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AUG 19 1983

MEMORANDUM FOR: Richard E. Cunningham, Director
 Division of Fuel Cycle and Material Safety

Robert F. Burnett, Director
 Division of Safeguards

Robert E. Browning, Acting Director
 Division of Waste Management

FROM: R. S. Brown, Jr., Assistant to the
 Director and Chief,
 Program Support Branch, NMSS

SUBJECT: REVISION OF 10 CFR 170

As a result of the August 10 meeting with Bill Miller, LFMB, and Bob Fonner, ELD, NMSS has been tasked to provide ceilings based on defensible assumptions for the license fee categories in the proposed rule. LFMB provided the enclosed historical data for use in formulating ceilings.

The following are the assumptions that should be used in formulating ceilings. An expected value should be used for new applications and renewals. The maximum value should be used for amendments (after excluding any outliers). If a ceiling cannot be established either because we have no experience or don't anticipate any applications, please state so and provide an appropriate explanation that we can forward to LFMB. Please provide your fee data in staff hours and contract dollars. LFMB will translate these values into total costs based on the hourly rates in the proposed rule.

Please provide your input to Program Support by September 2 so we can forward both your fee ceilings and defensible assumptions to the License Fee Management Branch. If you have any questions, please contact Claudia Seelig on ext. 74072.

Original signed by
 R. S. Brown, Jr.
 R. S. Brown, Jr., Assistant to the
 Director and Chief,
 Program Support Branch, NMSS

Enclosure: As stated

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DATE	8/15/83	8/18/83	8/19/83				

8/10/83

10CFR170 Meeting

- ① Ceilings were not in proposed rule.
- ② Comments said to put ceilings back.
- ③ ELD assumes NRC will be sued.
 - need to be able to provide adequate justification to back up values of ceilings.
 - in the absence of actual data, the ceilings need to be based on certain assumptions.
 - the licensees will probably challenge new fee schedule in court whatever the ceilings are.
 - an expected value is more defensible than the worst possible case.
 - need a set of assumptions that back up the estimate
 - unreasonable assumptions won't fly.
 - WAG won't fly.
 - last similar case?
 - changes in regs since?
- ④ maybe should not try to justify ceilings for items which we don't expect to have applications for - ELD would support this.

Bill Miller (FMB)
Bob Foner (ELD)
JDE
Claudia
Lee Rouse
Jerry Page
Elise
Mark Haisfield
Chuck McDonald
Russ Rentscher
Liz Suarez
Jim Shaffner (WMC)
Ralph Wilde
Allen Cabell (FMB)

- ⑤ Most defensible position - no ceilings.
- ⑥ Next most defensible - ceilings on items for which we have data or can give good estimates based on similarity - no ceilings on items we have no experience for and don't anticipate any.
- ⑦ Beyond ⑥ our position becomes more risky.
- ⑧ LFMB will send data to SPR
- ⑨ Within two weeks after receipt of data from LFMB Lee expects he could come up with input to Mr. Davis.
- ⑩ Mark: what are grand rules for max for amendments?
 - (Renewal \rightarrow expected value)
 - (New \rightarrow expected value)
 - (Amendments \rightarrow use max cost unless you want to disqualify
(for reactors pulled 200 \rightarrow took highest) an obvious
"outlier")