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

FROM: John G. Davis, Director
Office of Nuclear Material Safety
and Safeguards

SUBJECT: PROPOSED LICENSE FEE SCHEDULE REVISION
(SECY 81-615)

In response to your January 4, 1982 memo, enclosed are charts showing the allocation of FY 1982 professional direct and all other (professional support) staff years for the Material Licensing Branch (Encl. 1) and the Material Certification and Procedures Branch (Encl. 2). These resources are summarized in the Materials Licensing Decision Unit chart (Encl. 3) to indicate the total resources allocated to the Materials Licensing function in NMSS.

In response to Bill Miller's January 8, 1982 memo, Enclosure 4 shows the range of professional staff hours expended on applications for new licenses, amendments and renewals in the small materials programs. The minimum (low) and maximum (high) time figures are estimates by the licensing staff since data is not maintained on a case-by-case basis. The averages, for the most part, are based on cases completed and hours charged to specific case types during FY81. In those instances where no data were available, the midpoint between the minimum and maximum estimated time figures was arbitrarily chosen. In compiling Enclosure 4, we noted that the FY81 average staff effort for reviewing a new license application is about half of the average staff effort used in FY 1977; the FY 1981 average staff effort for reviewing a renewal application is approximately twice the average staff effort used in FY 1977; and the average staff expenditures for amendments are almost the same. Please note that there are no environmental or safeguards reviews or contractual assistance associated with the issuance of materials licenses.

Currently, amendments to sealed source and device evaluations, fee categories 9A and 9B, are fee exempt. Since reviews for these amendment requests are identical to other materials license amendment requests, for which fees are charged, consideration should be given to making sealed source and device amendments a fee item.

In response to your question about the review of the suitability of the five-year expiration limit for materials licenses, the results of that review were published in SECY 78-284. That Commission Paper recommended continuation of the five-year term.

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OFFICE	8302180297 830111				
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DATE					

In closing, I feel it is important to note that shifting from the current method of charging license fees by category of license application to a fee program based on actual costs would not increase the revenues to the NRC if the fees are based on up-to-date data regarding the average time required to review a given category of application. Such an actual cost fee program would, however, significantly increase the administrative burden on NMSS, since we would have to keep track of staff time expenditures on a case-by-case basis for over 5,000 cases per year, each of which averages less than 5 hours of review time. Thus, my recommendations are to retain the current method of charging license fees by category of materials license, to cancel the exemptions for amendments of sealed sources and devices, and to update the fee schedule to reflect the data shown in Enclosure 4.

Claudia Seelig (NMSS/PSB/74072) is the NMSS contact for license fee matters. Both Claudia and Elise Heumann (NMSS/FC/74167) are prepared to assist your staff in interpreting the enclosed data.

(Signed) John G. Davis

John G. Davis, Director
Office of Nuclear Material Safety
and Safeguards

Enclosures: As stated

Distribution:

- File 2.6
- C. Seelig -
- J. Evans
- E. Heumann -
- NMSS r/f
- J. Davis r/f -
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W. O. Miller - a.r. 2015

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ICE	PSB	NMSS:PSB	NMSS:PSB	NMSS A		
ME	J. Evans/lm	C. Seelig	R. S. Brown, Jr.	J. G. Davis		
TE	1/12/82	1/22/82	1/17/82	1/24/82		

Materials Licensing Branch

FY82

<u>Activity</u>	<u>Professional Direct SY</u>	<u>All Other SY</u>	<u>Total</u>
@ Licensing Case Reviews*	12.8 X	3.7	16.5
@ Licensing Assistance Section	12.1	---	12.1
Licensing Site Visits	1.0	0.1	1.1
Agreement States Assistance	1.0	0.1	1.1
Periodic Review of Regulations	---	---	---
Development of Regulatory Guides	---	---	---
Advisory Committee on the Medical Uses of Isotopes	1.3	0.1	1.4
@ Administrative Responsibilities*	4.5	---	4.5
	-----	-----	-----
TOTALS	32.7	4.0	36.7
	$\frac{12.1}{20.6}$		

* From the FY81 PPSAS, the license reviewers spent 74% of their time licensing and 26% of their time in administrative responsibilities (MD&S codes). This branch has 30.8 SY budgeted for licensing reviews, of which 13.5 SY is for the Licensing Assistance Section. (12.1 SY devoted to this branch's activities and 1.4 SY devoted to MCP branch.) This leaves 17.3 SY.
 $17.3 \times 74\% = 12.8$ $17.3 \times 26\% = 4.5$

@ These items are part of the first planned accomplishment shown in Enclosure 3.

Material Certification and Procedures Branch

FY82

<u>Activity</u>	<u>Professional Direct SY</u>	<u>All Other SY</u>	<u>Total</u>
@ Licensing Case Reviews*	2.6	0.8	3.4
@ Licensing Assistance Section	1.4	---	1.4
Licensing Site Visists	---	---	---
Agreement States Assistance	---	---	---
Periodic Review of Regulations	1.0	0.5	1.5
Development of Regulatory Guides	1.2	0.7	1.9
Advisory Committee on the Medical Uses of Isotopes	---	---	---
@ Adminstrative Responsibilities*	0.9	---	0.9
	-----	-----	-----
	TOTALS	7.1	2.0
		<i>1.4</i> <i>5.7</i>	<i>1.4</i> <i>7.7</i>

* From the FY81 PPSAS, this branch charged a total of 17,571 hours, of which 4,664.5 hours were in administrative responsibilities (MD&S codes), (26.5%). This branch has 3.5 SY budgeted for licensing reviews.
 $3.5 \times 73.5\% = 2.6 \text{ SY}$
 $3.5 \times 26.5\% = 0.9 \text{ SY}$

@ These items are part of the first planned accomplishment shown in Enclosure 3.

Materials Licensing Decision Unit

FY82

<u>FY82 Operating Plan Planned Accomplishment</u>	<u>Professional Direct SY</u>	<u>All Other SY</u>	<u>Total</u>
Licensing Case Reviews*	34.3	4.5	38.8
Licensing Site Visists	1.0	0.1	1.1
Agreement States Assistance	1.0	0.1	1.1
Periodic Review of Regulations	1.0	0.5	1.5
Development of Regulatory Guides	1.2	0.7	1.9
Advisory Committee on the Medical Uses of Isotopes	1.3	0.1	1.4
	<hr/>	<hr/>	<hr/>
TOTALS	39.8	6.0	45.8

15.4
13.5
27.9
5.4
34.3

*This planned accomplishment in the NMSS FY82 Operating Plan includes three activities as shown on Enclosures 1 and 2. Those are (1) the actual review of license applications by the professional staff, (2) licensing support by the Licensing Assistance Section, and (3) administrative actions (e.g. FOIA's) performed by the professional staff. Those items are identified by an "@" on Enclosures 1 and 2.

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

INFORMATION FOR LICENSE FEES

PROFESSIONAL PROCESSING TIME

PROJECTED FY 82 RESOURCE COMMITMENT

PRESENT FEE CATEGORIES

1. SPECIAL NUCLEAR MATERIAL

I. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems.

New License
Renewal
Amendments

SAFETY REVIEW
STAFF HOURS

	<u>Low</u>	<u>High</u>	<u>Average</u>
New License	0.5	8.0	4.0
Renewal	0.5	8.0	1.0
Amendments	0.5	8.0	1.0
New License	0.5	24.0	1.0
Renewal	0.5	24.0	12.0
Amendments	0.5	24.0	12.0

J. All other special nuclear material licenses, except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical quantity as defined in § 150.11 of Part 150 which shall pay the same rate as Category 1A and special nuclear material for use in power generation which shall pay the fee in Category 10.

New License
Renewal
Amendments

2. SOURCE MATERIAL

D. All other source material licenses (Does not include milling, in-situ leaching heap leaching, refining uranium mill concentrates to UFG ore buying stations and ion exchange facilities.)

New License
Renewal
Amendments

New License	0.5	40.0	29.7
Renewal	0.5	40.0	9.8
Amendments	0.5	40.0	3.5

Total

<u>CASES</u>	<u>STAFF HOURS</u>
0	0
9	9.0
35	35.0
3	3.0
6	72.0
0	0
9	75

Total

5	148.5
19	186.2
54	224.0
88	558.7

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

INFORMATION FOR LICENSE FEES

PROFESSIONAL PROCESSING TIME

SAFETY REVIEW
STAFF HOURS

PRESENT FEE CATEGORIES

3. BYPRODUCT MATERIAL

		Low	High	Average
A. Licenses for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution.	New License	2.0	40.0	4.8
	Renewal	2.0	40.0	3.6
	Amendment	0.5	40.0	1.3
B. Licenses issued pursuant to §§ 32.72, 32.73 and 32.74 of this chapter authorizing the processing or manufacturing and distribution of radio-pharmaceuticals, generators or reagents kits, and sources and devices, containing byproduct material.	New License	20.0	48.0	31.7
	Renewal	8.0	30.0	13.0
	Amendment	0.5	30.0	2.9
C. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations at one location.	New License	3.0	32.0	24.2
	Renewal	3.0	32.0	14.7
	Amendment	0.5	32.0	2.6
D. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations	New License	4.0	40.0	11.0
	Renewal	4.0	40.0	19.9
	Amendment	0.5	40.0	4.1

PROJECTED FY 82 RESOURCE COMMITMENT

CASES	<i>Total Am ref. fee.</i>	STAFF HOURS
21	5880	100.8
31	6600	111.6
125	10000	162.5
<u>177</u>	<u>26480</u>	<u>374.9</u>
6	10800	190.2
10	7500	130.0
80	13600	232.0
<u>96</u>	<u>31900</u>	<u>527.2</u>
5	7000	121.0
39	33,150	573.3
74	11,100	192.4
<u>118</u>	<u>51,250</u>	<u>556.7</u>
21	13400	231.0
51	61,200	1014.9
<u>118</u>	<u>27,300</u>	<u>483.8</u>
	<u>117,800</u>	<u>777.7</u>

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

PROJECTED FY 82 RESOURCE COMMITMENT

INFORMATION FOR LICENSE FEES

PROFESSIONAL PROCESSING TIME

SAFETY REVIEW
STAFF HOURS

PURCHASER FEE CATEGORIES	SAFETY REVIEW STAFF HOURS			CASES	STAFF HOURS
	Low	High	Average		
3. BYPRODUCT MATERIAL - CON'T					
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials where the source is not removed from its shield (self-shielded units).					
New License	1.0	8.0	4.6	8	36.8
Renewal	1.0	8.0	1.8	29	52.2
Amendment	0.5	8.0	1.1	33	36.3
				<u>70</u>	<u>125.3</u>
F. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes.					
New License	4.0	40.0	36.2	2	72.4
Renewal	4.0	32.0	7.4	13	96.2
Amendment	0.5	32.0	2.1	26	54.6
				<u>41</u>	<u>223.2</u>
G. Licenses issued pursuant to Subpart B of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons generally licensed under Parts 31 and 35 of this chapter, except specific licenses authorizing redistribution of items which have been manufactured or imported under a specific license and					
New License	2.0	24.0	16.7	3	50.1
Renewal	2.0	24.0	7.9	10	79.0
Amendment	0.5	24.0	7.3	17	124.1
				<u>30</u>	<u>253.2</u>

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

INFORMATION FOR LICENSE FEES

PROFESSIONAL PROCESSING TIME

SAFETY REVIEW
STAFF HOURS

PROJECTED FY 82 RESOURCE COMMITMENT

PRESENT FEE CATEGORIES

3. BYPRODUCT MATERIAL - CON'T

G. for distribution to persons generally licensed under Parts 31 or 35 of this chapter.

H. Licenses issued pursuant to Subpart A of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons exempt from the licensing requirements of Part 30 of this chapter, except (1) §§ 32.11 and 32.18 of this chapter, (2) specific licenses authorizing redistribution of items and quantities which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons exempt from the licensing requirements of Part 30 of this chapter, and (3) specific licenses which authorize distribution of timepieces, hands and dials.

New License
Renewal
Amendment

	<u>Low</u>	<u>High</u>	<u>Average</u>
New License	2.0	24.0	6.3
Renewal	2.0	24.0	5.2
Amendment	0.5	24.0	2.1

CASES

STAFF HOURS

6	37.8
12	62.4
30	63.0
<u>48</u>	<u>163.2</u>

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

INFORMATION FOR LICENSE FEES

PROFESSIONAL PROCESSING TIME

SAFETY REVIEW
STAFF HOURS

Low High Average

2.0	32.0	25.3
2.0	24.0	3.3
0.5	24.0	12.0

PRESENT FEE CATEGORIES

BYPRODUCT MATERIAL - CONT

I. Licenses issued pursuant to § 32.18 of this chapter to distribute quantities of byproduct material to persons exempt from the licensing requirements of Part 30 of this chapter.

J. Licenses issued pursuant to § 32.14 of this chapter to distribute timepieces, hands and dials, containing hydrogen 3 or promethium 147 to persons exempt from the licensing requirements of Part 30 of this chapter.

K. Licenses for possession and use of byproduct material for research and development, except those licenses covered by Categories 3A or 3B, and licenses covered by Categories 7B or 7C authorizing medical research.

PROJECTED FY 82 RESOURCE COMMITMENT

<u>CASES</u>	<u>STAFF HOURS</u>
1	25.3
9	29.7
4	48.0
<u>14</u>	<u>103.0</u>
2	16.2
2	18.0
11	8.6
<u>15</u>	<u>43.0</u>
36	471.6
43	520.3
283	537.7
<u>364</u>	<u>1591.5</u>

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

INFORMATION FOR LICENSE FEES

PROFESSIONAL PROCESSING TIME

PROJECTED FY 82 RESOURCE COMMITMENT

EXISTENT FEE CATEGORIES

1. BYPRODUCT MATERIAL - CONT

○ All other specific byproduct material licenses, except those in Categories 4A through 10B.

New License
Renewal
Amendment

	<u>SAFETY REVIEW STAFF HOURS</u>		
	<u>Low</u>	<u>High</u>	<u>Average</u>
New License	0.5	40.0	4.6
Renewal	0.5	40.0	6.6
Amendment	0.5	24.0	2.5

4. WASTE DISPOSAL

○ B. Waste disposal licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.

New License
Renewal
Amendment

New License	2.0	40.0	19.0
Renewal	2.0	40.0	19.0
Amendment	0.5	40.0	20.0

○ C. Waste disposal licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person

New License
Renewal
Amendment

New License	2.0	40.0	24.3
Renewal	2.0	40.0	10.0
Amendment	0.5	40.0	0.8

<u>CASES</u>	<i>Prepare Contract</i>	<u>STAFF HOURS</u>
449	171,232	2065.4
240	91,200	1584.0
957	143,860	2392.5
<u>1646</u>	<u>366,292</u>	<u>6041.9</u>
0	-	0
0	-	0
0	-	0
0	-	0
2	7,800	48.6
1	180	10.0
5	250	4.0
<u>8</u>	<u>8130</u>	<u>64.6</u>

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

INFORMATION FOR LICENSE FEES

PROFESSIONAL PROCESSING TIME

PROJECTED FY 82 RESOURCE COMMITMENT

PRESENT FEE CATEGORIES

5. WELL LOGGING AND WELL SURVEYS AND TRACER STUDIES.

- C. Licenses for possession and use of specific nuclear material and/or byproduct material for well logging, well surveys, and tracer studies.
 - New License
 - Renewal
 - Amendment

<u>SAFETY REVIEW STAFF HOURS</u>		
<u>Low</u>	<u>High</u>	<u>Average</u>
2.0	32.0	6.4
2.0	32.0	26.6
0.5	32.0	4.1

<u>CASES</u>	<u>STAFF HOURS</u>
31	198.4
8	212.8
62	254.2
<u>101</u>	<u>665.4</u>

6. NUCLEAR LAUNDRIES

- A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material.
 - New License
 - Renewal
 - Amendment

4.0	32.0	18.0
4.0	32.0	2.0
0.5	32.0	1.0

1	18.0
1	2.0
3	3.0
<u>5</u>	<u>23.0</u>

7. HUMAN USE OF BYPRODUCT MATERIAL, SOURCE MATERIAL, OR SPECIAL NUCLEAR MATERIAL

- A. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.
 - New License
 - Renewal
 - Amendment

4.0	40.0	6.6
2.0	40.0	5.6
0.5	40.0	4.3

24	158.4
81	453.6
324	1393.2
<u>429</u>	<u>2005.2</u>

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

INFORMATION FOR LICENSE FEES

PROFESSIONAL PROCESSING TIME

PROJECTED FY 82 RESOURCE COMMITMENT

LICENSE FEE CATEGORIES

LICENSE FEE CATEGORIES		SAFETY REVIEW STAFF HOURS			CASES	STAFF HOURS		
		Low	High	Average				
HUMAN USE OF BYPRODUCT MATERIAL, SOURCE MATERIAL, OR SPECIAL NUCLEAR MATERIAL	B. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter to medical institutions, or two or more physicians on a single license, for human use of byproduct material, source material, or special nuclear material, except licenses in Category 7A.	New License	4.0	24.0	11.2	36	403.2	
		Renewal	2.0	24.0	11.3	199	2248.7	
		Amendment	0.5	24.0	3.5	1265	4427.5	
					1500	7079.4		
	C. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter to an individual physician for human use of byproduct material, source material, or special nuclear material, except licenses in Category 7A.	New License	4.0	24.0	6.0	29	174.0	
		Renewal	2.0	24.0	9.6	17	163.2	
		Amendment	0.5	24.0	2.2	95	209.0	
					141	546.2		
	D. CIVIL DEFENSE	A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	New License	1.0	16.0	8.6	2	17.2
			Renewal	1.0	16.0	4.3	8	34.4
Amendment			0.5	16.0	1.9	18	34.2	
					28	85.8		

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

INFORMATION FOR LICENSE FEES

PROFESSIONAL PROCESSING TIME

PROJECTED FY 82 RESOURCE COMMITMENT

PRESENT FEE CATEGORIES

7. DEVICE, PRODUCT, OR SEALED SOURCE SAFETY EVALUATION

SAFETY REVIEW
STAFF HOURS

Low High Average

CASES

STAFF HOURS

A. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices and devices or products distributed to general licensees or persons exempt from the requirements for a license pursuant to Parts 30, 40, and 70 of this chapter.

Evaluation

8.0 80.0 19.5

B. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material except reactor fuel and sealed sources distributed to general licensees or persons exempt from the requirements for a license pursuant to Parts 30, 40, and 70 of this chapter.

Evaluation

8.0 80.0 19.5

Fee categories 9A & 9B

19.5

110,000
1,400,690
1950
1952.0

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

INFORMATION FOR LICENSE FEES

PROFESSIONAL PROCESSING TIME

PROJECTED FY 82 RESOURCE COMMITMENT

PRESENT FEE CATEGORIES

POWER SOURCE

A. Licenses for the manufacture and distribution of encapsulated byproduct material or special nuclear material for use in power generation, except reactor fuel.

New License
Renewal
Amendment

SAFETY REVIEW
STAFF HOURS

<u>Low</u>	<u>High</u>	<u>Average</u>
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CASES

STAFF HOURS

8.0	40.0	24.0
8.0	40.0	24.0
0.5	40.0	0.5

0

0

0

0

5

3.0

5

3.0