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JUL 16 1982

Docket No. 40-8714

MEMORANDUM FOR: Jeffrey A. Pohle, Project Manager, Uranium Recovery Licensing Branch, WM
FROM: William O. Miller, Chief, License Fee Management Branch, ADM
SUBJECT: CLEVELAND CLIFFS IRON COMPANY - AMENDMENT NO. 3 TO LICENSE SUA-1352

Your memorandum dated March 24, 1982 (copy attached), informed us that Amendment No. 3 to License SUA-1352 "was initiated by the NRC staff solely for the benefit of the Commission and is exempt from fees." In our review of the amendment, we have been unable to determine how the Commission will benefit from issuance of the amendment, particularly when the amendment resulted from the review of a licensee's submittal and imposed additional requirements on the licensee.

Generally, if an amendment is initiated by the NRC staff and is issued for NRC convenience, no fee would be assessed. However, reports and other documents submitted by licensees for NRC review and approval, including documents which are required by license conditions, are subject to fees. In this case, Cleveland Cliffs filed a restoration report and monitoring program for NRC review, and it appears that the documents were filed in accordance with Condition 14 of the subject license. Amendment 3 specifically stated that (1) the license was being amended "in accordance with your letter dated November 16, 1981," and (2) the "effect of the amendment is to require the licensee to implement their proposed postrestoration monitoring program... and also to require the licensee to submit the appropriate...reports." Thus, it appears that the amendment was initiated in direct response to the licensee's November 16 filing, and since the amendment requires Cleveland Cliffs to comply with certain NRC requirements, the issuance of the amendment cannot be construed as an action for the convenience or benefit of the Commission. Accordingly, we propose to assess Cleveland Cliffs a fee for the review of their November 16, 1981 submittal.

Original Signed by
Wm. O. Miller

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

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Attachment:
As stated

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DATE	7/14/82	7/14/82	7/14/82	7/14/82		