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APR 24 1980

MEMORANDUM FOR: Samuel J. Chilk
 Secretary of the Commission

FROM: J. M. Felton, Director
 Division of Rules and Records
 Office of Administration

SUBJECT: FEDERAL REGISTER NOTICE

Enclosed for your signature is the following notice:

NUCLEAR REGULATORY COMMISSION
 (10 CFR PART 170)
 FEES FOR FACILITIES AND MATERIALS
 LICENSES AND OTHER REGULATORY SERVICES UNDER THE
 ATOMIC ENERGY ACT OF 1954, AS AMENDED
 Revision of Materials Fee Schedules

The effective date on page 1 of the notice will be 30 days after publication in the Federal Register.

J. M. Felton, Director
 Division of Rules and Records
 Office of Administration

Enclosure: As stated

cc: Margo Bridgers, EDO
 Clare Miles, PA
 Eugenia Pleasant, SECY

R&P RDG
 R&P SUBJ
 BLWagman

Handwritten: 1-4-14-70

OFFICE	ADM:DRR	ADM:DRR			
SURNAME	BLWagman/BKG	JMFelton			
DATE	3/21/80	3/21/80			

NUCLEAR REGULATORY COMMISSION
(10 CFR PART 170)
FEES FOR FACILITIES AND MATERIALS
LICENSES AND OTHER REGULATORY SERVICES UNDER THE
ATOMIC ENERGY ACT OF 1954, AS AMENDED
Revision of Materials Fee Schedules

AGENCY: U.S. Nuclear Regulatory Commission

ACTION: Proposed Rule

SUMMARY: The U.S. Nuclear Regulatory Commission is proposing to amend its regulations in 10 CFR Part 170 to add a new fee Category 11.F to §170.31. The new category would impose fees for the review of quality assurance programs for radioactive material shipping packages required by 10 CFR Part 71.

DATE: Comment period expires

ADDRESSES: Interested persons are invited to submit written comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Copies of comments on the proposed amendment may be examined in the Commission's Public Document Room at 1717 H Street, N.W., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. W. O. Miller, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, phone 301/492-7225.

SUPPLEMENTARY INFORMATION: Section 71.51(a) of the Commission's regulations provides that persons are to establish, maintain and execute a quality assurance program satisfying the applicable criteria of Appendix E, "Quality Assurance Criteria for Shipping Packages for Radioactive Material." Also, the person is to identify which requirements in Appendix E are applicable to the package and describe to the Commission how they will be satisfied. The quality assurance (QA) program applies to the design, fabrication, assembly, testing, use (preparation of packages for shipments) and maintenance of transportation packages. Where the staff determines that the licensee's QA program satisfies the applicable criteria of Appendix E of Part 71, a certificate of approval is issued for the program.

The proposed amendment to 10 CFR §170.31 would add a new Subcategory F. to Category 11 "Transportation of radioactive material." Subcategory 11.F. would require persons filing QA plans for review to pay an application fee of \$160; and a review fee based on the actual costs of the review, but with a minimum fee of \$160.

The requirements of Appendix E of 10 CFR Part 71, which became effective October 18, 1977, affect approximately 1,000 persons who package and ship fissile material and Type B quantities. The affected persons include industrial radiographers, sealed source and equipment manufacturers, fuel fabricators, and licensed utilities. Although Part 71 specified that persons were to file a description of their quality assurance program by January 1, 1979, many have not complied with this provision.

Persons who file for review of QA program descriptions prior to the effective date of the final rule in this proceeding will not be charged fees for this review.

Pursuant to Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a.) and Sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 170, are contemplated:

Section 170.31 is amended by adding a new subcategory F to Category 11., by adding a new footnote 8, and by renumbering former footnote 8 which will become footnote 9, to read as follows:

§170.31 Schedule of fees for materials licenses and other regulatory services.

Category of materials licenses	Type of fee	Fee
11. Transportation of radioactive material		
F. Review of quality assurance programs for shipping packages.	Application.....	\$160
	Review.....	Actual cost ^{8/}

