

AUG 2 1983

MEMORANDUM FOR: Files

FROM: William O. Miller, Chief, License Fee Management Branch, ADM

SUBJECT: PARTIAL WAIVER OF FEES FOR LICENSE NO. 43-01884-01

In accordance with a March 13, 1980 application from the University of Utah, License 43-01884-01 was amended May 7, 1980 (Amend. #41) to authorize the University to "pick up or receive radioactive waste from Utah State-owned schools and colleges, the Utah State Health Department, and the Veterans Administration Hospital, Salt Lake City, Utah, for repackaging and transport to a commercial waste burial site." The authorization placed the license in fee Category 4B, for which an application fee of \$1,100 should have been paid. Through an oversight, however, the application fee was not collected.

The License Fee Management Branch, in subsequent telephone conversations, informed the University that, because the license permitted the University to conduct waste disposal services for a non-State agency (Veterans Administration), it was subject to the license and inspection fees in §170.31 (4B). To date, the total fee requirement for the waste disposal authorization amounts to \$1,900, as follows:

\$ 1,100	- application fee (Amend. 41)
150	- amendment fee (Amend. 46)
650	- inspection fee (11/80 inspection)
<u>\$ 1,900</u>	- total fee required for fee Category 4B

In accordance with §170.11(b)(1), and by letter dated February 1, 1983, the Veterans Administration Medical Center (VA) and the University of Utah filed an application for exemption from fees for the subject license with respect to the receipt, packaging and transport of radioactive wastes for the VA. The reasons given for the exemption request are as follows:

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1. Believe it to be in the public interest from an economic and safety standpoint to share facilities and services involving licensed material.
 - (a) University and VA are closely associated and share a number of clinical and research facilities and services, with faculty and staff members holding appointments at both locations.
 - (b) Sharing of facilities between the licensees reduces the total combined operating expense of the two institutions.
 - (c) Shared facilities reduce the number of locations at which radioactivity must be handled and controlled by the licensee and which must be inspected by the NRC.
2. Radioactive waste is collected from the VA by Nuclear Support Services, Inc., who, under contract with the University, uses a room at the University to repackage and hold the waste materials.
3. Believe that, since the University may offer the same services to State agencies without incurring a fee, it is in the spirit of §170.11(a)(9) that the University be allowed to extend the same services to VA without having the University incur a license fee.

The University, in its March 13, 1980 application for amendment, stated that they would be providing these waste disposal services not as a commercial enterprise, but rather as a service to agencies within the State of Utah. The application further pointed out that the costs for these services will be borne by the generator of the wastes, and will reflect only the actual costs involved.

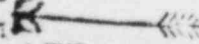
In reviewing the subject request for exemption, we find that good cause exists for granting an exemption from fees for License 43-01884-01 as it pertains to the collection, storage and repackaging of VA waste materials at the University, in that the University and the VA routinely share with each other the use of their facilities and services. As part of this sharing program with the VA, the University provides space for the packaging and temporary storage of wastes collected from the VA -- the same room used by the University to collect, package and store wastes it collects from State agencies. Too, it appears that from a health and safety standpoint, i.e., having a single location to package and store radioactive wastes rather than separate facilities for each institution, would be in the public interest.

The exemption from fees for State agencies, as provided for in §170.11(a)(9), was granted for the purpose of providing assistance to the states. OMB Circular A-25, the implementing circular for the Independent Offices Appropriation Act, provides that an agency may make exceptions to the general policy for assessing fees for services rendered when "payment of the full fee by a State, local or non-profit group would not be in the best interest of the program."

As a non-profit educational institution which provides a service to a Federal agency (VA), we believe it would be in the best interest of the University's program and the public to grant an exemption from fees for the collection, repackaging, storage and transfer of radioactive waste for the VA. Accordingly, and pursuant to §170.11(b)(1) of 10 CFR 170, License 43-01884-01 is exempt from the fees prescribed in fee Category 4B of §170.31. (The license, however, will be subject to fees for other authorized activities not related to the above waste disposal services, as appropriate).

William O. Miller, Chief
License Fee Management Branch
Office of Administration

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- CJHolloway, LFMB
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AUG 23 1983

MEMORANDUM FOR: Robert A. Clark, Chief, Operating Reactors Branch No. 3, DL
FROM: William O. Miller, Chief, License Fee Management Branch, ADM
SUBJECT: EXEMPTION FROM FEES FOR LICENSE AMENDMENTS TO INCORPORATE
UPDATED FSAR'S IN REACTOR FACILITY LICENSES

Your memorandum dated July 18, 1983, requested that an exemption from the fee requirements of 10 CFR 170 be granted for the amendment incorporating the Updated Final Safety Analysis Report (UFSAR) in each reactor facility license. Your basis for the exemption is that the amendment to add the UFSAR would clarify the license for the convenience of the NRC since the issuance of the new FSAR update rule and licensee's compliance with it has caused all operating licenses to be incorrect and out of date. You indicated also that the amendment has only minor safety significance. It is our understanding from Charlie Trammell that this would be a one-time license amendment for the incorporation of the initial UFSAR, although 10 CFR 50.71(e) requires that licensees submit revisions to the UFSAR no less frequently than annually. He has also stated that the proposed license amendment wording (i.e., FSAR dated _____, as revised and updated annually) is such that each annual update would not require a license amendment, and it is not mandatory that licensees request license amendments for the initial update or subsequent annual filings.

Based on the above, we approve the exemption from fees pursuant to 10 CFR 170.11(b) for the application by each licensee to initially incorporate the UFSAR in the license. If subsequent amendments are requested, they are not to be considered exempt from fees under the provisions of this memorandum. We estimate that the total fee amount to be exempted under the current Part 170 would be \$75,600. This is based on the assumption that all nuclear power reactor licensees would request the administrative amendment (54 first units and 27 duplicate units (54 x \$1,200 = \$64,800 and 27 x \$400 = \$10,800).

It is requested that your letter to licensees suggesting that they request a license amendment similar to Trojan's and informing them that no fees are required clearly state that this exemption from fees is solely for the initial incorporation of the UFSAR in the license and not for subsequent

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requests for updates to be incorporated nor for other unrelated items included in the request. Since this memorandum approves the fee exemption for the update application, you do not need to send your letter to licensees to us for concurrence. The DL review staff should be informed to provide us a completed fee form and copies of the transmittal letters from licensees for each application and reference this memorandum in the exemption provisions of Item 12 of the fee form so that we may have an accurate accountability of the actual amount exempted.

Original Signed by
Wm. O. Miller

William O. Miller, Chief
License Fee Management Branch
Office of Administration

cc: C. Trammell, ORB-3

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LFMB Exemption Files (2) ✓
LFMB Reactor File for Trojan
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