



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

September 16, 1982

MEMORANDUM FOR: William Walker, NMSS

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

SUBJECT: COMMENTS - PROPOSED REVISION TO 10 CFR 35 ON HUMAN
USE OF BYPRODUCT MATERIAL

We have reviewed the subject staff paper which we recently received and have the following comments:

1. Memo to Commissioners - P. 7, listed under the primary benefits of the proposed license structure and review process, item 4 states "more accurate cost recovery than under the current fee structure." We feel that this statement is misleading in that it implies that the current fee structure is not accurate. The cost data used for the present fee schedule is out of date since it was provided by NMSS for FY1977; however, that does not make it inaccurate. As you know, a revised proposed schedule is now before the Commission for their consideration. If approved this schedule would update the costs based on FY1981 professional staff hour data provided by NMSS.
2. Enclosure 3 - P. 11
 - (a) The proposed rate of \$56 per hour was used for NMSS in some of the calculations. The NMSS professional rate, based on FY1981 actual cost data is \$58 per hour.
 - (b) The amount shown (\$108,750) in the 2nd paragraph as costs to be recovered under the current schedule should be changed to read \$103,750.
 - (c) The last paragraph on page 11 and the first paragraph on page 12 indicates that under the proposed Part 35 rule that the total cost for processing new applications, renewals and amendments is \$73,000. We are unable to determine how the cost figures for renewals and amendments were determined. We note that \$200 per case appears to have been included in the totals for travel costs. It is current Commission policy not to recover the cost of professional staff time actually spent in travel to or from the site. These two paragraphs also imply that when the Part 35 is revised not only will the turnaround time for applications be reduced but also the

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professional processing time will also be different from that which NMSS reported for SECY 81-615 which is now before the Commission for approval. At the time the proposed revision to Part 35 is implemented, it will be necessary to adjust the application, renewal and amendment fees charged to medical institutions to reflect any decrease in professional staff hours required to process applications under the revised rule.

3. We suggest that a reference be added to Item 26, Form 313MH to read as follows:
"10 CFR 170, Section 170.31."

William O. Miller

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

cc: P. Norry
M. Springer