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AD 23-1
PDR

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

MAY 31 1989

MEMORANDUM FOR: Lee Hiller, Deputy Controller
Office of the Controller

FROM: Donnie H. Grimsley, Director
Division of Freedom of Information and Publication
Services
Office of Administration

SUBJECT: REVISION OF FEE SCHEDULES: RADIOISOTOPE LICENSES

The Division of Freedom of Information and Publications Services, Office of Administration, has reviewed the proposed rule that would revise the fee schedules in 10 CFR Part 170 pertaining to radioisotope licenses. We have enclosed a marked-up copy of the rulemaking package that presents our comments.

We have added language to the summary statement so that it more clearly meets the requirements of the Office of the Federal Register (OFR) set out in 1 CFR 18.12. In addition, we have made a number of adjustments to amendatory language and the structure of the amendments that are necessary to comply with OFR publication requirements.

The Regulatory Flexibility Certification may not be limited to recordkeeping requirements only. The Regulatory Flexibility Act speaks to the total economic impact of regulatory actions on small entities of which recordkeeping requirements comprise only one aspect. In order to certify under the Act, an agency must be able to show that the intended regulatory action would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect a substantial number of NRC materials licensees most of whom qualify as small entities under the NRC's size standards. Therefore, in order to certify under the Regulatory Flexibility Act, the NRC must demonstrate that the economic impact on these licensees would not be significant. We suggest that the certification statement be amended to indicate that the NRC does not believe that the increase in costs to most licensees would be significant in terms of the expected gross annual receipts for these licensees. The licensees should then be encouraged to comment on this particular aspect of the proposed rule. We have provided suggested language in our mark-up.

When the document is submitted for signature and publication, it must contain a signature block as indicated in our mark-up. The CFR requires that the signature appear on a page that contains a few lines of document text.

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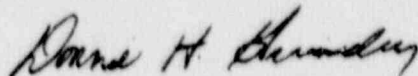
Lee Hiller

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We have forwarded a copy of the proposed rule to the Records and Reports Management Branch, IRM for their comment or concurrence concerning paperwork management aspects of this rulemaking action.

In order to assist you in preparing the list of documents centrally relevant to this proposed rule that is required by NRC's regulatory history procedures, you should place the designator "AD23-1" in the upper right-hand corner of each document concerning the rule that you forward to the Nuclear Document System.

If you have any questions concerning this matter, please have a member of your staff contact Michael T. Lesar, Regulatory Publications Branch (27758). Mr. Lesar is planning to attend the June 1, 1989, meeting concerning this rulemaking action.



Donnie H. Grimsley, Director
Division of Freedom of Information
and Publications Services
Office of Administration

Enclosure: As stated

cc: B. Shelton, IRM