ms2/a16-a17

MEMORANDUM FOR:

JUL 2 8 1983

Distribution: NMSS PSB 2.6.1 JDEvans RSBrown, Jr.

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FROM:

R. S. Brown, Jr., Assistant to the

Director and Chief.

Program Support Branch, NMSS

Patricia G. Norry, Director

Office of Administration

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SUBJECT:

FINAL RULE CHANGES FOR 10 CFR 170

In response to your July 11, 1983 request, we have reviewed the proposed final rule changes for 10 CFR 170. We will concur in the proposed final rule after the following changes are made.

We do not concur in the elimination of "voluntary" overtime as proposed in Enclosure B. NMSS management has a need to receive information regarding the amount of "voluntary" overtime that is expended to accomplish our mission. This data is captured in our Program Planning and Status Assessment System (PPSAS) and reports displaying this information are provided to NMSS management on a routine basis. Labor rates contained in the NMSS budget are based upon historical data which includes voluntary overtime. In summary, MMSS has a continuing need to record voluntary overtime so we know the true cost of accomplishing our mission.

The license fee memoranda that NMSS currently provides to the License Fee Management Branch reflect only total hours (an aggregate of regular hours, approved overtime, and voluntary overtime). We will work with the LFMB staff and the Office of Resource Management to change the NMSS data base and necessary soft-ware programs so that we can provide license fee memoranda which distinguish between regular hours, approved overtime and voluntary overtime. If the License Fee Management Branch establishes a policy of billing for regular hours only, the revised computer programs would provide the necessary information.

NMSS would like to include a ceiling for all fee categories. We feel that full-cost fees in areas such as waste disposal will be perceived as a disincentive to license applicants. For those categories where there is limited experience, we have developed estimates based on similar types of cases. Estimates for maximum fee costs are enclosed. Also, we have annotated the schedule to reflect rounded values for the maximum fees.

License fee category 11, "Review of Standardized Spent Fuel Facilities," should be eliminated because there is currently no provision to license this type of facility.

We also note there is an error on page 69A of Enclosure 4. The maximum frequency for categories 2A and 2B should read "1 per year" instead of "1 per 3 years".

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We will concur on the proposed final rule for 10 CFR 170 after the above changes are made. If you have any questions, please contact John Evans or Claudia Seelig on ext. 74072.

g Evans for R. S. Brown, Jr., Assistant to the

Director and Chief, Program Support Branch, NMSS

Enclosure: As stated

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NRC FORM 318 (10-80) NRCM 0240

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9. Section 170.31 is revised to read as follows:

## \$170.31 Schedule of fees for materials licenses and other regulatory services.

Applicants for materials licenses and other regulatory services and holders of materials licenses shall pay the following fees:

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES

Cat	egory	of Materials Licenses	Type of Fee $\frac{1}{}$ Fee $\frac{2}{}$		
1.	Special Nuclear material: _7/				
	Α.	Licenses for possession and use of 5 kg or more of contained uranium 235 in uranium enriched to 20 pct or more, or 2 kg or more of uranium 233, for fuel processing and fabrication. 3/	Application	Q.\$ <del>313.000</del>	
	8.	Licenses for possession and use of 5 kg or more of contained uranium 235 in uranium enriched to less than 20 pct, for fuel processing and fabrication. 3/	Application	99. \$ <del>616,000</del> 900. \$ <del>261,000</del>	
	c.	Licenses for possession and use of 2 kg or more of plutonium for fuel processing and fabrication. 3/	Application Construction Approvand License J. 400,0 Renewal	al 200.\$ <del>1,444,000</del> 220.\$ <del>461,000</del>	
	0.	Licenses for fuel possession and use of 5 kg or more of contained uranium 235 in unsealed form, or 2 kg or more of uranium 233 in unsealed form for activities other than fuel processing and fabrication. 3/	Application	20.5114,000	
	Ε.	Licenses for possession and use of quantities of plutonium of 2 kg or more in unsealed form for activities other than fuel processing and fabrication. 3/	Application	2\$ <del>1,083,000</del> \$280,000	

See footnotes at end of table.

Category	of M	aterials Licenses	Type of Fee 1/	Fee 2/
F.	200	enses for possession and use of g but less than 2 kg of plutonium unsealed form. 3/	Application	.4.5 <del>114,000</del>
G.	350 uran 200	enses for possession and use of g but less than 5 kg of contained nium 235 in unsealed form, or g but less than 2 kg of uranium in unsealed form. 3/	Application	20. \$ <del>288,000</del>
н.	fuel	enses for receipt and storage of it fuel at an independent spent storage installation.		
	1.	License for receipt and storage of spent fuel where the ISFSI is to be located at a new site.	Application	P. \$609, 700
	2.	License for receipt and storage of spent fuel where the ISFSI is to be located at the site of an existing nuclear facility. 4/	Application	CAFUIT COST
I.	spec	nses for possession and use of ial nuclear material in sealed ces contained in devices used ndustrial measuring systems. 5/	Application-New license Renewal Amendment	\$120
J.	spec form stit in §	other special nuclear material nses, except licenses authorizing ial nuclear material in unsealed in combination that would conute a critical quality as defined 150.11 of Part 150 which shall pay same rate as Category 1G.	Application-New license Renewal Amendment	\$350

Cat	egory	of Materials Licenses	Type of Fee 1	Fee 2/
2.	Sou	rce material: 7/		
	Α.	Licenses for possession and use of source material in milling operations, except in in-situ leaching and heap-leaching operations, ore-buying stations, ion-exchange facilities, and in processing ores containing source material for extraction of metals. 3/	Application	P \$128,000
	В.	Licenses for processing and recovery of source material in in-situ leaching operations or heap-leaching operations. 3/	Production Scale: Application License250,0 Renewal90,0 Amendment40,0 Research & Developm Application License90,00 Renewal Amendment20,00	000.\$258,000 000.\$ <del>91,000</del> 000.\$ <del>43,000</del> ent Scale: \$150 00.\$ <del>91,000</del> \$40,000
	c.	Licenses for refining uranium mill concentrates to uranium hexafluoride. 3/	Application	00. \$209,000
	0.	Licenses for possession and use of source material in ore buying stations, ion-exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations. 3/	Application	9. \$ <del>54,000</del> 99. \$ <del>22,000</del>

Cate	gory	of Materials Licenses	Type of Fee 1/	Fee <u>2</u> /
	ε.	Licenses authorizing decommissioning, reclamation or restoration activities as well as licenses authorizing the possession and maintenance of a facility in a standby mode. 3/	Application Amendment 5.4. erclos Renewal. see. enclos	sure. Full Cost
	F.	Licenses for possession and use of source material for shielding.	Application-New License Renewal	\$60
	G.	All other source material licenses.	Application-New license	\$350
3.	Вурі	roduct material: 7/		
	Α.	Licenses of broad scope for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution to specific licensees.	Application-New license	\$700
1	в.	Other licenses for possession and use of byproduct material issued pursuant to Part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution to specific licensees.	Application-New license	\$460
(	<b>:</b> .	Licenses issued pursuant to \$\$32.72, 32.73, and/or 32.74 of Part 32 of this chapter authorizing the processing or manufacture and distribution of radiopharmaceuticals, generators, reagent kits and/or sources and devices containing byproduct material.	Application-New license Renewal Amendment	\$1400

Category	of Materials Licenses	Type of Fee 1/ Fee	2/
0.	Licenses issued pursuant to §§32.72, 32.73, and/or 32.74 of Part 32 of this chapter authorizing distribution of radiopharmaceuticals, generators, reagent kits and/or sources or devices not involving processing of byproduct material.	Application-New license\$700 Renewal\$700 Amendment\$120	
E.	Licenses for possession and use of byproduct material in sealed sources for irrudiation of materials where the source is not removed from its shield (self-shielded units).	Application-New license\$230 Renewal\$170 Amendment\$120	
F.	Licenses for possession and use of less than 10,000 curies of byproduct material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes.	Application-New license\$580 Renewal\$350 Amendment\$230	
G.	Licenses for possession and use of 10,000 curies or more of byproduct material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes.	Application-New license\$2300 Renewal\$930 Amendment\$230	0
н.	Licenses issued pursuant to subpart A of Part 32 of this chapter to distribute items containing byproduct material which require device review to persons exempt from the licensing requirements of Part 30 of this chapter.	Application-New license\$580 Renewal\$230 Amendment\$120	

See footnotes at end of table.

Calljory	of Materials Licenses	Type of Fee 1/ Fe	e 2/
ī.	Licenses issued pursuant to subpart A of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material which do not require device evaluation to persons exempt from the licensing requirements of Part 30 of this chapter.	Application-New license\$29 Renewal\$20 Amendment\$60	30
J.	Licenses issued pursuant to subpart 8 of Part 32 of this chapter to distribute items containing byproduct material which require sealed source and/or device review to persons generally licensed under Parts 31 or 35 of this chapter, except specific licenses authorizing redistribution of items which have been authorized for distribution to persons generally licensed under Parts 31 or 35 of this chapter.	Application-New license\$12 Renewal\$70 Amendment\$23	00
K.	Licenses issued pursuant to subpart B of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material which do not require sealed source and/or device review to persons generally licensed under Parts 31 or 35 of this chapter.	Application-New license\$29 Renewal\$23 Amendment\$60	10
١.	Licenses of broad scope for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for research and development which do not authorize commercial	Application-New license\$12 Renewal\$70 Amendment\$12	0

distribution.

Cate	gory	of Materials Licenses	Type of Fee $\frac{1}{}$	Fee <u>2</u> /
	м.	Other licenses for possession and use of byproduct material issued pursuant to Part 30 of this chapter for research and development which do not authorize commercial distribution.	Application-New license	\$460
	N.	Licenses which authorize services for other licensees, except for leak testing and waste disposal pickup services.	Application-New license Renewal	\$930
	0.	Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations.	Application-New license	\$700
	Р.	All other specific byproduct material licenses, except those in categories 4A through 9D.	Application-New license	\$230
4.	Wast	e Disposal: 7/		
	Α.	Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of commercial disposal by land or sea burial by the licensee; or licenses authorizing contingency storage of low level radioactive waste at the site of nuclear power reactors; or licenses for treatment or disposal by incineration, packaing of residues resulting from incineration and transfer of packages to another person authorized to receive or dispose of waste material.	Application License	Full Cost 3

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Cate	gory	of Materials Licenses	Type of Fee 1/	Fee <u>2</u> /
	в.	Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.	Application-New license Renewal Amendment	\$930
	c.	Licenses specifically authorizing the receipt of prepackaged 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.	Application-New license Renewal Amendment	\$460
5.	Well	Logging: 7/		
	Α.	Licenses specifically authorizing use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies.	Application-New license	\$700
	в.	Licenses specifically authorizing use of byproduct material for field flooding tracer studies.	Application Licanse Renewalsee enclosy Amendment	CFFull Cost 3
5. 1	Nucle	ear Laundries: 7/		
,	Α.	Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material.	Application-New license Renewal Amendment	\$700

Cat	egory	of Materials Licenses	Type of Fee 1/	Fee 2/
7.	Hum	an Use of Byproduct, Source or Special lear Material: 7/		
	Α.	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.	Application-New license	\$350
	8.	Licenses of broad scope issued to medical institutions or two or more physicians pursuant to Parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.	Application-New license Renewal Amendment	\$7.70
	c.	Other licenses issued pursuant to Parts 30, 35, 40 and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy services.	Application-New license Renewal Amendment	\$580
8.	Civi	il Defense: 7/		
	Α.	Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	Application-New license	\$230

Cat	egory	of Materials Licenses	Type of Fee $\frac{1}{2}$
	Dev Eva	ice, Product or Sealed Source Safety luation:	
	Α.	Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution.	Application - each device\$1600 Amendment - each device\$580
	В.	Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with unique specifications of, and for use by a single applicant, except reactor fuel devices.	Application - each device\$800 Amendment - each device\$290
	c.	Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution.	Application - each source\$350 Amendment - each source\$120
	D.	Safety evaluation of sealed sources containing byproduct material, source material or special nuclear material, manufactured in accordance with the unique specifications of, and for use by a single applicant, except reactor fuel.	Application - each source\$175 Amendment - each source\$60
0.	Tran	sportation of Radioactive Material:	
	A.	Evaluation of spent fuel cask for greater than 20 kW decay heat.	Application\$150 Approval\$164,000 Renewal\$1,400 Amendment\$43,000

Categor	y of Materials Licenses	Type of Fee $\frac{1}{}$	Fee 2/
В.	Evaluation of spent fuel cask for less than 20 kW decay heat; air shipping package for plutonium; high-level waste casks; and packages containing radioactive material equal to or greater than 2,000 times the type A quantity. 6/	Application Approval Renewal Amendment	\$143,000
c.	Evaluation of fissile packages containing greater than type A quantities of radioactive material; packages containing radioactive material less than 2,000 times the type A quantity. 6/	Application Approval Renewal Amendment	\$65,000
0.	Evaluation of fissile packages containing less than type A quantities of radioactive material; packages containing radioactive material less than 200 times the type A quantity.	Application Approval Renewal Amendment	\$43,000 3
ε.	Evaluation of packages containing radioactive material less than 20 times the type A quantity. 6/	Application Approval Renewal Amendment	$$27,000 \frac{3}{3}$
1. Rev	lew of Standardized Spent Fuel		Full Cost
2. Spec	ial Projects	Application	Full Cost
and	s of Fees - Separate charges as shown in a applications for new licenses and approval approvals, and amendments and renewals to The following guidelines apply to these	ls, issuance of new li	censes
	tnotes continued) -		

(footnotes continued)

ENCLOSURE 4

ENCLOSURE

			Maximum
Cate	egory of Materials Licenses	Type of Fee	Fee
1. Spec	ial Nuclear Material		
н.1.	License for receipt and storage of spent fuel where the ISFSI is to be located at a new site.	Renewal	\$300,000
H.2.	License for receipt and storage of spent fuel where the ISFSI is to be located at the site of an existing nuclear facility.	Renewa1	\$200,000
2. Sour	ce Material		
NOTE	: We are subdividing category 2.E.		
Ε.1.	Licenses authorizing decommissioning, reclamation or restoration activities for a facility described in 2.A. above, as well as licenses authorizing the possession and maintenance of such a facility in a standby mode.	Amendment Renewal	\$125,000 \$125,000
E.2.	Licenses authorizing decommissioning, reclamation or restoration activities for a facility described in 2.8. above, as well as licenses authorizing the possession and maintenance of such a facility in a standby mode.	Amendment Renewal	\$ 25,000 \$ 25,000
4. Wast	e Disposal		
Α.	Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of commercial disposal by land or sea burial by the licensee; or licenses authorizing contingency storage of low level radioactive waste at the site of nuclear power reactors; or licenses for treatment or disposal by incineration, packaging of residues resulting from incineration and transfer of packages to another person authorized to receive or dispose of waste material.	License Renewal Amendment	\$800,000 \$400,000 \$150,000
5. Well	Logging		
В.	Licenses specifically authorizing use of byproduct material for field flooding tracer studies.	Application License Renewal Amendment	\$ 150 \$ 2,300 \$ 930 \$ 230

(Background - file only)

Cate	egory of Materials Licenses	Type of Fee	Maximum Fee
1. Spec	cial Nuclear Material		
H.1.	License for receipt and storage of spent fuel where the ISFSI is to be located at a new site.	Renewa1	\$300,000
H.2.	License for receipt and storage of spent fuel where the ISFSI is to be located at the site of an existing nuclear facility.	Rene al	\$200,000

(Fees for renewal of 1.H.1 and 1.H.2 were based on a conversation with Lee Rouse on 7/27/83. He estimated that these would require approximately one-half of the effort required to issue a new license. These are renewed every 20 years and there is not enough historical data to use for estimating.)

## 2. Source Material

NOTE: We are subdividing category 2.E.

E.1.	Licenses authorizing decommissioning, reclamation or restoration activities for a facility described in 2.A. above, as well as licenses authorizing the possession and maintenance of such a facility in a standby mode.	Amendment Renewal	\$125,000 \$125,000
E.2.	Licenses authorizing decommissioning, reclamation or restoration activities for a facility described in 2.B. above, as well as licenses authorizing the possession and maintenance of such a facility in a standby mode.	Amendment Renewal	\$ 25,000 \$ 25,000

(Fees for amendment/renewal of 2.E.1. were based on a conversation with John Linehan on 7/27/83. He estimated that these would require approximately the same amount of effort required for a renewal because the staff would have to review data gathered over the facility lifetime. An environmental assessment may be required. Fees for amendment/renewal of 2.E.2 were also provided by J. Linehan. He estimated that these would require 40 to 500 staff hours of effort and no contractual assistance. He derived these estimates from two current cases (04008380161E and 04008714100E). The \$25,000 figure is based on 500 hours multiplied by the \$58/hour rate in the proposed fee schedule. John estimated that the same estimate was appropriate for both amendments and renewals.)

Maximum

**ENCLOSURE** 

(Background - file only)

2

	Category of Materials Licenses		Type of Fee	Fee	
4.	Waste Disposal				
	Α.	Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of commercial disposal by land or sea burial by the licensee; or licenses authorizing contingency storage of low level radioactive waste at the site of nuclear power reactors; or licenses for treatment or disposal by incineration, packaging of residues resulting from incineration and transfer of packages to another person authorized to receive or dispose of waste material.	License Renewal Amendment	\$800,000 \$400,000 \$150,000	

(These rates were extracted from the proposed rule. They represent the maximum levels and were calculated based on previous NMSS input (7/81) to LFMB.)

## Well Logging

В.	Licenses specifically authorizing use	Application	\$ 150
	of byproduct material for field	License	\$ 2,300
	flooding tracer studies.	Renewal	\$ 930
		Amendment	\$ 230

(These rates are equal to the highest rate for a byproduct material license. There is no historical experience to base these estimates on. Currently, only two licenses exist in this category. They were issued years ago in a broad, nonspecfic format. One was renewed recently requiring considerable staff effort due to the fact that NMSS tried to make the renewal more specific. The other is currently being reviewed for renewal. There are no standard review plans or regulatory guides for these licenses. If future reg guides specify what is expected under this type of license, the amount of staff effort would decrease considerably compared to that expended on the two current licenses. Therefore, the estimates did not consider the limited historical data and were based on rates for other byproduct licenses. Facts on the two current licenses and standard review plans/guides were provided by Bruce Carrico on 7/27.)