

105TH CONGRESS  
2D SESSION

# S. 2090

To extend the authority of the Nuclear Regulatory Commission to collect fees through 2003, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

MAY 18, 1998

Mr. CHAFEE (for himself, Mr. INHOFE, Mr. GRAHAM, Mr. SMITH of New Hampshire, and Mr. JEFFORDS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

---

## A BILL

To extend the authority of the Nuclear Regulatory Commission to collect fees through 2003, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “NRC Fairness in  
5       Funding Act of 1998”.

6       **SEC. 2. NUCLEAR REGULATORY COMMISSION ANNUAL**  
7                               **CHARGES.**

8       Section 6101 of the Omnibus Budget Reconciliation  
9       Act of 1990 (42 U.S.C. 2214) is amended—

1 (1) in subsection (a)(3), by striking “September  
2 30, 1998” and inserting “September 30, 2003”; and

3 (2) in subsection (c)—

4 (A) by striking paragraph (2) and insert-  
5 ing the following:

6 “(2) AGGREGATE AMOUNT OF CHARGES.—The  
7 aggregate amount of the annual charge collected  
8 from all licensees shall equal an amount that ap-  
9 proximates 100 percent of the budget authority of  
10 the Commission for the fiscal year for which the  
11 charge is collected, less, with respect to the fiscal  
12 year, the sum of—

13 “(A) any amount appropriated to the Com-  
14 mission from the Nuclear Waste Fund;

15 “(B) the amount of fees collected under  
16 subsection (b); and

17 “(C) for fiscal year 1999 and each fiscal  
18 year thereafter, to the extent provided in para-  
19 graph (5), the costs of activities of the Commis-  
20 sion with respect to which a determination is  
21 made under paragraph (5).”; and

22 (B) by adding at the end the following:

23 “(5) EXCLUDED BUDGET COSTS.—

24 “(A) IN GENERAL.—The rulemaking under  
25 paragraph (3) shall include a determination of

1 the costs of activities of the Commission for  
2 which it would not be fair and equitable to as-  
3 sess annual charges on a Nuclear Regulatory  
4 Commission licensee or class of licensee.

5 “(B) CONSIDERATIONS.—In making the  
6 determination under subparagraph (A), the  
7 Commission shall consider—

8 “(i) the extent to which activities of  
9 the Commission provide benefits to persons  
10 that are not licensees of the Commission;

11 “(ii) the extent to which the Commis-  
12 sion is unable to assess fees or charges on  
13 a licensee or class of licensee that benefits  
14 from the activities; and

15 “(iii) the extent to which the costs to  
16 the Nuclear Regulatory Commission of ac-  
17 tivities are commensurate with the benefits  
18 provided to the licensees from the activi-  
19 ties.

20 “(C) MAXIMUM EXCLUDED COSTS.—The  
21 total amount of costs excluded by the Commis-  
22 sion pursuant to the determination under sub-  
23 paragraph (A) shall not exceed \$30,000,000 for  
24 any fiscal year.”.

○