

September 13, 2013

Mr. Tim DeBey
USGS Reactor Supervisor
Department of the Interior
U.S. Geological Survey
Box 25046 MS-974
Denver, Colorado 80225

Dear Mr. DeBey:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of July 5, 2013, requesting a fee waiver under Title 10 of the *Code of Federal Regulations* (10 CFR) Section 171.11(a)(2) for the U.S. Geological Survey's non-power reactor in Denver, Colorado (CO).

The NRC acknowledges the Energy Policy Act of 1992 provides an exemption on annual fees for certain State and Federally-owned research reactors used primarily for educational training and academic research purposes whose reactor design satisfies certain technical specifications. The NRC confirms that your letter complies with our letter dated July 6, 1995, from the Office of Chief Financial Officer stating for subsequent years, the U.S. Geological Survey must certify its research reactor in Denver, CO, meets the exemption criteria specified in 10 CFR 171.11(a)(2).

The NRC has established regulations for granting fee exemptions under 10 CFR 171.11, "Exemptions," for which licensees may apply in accordance with 10 CFR 171.9, "Communications." The NRC has reviewed your request based on the following regulations, 10 CFR 171.11(a)(2) and 10 CFR 171.9:

- *10 CFR 171.11 (a)(2) - An annual fee is not required for: (2) Federally-owned and State-owned research reactors used primarily for educational training and academic research purposes. For purposes of this exemption, the term research reactor means a nuclear reactor that--(i) Is licensed by the Nuclear Regulatory Commission under section 104c. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(c)) for operation at a thermal power level of 10 megawatts or less; and (ii) If so licensed for operation at a thermal power level of more than 1 megawatt, does not contain--(A) A circulating loop through the core in which the licensee conducts fuel experiments; (B) A liquid fuel loading; or (C) An experimental facility in the core in excess of 16 square inches in cross-section. The NRC has confirmed that the U.S. Department of Interior, U.S. Geological Survey's non-power reactor located in Denver, Colorado meets the specifications listed in the above regulations; therefore, the U.S. Geological Survey in Denver, Colorado meets 10 CFR 171.11(a)(2).*
- *10 CFR 171.9 - All communications concerning the regulations in this part should be addressed to the NRC's Chief Financial Officer, either by mail to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; by hand delivery to the NRC's offices at 11555 Rockville Pike, Rockville, Maryland; or, where practicable, by electronic*

submission, for example, via Electronic Information Exchange, or CD-ROM. Electronic submissions must be made in a manner that enables the NRC to receive, read, authenticate, distribute, and archive the submission, and process and retrieve it a single page at a time. Detailed guidance on making electronic submissions can be obtained by visiting the NRC's Web site at <http://www.nrc.gov/site-help/e-submittals.html>; by e-mail to MSHD.Resource@nrc.gov; or by writing the Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The guidance discusses, among other topics, the formats the NRC can accept, the use of electronic signatures, and the treatment of nonpublic information. The U.S. Geological Survey's fee exemption request was submitted in writing; therefore, the request meets the regulation.

The NRC concludes that the U.S. Geological Survey's fee exemption request meets the regulations as required under 10 CFR 171.11(a)(2) and 10 CFR 171.9; therefore, the fee exemption request is granted. If you have any technical questions regarding this matter, please contact Greg Schoenebeck at 301-415-6345. Please contact Ms. Arlette Howard, of my staff, at 301-415-1481, for any fee-related questions.

Sincerely,

/RA/

J. E. Dyer
Chief Financial Officer

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J. E. Dyer
Chief Financial Officer

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