



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

September 28, 1981

MEMORANDUM FOR: Daniel J. Donoghue, Director
Office of Administration

FROM: Hugh L. Thompson, Jr., Director
Planning and Program Analysis Staff
Office of Nuclear Reactor Regulation

SUBJECT: NRR COMMENTS ON DRAFT NOTICE OF PROPOSED RULE
MAKING (LICENSE FEES)

In response to your September 22, 1981 memorandum, we have reviewed the draft notice of proposed rule making, which would amend the Commission's license fee schedule, and our comments are enclosed.

Hugh L. Thompson, Jr.
Hugh L. Thompson, Jr., Director
Planning and Program Analysis Staff
Office of Nuclear Reactor Regulation

Enclosure:
As stated

RECEIVED BY LFMB
Date... 9-29-81
Time... P.M.
By... B.G.S.
Orig. To...
Action Compl...

NRR COMMENTS ON PROPOSED FEE RULE

1. On pages 2-10 of the Commission Paper, it should be clarified that the guidelines listed are those upon which the existing rule was based, not the proposed rule.
2. Page 10 of the Commission Paper should be revised to provide an analysis of charging for NRC reviews performed for other government agencies such as DOE and DOD.
3. Enclosure A, page 10, second paragraph refers only to requalification. It should be made clear that replacement exams are included in addition to requalification program reviews. Thus, the last sentence of the second paragraph should read as follows: Annual cost for requalification, replacement and re-examination at a site is approximately \$120,000. In order to staff the plant with licensed operators at the time the facility receives an operating license, the cost of these examinations would be about \$50,000 (cold and initial hot examinations).
4. Enclosure A includes no mention of the proposed policy for "special" or miscellaneous reviews.
5. If the analysis done in response to Comment 2 above supports charging fees for DOE, DOD and other government agencies, enclosure A should be revised to also cover reviews not performed under 10 CFR Part 50.
6. Enclosure A, page 13, Professional Rate - Suggest that the rule have a provision for professional rates to be updated each fiscal year using the same calculational method as shown. Reviews extending over more than one fiscal year would be prorated based on the staff manpower expended in each year and the manpower cost during that year. This will keep the rule from becoming obsolete as labor costs change and will assure that actual costs are recovered. The proposed installment payment policy is quite compatible with this approach.
7. Enclosure A, page 20, line 19, the word "if" should be "is".
8. Enclosure A, page 24 - Item F in the table, Special Projects, should be defined to include reviews performed for other government agencies.
9. Enclosure A, page 24 - Footnote 1 should state clearly that support services include contractual and consultant costs.

10. General Comment

We believe the proposed new rule will present considerable administrative burden due to the reporting and tracking system, especially for contractual services by the National Laboratories. Also, the total review time for similar actions is likely to vary, thus setting the stage for challenges by the applicants and licensees.