



State of Kansas

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Department of Health and Environment

Division of Health

DOCKETED  
USNRC

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DOCKET NUMBER PR 170  
PROPOSED RULE (54 FR 49763)

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Attention: Docketing and Service Branch

Gentlemen:

This is in reply to the request for comments on the December 1, 1989, proposal to amend 10CFR Part 170, 54 FR 49763 regarding fees.

We would concur with the regulatory review attached to the proposal that the proposal will not likely have a direct impact on this state program. We have a fee system which is based on a different sort of calculation of effort than that used by NRC. The proposal may however, have an indirect impact in the following way.

One of the new facets is the decommissioning fee. The application fee being proposed is \$150.00 and that may indeed be adequate for the NRC fee system. In Kansas, however, it is necessary to justify every new fee with a series of arguments including a comparison with the costs under other jurisdictions. It is easy to compare the NRC system which involves both license and inspection fees to the state which lumps both together and makes a single charge based on the average cost of providing both if actual dollar values are used by NRC. If the cost of "Approval, Renewal, Amendment, Routine and Nonroutine Inspections" are all charged as "full fee" it becomes difficult to make a fair comparison. Many states, this one included, would be hard pressed to calculate a reasonable cost per hour of professional time and none would likely have a cost of exactly \$95.00/hour if they did such calculate a cost. Most would probably be lower while some may be higher. In any case, without the specific items and mechanisms NRC uses for calculating the costs it seems unlikely the states would mean the same thing. This means that a rational comparison is not possible. The other option, NRC charging a fixed quantity for those activities in the case of decommissioning is likely to be impossible since the cases are too rare and variable to be reduced to a meaningful average cost.

It seems that a more useful regulatory approach might be to indicate that the following items would be used to determine the costs.

- a) Salary plus fringes of the staff working on the project.
- b) Hours spent on the project.
- c) Cost of materials and services acquired for the project.
- d) Overhead 10%
- e) First quarter cost not to be less than \$150.00

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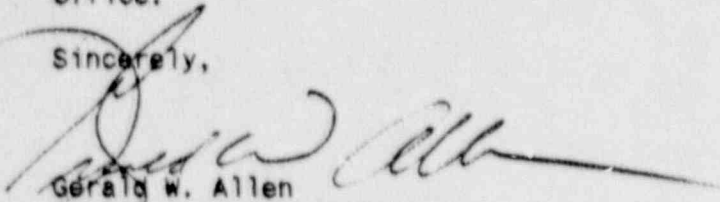
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- f) Remaining costs to be paid within 30 days of receipt of the bill from the agency.

This would provide some assurance that the costs were actually incurred by the agency in behalf of the applicant and the agency could be assured of enough income to defer the costs of original efforts to acquire resources as needed without limiting the income to the point that resources, not the needed work, drives the review and approval of this process.

If we can be of further assistance, please do not hesitate to contact this office.

Sincerely,



Gerald W. Allen  
Public Health Physicist  
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GWA/psw