Part 171 and requests for waivers under 10 CFR Part 170.

IV. GENERAL INFORMATION

Pursuant to the IOAA, the NRC assesses license and inspection fees to recover the costs of providing individually identifiable services to specific applicants and holders of licenses and approvals. OBRA-90, as amended, directs the NRC to recover approximately 90 percent of the Commission's budget authority, less any amounts appropriated from the Nuclear Waste Fund, generic homeland security, and the General Fund in the current fiscal year. The CFO Act requires the NRC to perform a biennial review of license fees and other charges imposed for services and things of value and to revise those fees and charges to reflect the costs incurred in providing those services and things of value. This review is mandated by MD 4.1.

V. RECORDS SUPPORTING FEES ASSESSED

- A. The provisions of this directive apply to data that are used as a basis to determine the fees assessed under 10 CFR Parts 170 and 171.
- B. The CFO retains—
1. Billing data for 6 years and 3 months in accordance with General Records Schedule (GRS) 6, item 1.a
 2. Electronic records from the fee system until the data are no longer needed in accordance with the NRC Comprehensive Records Disposition Schedule (NRCS) 2-10.3 (NUREG-0910)
- C. Program offices retain—
1. Any certified hard copy cost data used to determine fees for 6 years and 3 months in accordance with NARA Approved Citation Number N1-431-00-7, Item 3.a (paper records prior to April 1, 2000), and Item 3.d (ADAMS records April 1, 2000, forward)
 2. Input records used to update staffing reporting systems until the information has been converted to an electronic medium and verified or until no longer needed to support the reconstruction of or serve as the backup to the master file, whichever is later, in accordance with GRS 20-2.a

VI. APPLICABILITY

The policy and guidance in this directive apply to all NRC employees.

VII. REFERENCES

Code of Federal Regulations—

10 CFR Part 170, “Fees for Facilities, Materials, Import and Export Licenses and Other Regulatory Services Under the Atomic Energy Act of 1954, as Amended.”

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.”

General Records Schedule (GRS) 6, item 1.a.

Nuclear Regulatory Commission Documents

Management Directives—

4.1, “Accounting Policy and Practices.”

4.4, “Management Controls.”

11.1, “NRC Acquisition of Supplies and Services.”

11.7, “NRC Procedures for Placement and Monitoring of Work With the U.S. Department of Energy (DOE).”

NUREG-0910, "NRC Comprehensive Records Disposition Schedule."

Office of Management and Budget Circular No. A-25, "User Charges," September 23, 1959, as amended.

United States Code

Chief Financial Officers Act of 1990 (31 U.S.C. 501-506, 901-904).

Independent Offices Appropriations Act of 1952, Title V (31 U.S.C. 9701).

The Omnibus Budget Reconciliation Act of 1990, as amended (42 U.S.C. 2214).