



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 30, 2017

CHIEF FINANCIAL
OFFICER

Dr. Sean M. McDeavitt
Director, TEES Nuclear Science Center
Texas A&M University
Texas A&M Engineering Experiment Station
1095 Nuclear Science Road, 3575 TAMU
College Station, TX 77843-3575

Dear Dr. McDeavitt:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letters dated September 28, 2016, and October 25, 2016, requesting a fee waiver under Title 10 of the *Code of Federal Regulations* (10 CFR) 170.11(a)(9) for NRC review and approval of a "Certificate of Compliance for the Model 9979 Type AF Shipping Package" that was invoiced to the Department of Energy.

The NRC has established regulations for the granting of fee exemptions under 10 CFR 170.11, "Exemptions," for which licensees may apply in accordance with 10 CFR 170.5, "Communications." The NRC staff has reviewed your request based on the following regulation, 10 CFR 170.11(a)(9):

- *10 CFR 170.11(a) No application fees, license fees, renewal fees, inspection fees, or special project fees shall be required for: (9) 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)) at a thermal power level of 10 megawatts or less; and (ii) If so licensed 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.*

In your letter you state that the U.S. Department of Energy's Savannah River National Laboratory submitted a safety analysis report on behalf of Texas A&M University (TAMU) to the NRC for review and approval of a Model 9979 Type AF shipping package. You also state TAMU has moved its AGN-201M reactor, fuel, and special nuclear material (SNM) from the Zachry Engineering Center at TAMU to a temporary storage location at the Texas A&M Engineering Experiment Station Nuclear Science Center. You go on to state that the shipping package was used as it assured safe storage, transportation, and handling of the TAMU AGN-201M fuel and SNM and that NRC review and approval was required to authorize the usage of this shipping package to transport the AGN-201M fuel and SNM.

Finally, you state that the TAMU AGN-201M reactor is a state-owned research reactor used primarily for educational training and academic research purposes, has been licensed by the NRC under section 104c of the Atomic Energy Act of 1954 for operation, and its licensed thermal power level is 5 watts.

The NRC staff determined that the criteria in 10 CFR 170.11(a)(9) for the fee waiver are not met. The wording of the exemption clearly states: "No application fees, license fees, renewal fees, inspections fees, or special project fees shall be required for [...] reactors." The submittal of the Model No. 9979 DOE package Safety Analysis Report by DOE-SRNL on behalf of Texas A&M University cannot be considered as an application fee, a license fee, a renewal fee, or an inspection fee for the reactor. This submittal was an application for a revised certificate of compliance for a package allowing the shipment of Texas A&M fuel. Staff also determines that the work done to issue a certificate of compliance for the Model No. 9979 package does not fit the scope of "special project fees" in 10 CFR 170.12.

The NRC staff concludes that the fee waiver for NRC review and approval of a "Certificate of Compliance for the Model 9979 Type AF Shipping Package" that was invoiced to the Department of Energy does not meet all criteria under 10 CFR 170.11(a)(9); therefore, the fee waiver request is denied. If payment of the fees in one lump sum represents an undue financial burden, you may request a payment plan for the invoices. As per 10 CFR 15.35(b), "Payments," a debtor may arrange an installment plan with the NRC for payment of fees if the debtor is unable to pay the invoice in one lump sum. Please note that currently all installment agreements require the payment of interest at 1 percent annually and an administrative charge of \$7.00 per period.

Please contact Ms. Georgia Weindling of my staff at (301) 415-5529 for any payment plan related questions. Please contact Mr. William Blaney of my staff at (301) 415-5092 for any fee-related questions.

Sincerely,

/RA/

Maureen E. Wylie

cc: K. Osborne, DOE HQ
D. Morrell, INEL

SUBJECT: LETTER TO DR. SEAN M. MCDEAVITT RESPONSE TO FEE WAIVER (TEXAS A&M UNIVERSITY), DATED JUNE 30, 2017

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ADAMS: Yes No Initials: WB SUNSI Review: WB
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