



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

OCT 21 1982

RECEIVED BY LFMB	
Date	10/20/82
Log	J.M.
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MEMORANDUM FOR: Patricia G. Norry, Director
Office of Administration

FROM: J. M. Felton, Director
Division of Rules and Records
Office of Administration

SUBJECT: REVIEW OF PROPOSED RULE AMENDING 10 CFR PART 170

The Division of Rules and Records has reviewed and concurs with the proposed rule entitled "Proposed Revision of Licensee Fee Schedules" subject to the changes described in the next two paragraphs.

The Regulatory Flexibility Certification statement which begins on page 29 has been amended since DRR last reviewed this proposal contained in SECY-81-615, Enclosure C. The present draft on page 30 line 9 contains the added phrase "as well as users of byproduct material," and substantially enlarges the number and class of licensees affected by this proposal. This addition renders inaccurate the findings contained in the remainder of the paragraph in which it appears. Since a substantial portion of NRC's byproduct licensees are small, it is necessary to restructure the statement as follows:

The proposed rule also affects materials facilities engaged in uranium and plutonium fuel fabrication, uranium milling, leaching and refining operations, source material ore-buying and ion exchange activities, burial and storage of low-level radioactive waste, spent fuel cask and package approvals, and other users of critical quantities of special nuclear materials. The companies that own these businesses do not fall within scope of the definition of "small entities" set forth in Section 601(3) of the Regulatory Flexibility Act or within the definition of "small business" as set forth in Section 3 of the Small Business Act, 15 U.S.C. 632, or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. To the extent that this proposed rule affects all other users of by-product materials, the proposed revision of the fee schedule is not expected to have a significant economic effect upon a substantial number of small entities among this group of licensees.

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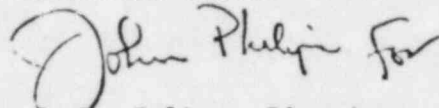
Patricia G. Norry

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The changes contained in this paragraph are needed in order to meet the requirements of the Office of the Federal Register. A sentence should be added to the Summary to explain why the revision is necessary. Three inserts: a new Paperwork Reduction Act statement, a list of subject terms that had been omitted, and a revised authority citation, should be added to page 31. Amendatory instruction 2 is not needed and should be deleted as it is encompassed in the other instructions that have been appropriately renumbered and, in some instances, slightly reworded for consistency of format. Several other editorial changes to the amendatory instructions are required as marked on the enclosed copy.

Some other minor format or editorial changes have been suggested and are marked on the enclosed copy. Among them is a suggestion for numbering the tables in the Supplementary Information section that may aid readers, particularly in following tables continued on subsequent pages. Also, the current preferred abbreviation for an element shows its number as a superscript, e.g., 235^u.

If you have any questions about our comments, please contact John Philips, Chief, Rules and Procedures Branch, on extension 27086.



J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosures: As stated