

FEB 10 1982

MEMORANDUM FOR: John Davis, Director, Office of Nuclear Material Safety and Safeguards

FROM: Daniel J. Donoghue, Director, Office of Administration

SUBJECT: PROPOSED LICENSE FEE REVISION - CASEWORK REVIEW EFFORT

We have reviewed your January 26, 1982 memorandum and its enclosures.

It is our understanding that the average professional staff time shown for the various categories of licenses is based on data taken from the computer, except for those categories where there was insufficient data to establish an average. In those instances where data was lacking, estimates were used to develop the staff hours.

We note that there are several categories in Enclosure 4 where the average professional staff time has changed significantly from earlier reports. Also, we note that in several instances the data shows that a license amendment or renewal requires more professional staff time than the review of a new license application. Before we prepare a report and fee schedule for the Commission using these numbers, we want to verify that they are being interpreted as you intended.

The following are the items where we have questions:

1. In Category 1.J. the average professional staff hours required to process an application for a license renewal or amendment are 12 times greater than the hours required for a new license. Normally, one would expect the requirements for a new license to be greater.
2. The professional staff hours required to process a Category 3.B. application (distributor of radiopharmaceuticals) are greater than required for a Category 3.A. application (manufacturing). Previous NMSS data has shown the manufacturing license to require the greater review effort.
3. The professional staff hours required to process an application for a Category 3.C. license (industrial radiography at one location) are greater than for a Category 3.D. license (industrial radiography at multiple locations). Previous data shows the opposite.

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4. The professional staff hours required to process a Category 3.G., 3.H., or 3.I. license application (distribution of generally licensed and exempt items) are greater than required for a Category 3.A. license (manufacturing of such items).
5. The professional staff hours required to process a renewal application for a Category 3.J. license (time pieces) and Category 3.L. license (all other) are greater than required for a new license.
6. The professional staff hours required to amend a Category 4.B. license (receipt of waste for packaging the material) are greater than required for a new license or renewal. Currently in this license Category there are two types of amendments: (1) safety and environmental and (2) administrative. We would appreciate receiving data for both types of amendments.
7. The professional staff hours required to process a Category 4.C. license application (receipt of prepackaged waste) is greater than for a Category 4.B. license application.
8. The professional staff hours required to process a Category 5.A. license renewal application (well logging) is four times greater than for a new license.
9. The professional staff hours required to process a Category 7.B. license application (medical institution) is greater than required for a Category 7.A. application. Earlier data provided by NMSS showed the teletherapy license to require the greater effort. Also in Category 7.B., the hours to process a renewal application are greater than required for a new license.
10. The professional staff hours required to process a Category 7.C. license renewal application are greater than required for a new license.
11. The professional staff hours required to process a request for evaluation and approval of a sealed source (Category 9.B.) are the same as required for evaluating and approval of a device (Category 9.A.). Previous data provided by NMSS indicated that the review effort was five times greater for devices.

Your memorandum states that the average staff effort in FY 1981 for reviewing a new license application is one-half the FY 1977 average; for renewals the average is approximately twice that required in FY 1977, and amendments require about the same staff effort. We have been unable to determine how these conclusions were drawn from the data contained in Enclosure 4. We have enclosed for comparative purposes, a table of the professional staff hours provided to us by NMSS in FY 1977 and FY 1981.

Enclosures 1, 2 and 3 to your memorandum show that the Materials Licensing Branch and the Materials Certification and Procedures Branch expend a total of 15.4 (12.8 + 2.6) professional staff years of effort for Licensing Case Reviews. The total staff hours expended for the various categories of case reviews in Enclosure 4 to your memo is 25,124 hours. If one divides by 1800 (a productive staff year excluding leave, holidays, etc.) the result is 13.95 professional staff years, or a difference of 1.45 staff years of effort. In addition, it appears that the NMSS Licensing Assistants have been included in the Professional Direct staff years for the two branches. If so, we would need to know 1) the number included, and 2) the particular activity where they are included. Licensing Assistant time should not be included in the professional staff hours for fee purposes. The time that should be included in Enclosure 4 is that of the professional technical reviewer who processes the application for a license, approval, etc.

We appreciate your cooperation in this matter. If you have questions, please do not hesitate to call me.

ORIGINAL SIGNED BY

Daniel J. Donoghue, Director  
Office of Administration

Enclosure:  
Table: FY 1977 v FY 1981

DISTRIBUTION:  
License Fee File  
PNorry, ADM  
WOMiller, LFMB  
CJHolloway, LFMB ✓  
LFMB R/F (2)

OFFICE	LFMB/ADM	LFMB/ADM	ADM	ADM			
SURNAME	CJHolloway	WOMiller	PNorry	DJDonoghue			
DATE	2/8/82	2/8/82	2/8/82	2/10/82			

OFFICIAL RECORD COPY

PRESENT FEE CATEGORIES		Average Professional Staff Hours FY '77 <sup>1/</sup>	Estimated Average Professional Staff Hours FY '82 <sup>2/</sup>
<b>3. BYPRODUCT MATERIAL - CON'T</b>			
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	5	31.7
	Renewal	4	13.0
	Amendment	1	2.9
C. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations at one location.	New License	5	24.2
	Renewal	4	14.7
	Amendment	1	2.6
D. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations at more than one location.	New License	12	11.0
	Renewal	12	19.9
	Amendment	3	4.1
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	5	4.6
	Renewal	4	1.8
	Amendment	1	1.1
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	12	36.2
	Renewal	12	7.4
	Amendment	3	2.1

<sup>1/</sup> Professional staff hours used in the fee schedule effective 3/78

<sup>2/</sup> Proposed estimates to be used in revising the fee schedule provided by 1/26/82, Memo Davis to Donoghue.

PRESENT FEE CATEGORIES

3. BYPRODUCT MATERIAL - CON'T

Average Professional Staff Hours FY '77 <sup>1/</sup>	Estimated Average Professional Staff Hours FY '82 <sup>2/</sup>
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<p>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 licensed by the Commission for distribution to persons generally licensed under Parts 31 or 35 of this chapter.</p>	<table border="0"> <tr> <td>New License</td> <td style="text-align: center;">25</td> <td style="text-align: center;">16.7</td> </tr> <tr> <td>Renewal</td> <td style="text-align: center;">15</td> <td style="text-align: center;">7.9</td> </tr> <tr> <td>Amendment</td> <td style="text-align: center;">6</td> <td style="text-align: center;">7.3</td> </tr> </table>	New License	25	16.7	Renewal	15	7.9	Amendment	6	7.3
New License	25	16.7								
Renewal	15	7.9								
Amendment	6	7.3								
<p>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.</p>	<table border="0"> <tr> <td>New License</td> <td style="text-align: center;">25</td> <td style="text-align: center;">6.3</td> </tr> <tr> <td>Renewal</td> <td style="text-align: center;">15</td> <td style="text-align: center;">5.2</td> </tr> <tr> <td>Amendment</td> <td style="text-align: center;">6</td> <td style="text-align: center;">2.1</td> </tr> </table>	New License	25	6.3	Renewal	15	5.2	Amendment	6	2.1
New License	25	6.3								
Renewal	15	5.2								
Amendment	6	2.1								

<sup>1/</sup>Professional staff hours used in the fee schedule effective 3/78.  
<sup>2/</sup>Proposed estimates to be used in revising the fee schedule provided by 1/26/82, Merro Davis to Donoghue.



MISSISSIPPI AVERAGE PROFESSIONAL STAFF HOURS  
 TO PROCESS MATERIAL LICENSE APPLICATIONS  
 FY 1977 VS. FY 1982

PRESENT FEE CATEGORIES		Average Professional Staff Hours FY '77 <sup>1/</sup>	Estimated Average Professional Staff Hours FY '82 <sup>2/</sup>
<b>3. BYPRODUCT MATERIAL - CON'T</b>			
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.	New License	5	25.3
	Renewal	4	3.3
	Amendment	1	12.0
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.	New License	5	8.1
	Renewal	4	9.0
	Amendment	1	.8
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.	New License	5	13.1
	Renewal	4	12.1
	Amendment	1	1.9
L. All other specific byproduct material licenses, except those in Categories 4A through 10B.	New License	3	4.6
	Renewal	3	6.6
	Amendment	1	2.5

<sup>1/</sup> Professional staff hours used in the fee schedule effective 3/78

<sup>2/</sup> Proposed estimates to be used in revising the fee schedule provided by 1/26/82, Memo Davis to Donoghue.

PRESENT FEE CATEGORIES

		Average Professional Staff Hours, FY '77 <sup>1/</sup>	Estimated Average Professional Staff Hours FY '82 <sup>2/</sup>
<b>4. WASTE DISPOSAL</b>			
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	30	19
	Renewal	15	19
	Amendment	15	20
C. Waste disposal licenses specifically authorizing the receipt of <u>prepackaged</u> waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.	New License	5	24.3
	Renewal	4	10.0
	Amendment	1	.8
<b>5. WELL LOGGING AND WELL SURVEYS AND TRACER STUDIES</b>			
A. Licenses for possession and use of specific nuclear material and/or byproduct material for well logging, well surveys, and tracer studies.	New License	12	6.4
	Renewal	12	26.6
	Amendment	3	4.1

<sup>1/</sup> Professional staff hours used in the fee schedule effective 3/78

<sup>2/</sup> Proposed estimates to be used in revising the fee schedule provided by 1/26/82, Memo Davis to Donoghue.

PRESENT FEE CATEGORIES		Average Professional Staff Hours FY '77 <sup>1/</sup>	Estimated Average Professional Staff Hours FY '82 <sup>2/</sup>
<b>6. NUCLEAR LAUNDRIES</b>			
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material.	New License	12	18
	Renewal	12	2
	Amendment	3	1
<b>7. HUMAN USE OF BYPRODUCT MATERIAL, SOURCE MATERIAL, OR SPECIAL NUCLEAR MATERIAL</b>			
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	8	6.6
	Renewal	7	5.6
	Amendment	1	4.3
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	5	11.2
	Renewal	4	11.3
	Amendment	1	3.5
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	5	6.0
	Renewal	4	9.6
	Amendment	1	2.2

<sup>1/</sup> Professional staff hours used in the fee schedule effective 3/78

<sup>2/</sup> Proposed estimates to be used in revising the fee schedule provided by 1/26/82, Memo Davis to Donoghue.



PRESENT FEE CATEGORIES

Average Professional  
Staff Hours FY '77<sup>1/</sup>

Estimated  
Average Professional  
Staff Hours FY '82<sup>2/</sup>

8. CIVIL DEFENSE

A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	New License	5	8.6
	Renewal	4	4.3
	Amendment	1	1.9

PRESENT FEE CATEGORIES

9. DEVICE, PRODUCT, OR SEALED SOURCE SAFETY EVALUATION

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.	Application		
	Evaluation	15	19.5
	Amendment	-	-
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.	Application		
	Evaluation	3	19.5
	Amendment	-	-

<sup>1/</sup> Professional staff hours used in the fee schedule effective 3/78

<sup>2/</sup> Proposed estimates to be used in revising the fee schedule provided by 1/26/82, Memo Davis to Donoghue.

PRESENT FEE CATEGORIES	Average Professional Staff Hours FY '77 <sup>1/</sup>	Estimated Average Professional Staff Hours FY '82 <sup>2/</sup>
<b>10. POWER SOURCE</b>		
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	50 12 12 .6

<sup>1/</sup> Professional staff hours used in the fee schedule effective 3/78

<sup>2/</sup> Proposed estimates to be used in revising the fee schedule provided by 1/26/82, Memo Davis to Donoghue.