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November 16, 1982

Secretary of the Commission
Attn: Docketing & Services Branch
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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DOCKETED BY: [unclear]
PROPOSED RULE PR-30,40,70
(47 FR 47400)

Re: Comments Regarding Proposed Rule:
10 CFR Parts 30, 40, and 70,
"Proposed Amendments Specifying
License Responsibility for Nuclear
Materials & Procedures for Termina-
tion of Specific Licenses"
(47 FR 47403, 26 October 1982)

Dear Mr. Secretary:

We have reviewed the proposed rule and respectfully submit the following comments:

1. p. 47400, col. 2, Supplementary Information, para. 3:

Text: "Prescribed fees charged for licensing services rendered by NRC would continue to be applicable until a license is terminated."

Comment: NRC Regulations 10 CFR Part 170 do not contain prescribed fees provisions for license termination services rendered by NRC. Since NRC services rendered during termination of a license would not be comparable to NRC services rendered during a license renewal, it is certainly not appropriate to charge the same fees prescribed for relicensing as for termination or to duplicate the charges by requiring licensee to pay both. This is particularly justifiable because of the restrictions placed on licensees by proposed 10 CFR 40.40(d) and (e). Indeed, although NRC indicates any fees not expended during the licensing process will be returned to the licensee, this seldom occurs in any significant amount. It is, therefore, recommended NRC estimate, as NRC estimated in deriving figures for 10 CFR 170, the time involved

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in terminating a license and correspondingly establish a limit on the fees to be charged to a licensee.

2. Proposed 10 CFR 42.42(d)(1)(iv)(B):

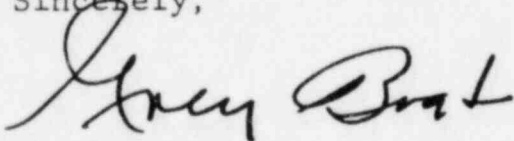
Text: "Specify the survey instrument(s) used."

Comment: It not only is important to specify the survey instrument(s) used, but it is also important to verify instrument(s) function properly to avoid the calibration question being raised by NRC after the survey. As a minimum, NRC should require verification instrument calibration has occurred within six months preceding the survey. The following language is therefore proposed:

(B) Specify the survey instrument(s) used. Provide information sufficient to verify the instrument(s) have been calibrated within a six-month period immediately preceding the survey(s) and have been field-tested at the time of the survey(s) to continue operational integrity.

We appreciate the opportunity to comment. Should there be any questions, please advise.

Sincerely,



Grey Bogden
Director Environmental
& Industrial Safety

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