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USNRC

Secretary
U.S. Nuclear Regulatory Commission
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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Dear Madam:

I wish to comment on the proposed FY2001 fee rule regarding NRC plans not to send small entity forms to licensees because a small number of licensees are filling out the form just because it was mailed to them. It is my understanding that only 7% of the small entity forms that are filed are denied. I do not know how many of these should not have been filled out because the licensee obviously did not qualify under any category or how many were denied and were subsequently qualified under another category.

I have looked at the number of small entities approved from 10/1/00 through 3/31/01 (6 months) and find that 552 have been approved as small entities. This would equate to approximately 1,100 per year. We currently bill 5,000 licensees a year. This means that 22% qualify as small businesses. By not sending the small entity form, 1,100 licensees would have a burden placed upon them to obtain the form by some other means than by having it enclosed with the invoice. Because only 7% of the total number who fill out the form do not qualify, it seems unfair to penalize those who do qualify and should receive the form with their invoice. Many of the small materials licensees are "mom and pop" operations and may not have access to the internet. This will place an additional burden on staff to fax or mail the form to those licensees.

The NRC requires licensees to complete the small entity form (NRC Form 526) in order to be qualified as a small business. Since the NRC requires this form for certification as a small entity, the NRC is obligated to supply that form by a means accessible to all licensees.

Many licensees will still pay the lower fee and just not submit the form. A burden will be placed on staff to obtain a small entity form for those who do not qualify. I believe a redesign of the form to make it very clear who qualifies and who does not would be more effective than not sending the form to the licensees.

Sincerely,


Leah P. Tremper

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