



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

February 28, 1978

I M P O R T A N T

THIS NOTICE RELATES TO A REVISED LICENSE FEE
SCHEDULE FOR NRC FACILITY AND MATERIALS LICENSES

On May 2, 1977, the U.S. Nuclear Regulatory Commission published in the Federal Register for public comment a Notice of Proposed Rule Making which would amend its schedule of fees for facilities and materials applications and licenses.

After consideration of comments received, the Commission has adopted a revised schedule of fees as set forth in the enclosed amendment to 10 CFR Part 170. The revised schedule was published in the Federal Register on February 21, 1978, and will become effective March 23, 1978. The revised rule would establish for the first time fees for (1) requests filed by vendors and architect-engineers for standardized design approvals; (2) license amendments and renewals; (3) routine safety and safeguards inspections; (4) special projects and reviews (examples include, but are not limited to, topical reports, waste solidification facilities, fuel reprocessing facilities, and amendment or renewal of standardized reference design approvals); (5) requests for approval of spent fuel casks and shipping containers; and (6) requests for approval of sealed sources and devices containing or utilizing byproduct material, source material, or special nuclear material.

Based on comments, the final rule differs significantly in several respects from the May 2, 1977 proposed rule. A summary statement of each change may be found in the enclosure beginning on page 7216 (items 1 through 25).

We wish to draw your attention to the amended Section 170.12, which specifies requirements for payment of fees. It should be noted that where a fee is required to accompany an application, no application will be accepted for filing or processed prior to payment of the fee.

It should be noted that in cases where no fees are presently being charged, i.e., prior to March 23, 1978, the Commission will exempt from fees applications which are found to be complete and acceptable provided they were filed prior to the effective date of the amended rule. This exemption covers applications or requests filed prior to March 23, 1978, for (1) approval of nuclear steam supply systems and balance of plant

579001

7907160263

~~579001~~

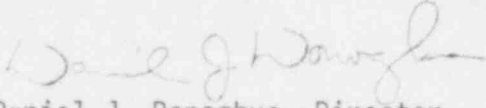
reference designs, (2) special projects, (3) evaluation of casks, packages, and containers used in transportation of radioactive material, (4) approval of standardized spent fuel facility designs, and (5) license amendments and renewals. Inspections which begin prior to March 23, 1978 will also be exempt from inspection fees.

In the case of Part 50 construction permits, manufacturing licenses, and operating licenses, where the permit or license review is completed on or after March 23, 1978, the revised schedule of fees will apply.

No additional license fees will be imposed for applications for Part 30, 40 or 70 licenses where the application was filed prior to March 23, 1978, and the prescribed fee was paid under the present schedule.

Questions regarding the revised license fee schedule should be submitted in writing to:

License Fee Management Branch
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555


Daniel J. Donoghue, Director
Office of Administration

Enclosure:
Notice of Rule Making

579002

United States Nuclear Regulatory Commission
Washington, D.C. 20555

License Fees
Published Federal Register, Vol. 43, No. 35
Tuesday, February 21, 1978

[7590-01]

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Revision of Fee Schedule

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The rule which follows revises the Commission's schedule of fees for applications, permits, and licenses. It establishes fees for requests filed by vendors and architect-engineers for standardized reference design approvals; amendments; renewals; routine inspections; special projects or reviews; approval of spent fuel casks, and shipping containers; and approval of sealed sources, and devices containing or utilizing byproduct, source, or special nuclear material. The fees are based on the Commission's costs of providing services in accordance with guidelines published on May 2, 1977.

DATE: This amendment will be effective March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. W. O. Miller, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-492-7225.

579003

SUPPLEMENTARY INFORMATION:

BACKGROUND

On May 2, 1977, the U.S. Nuclear Regulatory Commission published in the FEDERAL REGISTER (42 FR 22149-22168) for public comment proposed amendments to its regulations in 10 CFR Part 170 which would revise its schedule of fees for facilities and materials applications and licenses. It would establish fees for (1) requests filed by vendors and architect-engineers for standardized design approvals; (2) license amendments and renewals; (3) routine inspections; (4) special projects and reviews; (5) requests for approval of spent fuel casks and shipping containers; and (6) requests for approval of sealed sources and devices containing or utilizing byproduct, source, or special nuclear material. The notice invited interested persons to submit written comments for consideration in connection with the proposed amendments on or before June 1, 1977. Upon request, the Commission extended the comment period for an additional 30 days to July 1, 1977.

On May 12, 1977, the Commission held a public meeting in Bethesda, Md. Data used in developing the proposed schedule of fees were discussed at this meeting and copies of these data were provided to all interested persons.

The Commission has placed in its Public Document Room at 1717 "H" Street, Washington, D.C., all manpower, cost data, and more than 200 other documents used in developing the schedule of fees. In addition, computer printouts of manpower usage and workpapers have been made available for inspection at the Commission's office at 7920 Norfolk Avenue, Bethesda, Md 20014.

The May 2, 1977, notice set forth the Commission's guidelines for fees under the Independent Offices Appropriation Act of 1952, 31 U.S.C. 483a. These guidelines are based on the Supreme Court decisions in *National Cable Television Association, Inc. v. United States*, 415 U.S. 336 (1974), and *Federal Power Commission v. New England Power Company*, 415 U.S. 345 (1974), and further guidance provided by the United States Court of Appeals for the District of Columbia Circuit in *National Cable Television Association, Inc. v. Federal Communications Commission*, 554 F. 2d 1094 (1976); *National Association of Broadcasters v. Federal Communications Commission*, 554 F. 2d 1118 (1976); *Electronic Industries Association v. Federal Communications Commission*, 554 F. 2d 1109 (1976); and *Capital Cities Communication, Inc. v. Federal Communications Commission*, 554 F. 2d 1135 (1976).

In summary, the guidelines provide that:

1. Fees may be assessed to persons who are identifiable recipients of "special benefits" conferred by specifically identified activities of the NRC. The term "special benefits" includes services rendered at the request of a recipient and all services necessary for the issuance of a required permit, license, approval, or amendment, or other services necessary to assist a recipient in complying with statutory obligations or obligations under the Commission's regulations;

2. All direct and indirect costs incurred by the NRC in providing special benefits may be recovered by fees;

3. It is not necessary to allocate costs in proportion to the degree of public or private benefit resulting from conferring a special benefit on a recipient;

4. Where the identification of the specific beneficiary of NRC activity is obscure, the cost of the activity may not be included in the cost basis for fees;

5. A fee shall not exceed the sum on the average of the direct and indirect costs which the NRC incurs in furnishing the services for a member of the class of recipients for which the fee is assessed; and

6. Calculation of agency costs shall be performed as accurately as is reasonable and practical, and shall be based on specific expenses identified to the smallest practical unit associated with the rendering of the type of agency service to the particular class of recipients.

These guidelines determine whether or not the Commission may charge a fee for a particular service and what the maximum fee may be. In keeping with the sense of Congress expressed in the Independent Offices Appropriation Act of 1952 that agency activities performed on behalf of persons the agency serves "shall be self-sustaining to the full extent possible," the Commission is generally obliged to impose the fees allowed by these guidelines where it is fair and equitable to do so. The Commission recognizes that in exceptional circumstances fairness may require that a fee be set at a level below the cost of rendering the service. However, the Commission's discretion to reduce fees for certain service categories is limited by the IOAA mandate and by the requirement that a consistent and fundamentally fair fee structure must accord equal treatment to similarly situated recipients of agency services.

The fees in this notice are based on these Commission guidelines. Several changes have been made, however, in the schedule of fees contained in the May 2, 1977 notice in response to comments received from the public. Copies of the comments received by the Commission have been placed in our Public Document Room.

The May 2, 1977, notice contained a description of the functional activities

of the various Commission offices and identified the special services for which costs were included in fees and those activities for which costs were excluded from fee recovery. It also described the method of fee computation; discussed the costs of major NRC offices; and estimated the amount of fees the Commission would collect under the proposed fee schedule.

In accordance with Commission instructions, the staff analyzed the functions performed and services rendered by each NRC office to determine which activities, if any, provided special benefit to applicants, licensees, or permittees. After each NRC service was properly categorized, contractual services analyzed, and the professional manpower figures obtained for each fee category, the cost per man-year to maintain a professional employee (professional man-year rate) was developed for the Offices of Nuclear Reactor Regulation, Nuclear Material Safety and Safeguards, and Inspection and Enforcement, and the Advisory Committee on Reactor Safeguards, Atomic Safety and Licensing Board Panel and the Atomic Safety and Licensing Appeal Panel. These rates were developed by using (1) each office's costs of personnel compensation (salaries), personnel benefits, administrative support and travel, (2) the number of professional employees who were identified as working on licensing, inspection, and other special projects (excluding administrative, supervisory and management direction employees), and (3) the overhead support provided by the Program Direction and Administration and the Program Technical Support offices to the Offices of Nuclear Reactor Regulation, Nuclear Material Safety and Safeguards, and Inspection and Enforcement, and the Advisory Committee on Reactor Safeguards, Atomic Safety and Licensing Board Panel, and Atomic Safety and Licensing Appeal Panel (operating offices). To determine overhead support, the Program Direction and Administration and the Program Technical Support offices were analyzed to identify what service, if any, they provided to the operating offices.

After the analysis, the manpower and other costs of the Offices of the Secretary, Controller, Management Information and Program Control, Administration, Executive Legal Director, and the Executive Director for Operations, were allocated as overhead support to other NRC offices. Each of these offices, with the exception of the Offices of Controller and Administration, analyzed its operations in terms of the support it provides to the various operating offices. Based on this analysis, each office allocated its effort on a percentage basis. This overhead was applied to

the total cost of the office receiving the support. The costs for the Offices of Administration and Controller were distributed to all of the NRC offices on a pro-rata basis based on distribution of manpower. This procedure was followed for the Offices of the Controller and Administration because their support is directly correlated with the needs of the various NRC offices. Program Direction and Administration and the Program Technical Support offices excluded from fees are the Office of the Commissioners, General Counsel, Policy Evaluation, Inspector and Auditor, Congressional Affairs, Public Affairs, Planning and Analysis, Equal Employment Opportunity, and International and State Programs.

COMMENTS

Several comments contended that the proposed fee schedule was inconsistent with the guidelines established by the United States Supreme Court in *National Cable Television Association, Inc. v. United States*, 415 U.S. 336 (1974), and *Federal Power Commission v. New England Power Company*, 415 U.S. 345 (1974). In particular, they argued that the activities for which the Commission contemplated charging fees benefited not only the licensee, but also the public and that the Commission may not assess the licensee for those services which benefited the public.

The United States Court of Appeals for the District of Columbia Circuit rejected this argument in *Electronic Industries Association v. F.C.C.*, 554 F.2d 1109 (1976). The court explicitly endorsed a Federal Communications Commission assertion that: "The fact that the general public may also benefit by Commission authorization of such activities, in that the activities may directly or indirectly provide a service to the public, does not limit the Commission's authority to charge a fee to the recipients of the services that will allow those services provided by the Commission to be operated on a self-sustaining basis as mandated by Title V (of the IOAA)," 554 F.2d at 1114, fn. 12.

Several comments cited a Federal district court decision, *Public Service Company of Colorado, et al. v. Andrus, et al.*, No. 76-F-48 (D. Col. May 31, 1977) as authority for the contrary proposition that an agency may not recover through fees the cost of a service which benefits the public as well as the licensee. The case held that agency costs associated with the implementation of the National Environmental Policy Act (NEPA) cannot be collected from licensees under the Independent Offices Appropriation Act because NEPA primarily benefits the public. The Commission views this result as inconsistent with the recent

decisions of the United States Court of Appeals for the District of Columbia Circuit, cited above. As the quotation in the previous paragraph makes clear, the reasoning of these decisions supports inclusion of the costs associated with the implementation of NEPA and the Commission finds these decisions to be the better view. Accordingly, the Commission has not changed the guidelines upon which the fee schedule is based.

Many comment letters focused on the Commission's proposal to charge fees for routine inspections, contending for the most part that fees should not be charged for the conduct of routine inspections since the benefits of those inspections accrue solely to the public and because inspections provide no "special benefit" to the licensees. Some argued that inspections are (1) not part of the process of obtaining a license, (2) not services requested by licensees, and (3) not justified, because inspections are conducted solely to enable the Commission to meet its statutory obligation of assuring that licensed activities are conducted in a manner so as to protect the public's health and safety. The Commission believes these arguments overlook the essential point that continuing assurance that the licensed activity is being properly conducted is a necessary condition under the Atomic Energy Act for a license to remain in effect. Routine inspections give the licensee the opportunity to provide this assurance. Thus, the conduct of routine inspections comes under the Commission's guidelines for assessing fees to persons who are identifiable recipients of services which are necessary to assist a recipient in complying with statutory obligations or obligations under the Commission's regulations.

Several persons commented that the Commission was attempting in the proposed fee schedule to recover the full cost of licensing and inspection services and other persons contended that the schedule was designed to recover the full costs of regulatory services. It was suggested that this perceived policy exceeded the IOAA mandate to charge only for specific services rendered to identifiable beneficiaries. The fact is that if the revised schedule had been in effect in fiscal year 1977, the Commission would have recovered approximately 12 percent of its fiscal year 1977 budget.

After analysis of benefits and beneficiaries, those NRC activities and services that have been determined to be excludable from cost recovery are:

1. *Research.*—This covers all NRC research activities including the regulatory confirmatory assessment program (\$85 million in costs) which deals specifically with NRC decisions for the safe and environmentally compatible operation and protection of nuclear fa-

cilities and materials. The research program develops and analyzes technical information on reactor safety, safeguards, and environmental protection, as a basis for licensing and other decisions in the regulatory process. These activities relate directly to the licensing of reactors and other facilities; however, because these activities are generic in nature or because it would be difficult to allocate the costs of research between various recipients of the benefits, the total budgeted cost of research has been excluded (\$127.5 million in fiscal year 1977).

2. *Generic licensing activities.*—The Commission reviews many safety issues on a generic basis, i.e., issues not readily identified with a specific application or group of in-house applications. This means that a significant portion of the NRC professional staff is reviewing licensing or inspection matters for which no costs were included in fees because there is no immediate identifiable recipient. In fiscal year 1977, the budgeted costs of these services were estimated to be \$30.6 million.

3. *Standards development.*—These include: cover site safety and environmental impact standards for nuclear facilities; safety engineering standards for design, procurement, construction, testing, operation and decommissioning of nuclear power plants; fuel cycle facility safety engineering standards; safeguards standards for physical protection and control of nuclear materials and facilities; standards for safe transport of radioactive materials in medical, industrial and consumer products; and radiation protection standards. These standards are supportive of the NRC licensing and inspection programs. None of the budgeted costs of these services (\$16.2 million) are recovered by fees since they are not limited to specific applications or classes of applications.

4. *Safeguards.*—A significant part of the NRC safeguards effort is concerned with the development of contingency plans to deal with threats, thefts, and sabotage; assessment studies; and the monitoring, testing, and upgrading of safeguards systems. These activities, which were budgeted at \$7.1 million for fiscal year 1977, have been excluded from recovery because they are generic in nature. The remaining safeguards effort is concerned with processing license applications and inspection casework and, therefore, provides benefit to the applicant and licensee. The \$5.8 million in budgeted costs for these programs were included for fee consideration.

5. *Contested applications.*—Part 50 applications for facilities may be subjected to contested hearings and appeals under the Commission's regulations. As a matter of policy, the Commission has determined that to the

extent the costs of contested hearings exceed those of uncontested hearings, these costs would not be recovered through fees. The Commission's budget costs in fiscal year 1977 for contested hearings are estimated at \$5.6 million.

6. *International and State Programs.*—These programs are responsible for the development and implementation of plans, policies and programs for the coordination and integration of Federal and State regulation of nuclear materials and facilities, and for the negotiation and implementation of regulatory and safety programs and information exchange with other countries. As a matter of Commission policy, their budgeted costs of \$2.9 million are excluded from fees.

7. *Non-routine inspections.*—Non-routine inspections are concerned with incidents, investigations, or allegations involving licensed materials or facilities; reports that have been made alleging unusual occurrences pursuant to Part 19; management-audits; and enforcement activities. These activities, which are unscheduled, have not been included in fees based on Commission policy. Budgeted costs for this program are \$1.6 million.

8. *Establishment of overall policy, administration and management of NRC by the Office of the Commissioners.*—Since it is not practical to isolate and allocate the services of this office to individual activities, the budgeted costs of this office (\$1.3 million) have not been used in fee computation.

9. *Services for policy evaluation and plans and analysis* are not directly concerned with the review of applications or routine inspection activities and their budgeted costs totaling \$1.9 million have been excluded from fees.

10. The activities of the Offices of Inspector and Auditor (\$1 million), Congressional Affairs (\$0.2 million), Public Affairs (\$0.7 million), and Equal Employment Opportunity (\$0.2 million), have been excluded from cost recovery because the activities are not concerned with the review of applications or routine inspections and appear to constitute an independent public benefit.

11. The legal service provided by the Office of the General Counsel and its services in contested hearings and litigation is excluded from fees because the services, except those involved in contested hearings, are not directly concerned with the licensing and inspection process. Commission policy provides that the services of the Office of the General Counsel in contested hearings are to be excluded from fees. Total exclusion is \$0.6 million.

12. All activities related to government owned reactors were excluded. Budgeted costs of \$0.1 million were excluded.

13. The costs of the facility indemnity program were excluded since these

costs are recoverable under another program. Budgeted costs of \$0.2 million were excluded.

14. The costs of providing services under the Freedom of Information Act, Privacy Act, and the Federal Reports Act, have been excluded from fees. Budgeted costs of \$0.5 million were excluded.

15. The costs of special projects in the Office of the Executive Director for Operations were excluded since they are not directly concerned with licensing or inspection services. Budgeted costs of \$0.4 million were excluded.

16. Capital equipment budgeted costs of \$0.8 million, which cover inspection vans, radiation monitoring equipment, instrumentation, reproduction equipment, etc., were excluded from fees.

Based on the Commission's guidelines and a detailed analysis of the regulatory services provided by NRC, \$199.4 million, or approximately 80 percent of the Commission's budgeted regulatory costs, were excluded from consideration for recovery because the services do not provide special benefit to applicants or licensees, because the recipient of the benefit is not readily identifiable, or because the program is conducted on behalf of the public. Those regulatory services which provide special benefit to applicants and licensees include:

1. The processing and reviewing of applications or requests for construction permits, operating licenses, manufacturing licenses, materials licenses, amendments, renewals, approval of standardized reference designs, special projects (such as early site review, topical report reviews, and amendments or renewal of standardized reference design approvals), approval of packages and containers for shipping radioactive materials, and evaluation of sealed sources and devices containing or utilizing radioactive material. The NRC's budgeted costs of providing these services are \$30.9 million.

These services are provided by the reactor licensing staff (\$22.5 million); materials and non-reactor facilities licensing staff (\$6.4 million); the Advisory Committee on Reactor Safeguards (\$1.3 million); and the Atomic Safety and Licensing Board Panel and Atomic Safety and Licensing Appeal Panel in their licensing effort (\$0.3 million).

2. Routine health, safety, safeguards, and quality assurance inspections. The NRC's budgeted costs of providing these services are \$22.3 million.

The costs of licensing and inspection include the costs of professional manpower and their overhead and support costs.

NRC services which provide special benefit to applicants and licensees and that meet the criteria of the Commis-

sion guidelines for fees were approximately \$53.2 million in fiscal year 1977. Under this revised schedule, it is anticipated that the Commission would recover approximately \$30 million of its Fiscal Year 1978 budget of \$281.4 million and \$20 million of the Fiscal Year 1979 budget. The reasons for the small percentage of recovery in relation to the NRC budget are threefold: (1) Approximately 80 percent of the regulatory services have been determined to fall outside the guidelines for fees, (2) specific activities such as the review of an application for a construction permit for a power reactor, extend over a period greater than one year, and (3) the revised schedule would not be in effect for the entire fiscal year 1978.

One person commented that overhead or support costs should be excluded from fees since such activities provide no benefit to applicants and licensees. It is common practice in business and industry to include in a fee or charge for consultation, service or product, a portion of management, space, communications, and administrative costs. It is reasonable to include in the fee base that portion of overhead costs incurred in support of professional staff work on applications, licenses, and inspections.

Several vendors and architect-engineers who have filed standardized reference designs for power reactors for review and approval contend that the schedule of fees fails to provide an incentive for the industry to standardize and, in fact, may serve as a disincentive. They note that the schedule of fees does not show a savings in the effort required to review and approve a standard design or plant when compared to the effort required for an application for a power plant that embodies a custom design nuclear steam supply system and balance of plant. The primary difference in review requirements for custom and standard designs arises from the treatment of interfaces between the standardized portions and the custom portion of the plant. In the custom plant there are no interface problems between the nuclear steam supply system and the balance of the plant because the unit is reviewed as a complete package. In the standard plant the nuclear steam supply system design must be evaluated and described so that it can be referenced by any one of several different balance-of-plant systems. This means that all portions of the nuclear steam supply system that must be met by the balance of the plant must be pulled out and identified for future reference and compatibility.

The standard reference design also differs in that more complete preliminary design information is required. Because of these situations, the manpower is reflected in higher review

costs for standard designs at the construction permit stage. Since standardization in the nuclear power industry is in the developing stages, it is reasonable to assume that the NRC staff may have been in the upper part of a learning curve with respect to the review and evaluation of such applications when the manpower averages were developed for these facilities. The Commission believes that as standardization increases, the review time and, hence, the accompanying fees will decrease. It is also expected that, as experience is gained by the industry, the NRC effort required to process applications for standard designs and standardized plants will decrease because interface problems will be resolved, and custom and standard plant designs will approach each other with regard to completeness of preliminary design. Because of the changing state in standardization, and reactor licensing, the charges for all construction permits and operating licenses; facility manufacturing licenses; and for review of Preliminary Design Approvals and Final Design Approvals (including amendments and renewals thereto) will be based on the expenditures for professional manpower and appropriate support services required to process the specific application. The respective fees will be determined when the review of the project is completed.

It is important to realize that, in the standardization of nuclear facilities, the significant benefits to industry would be predictability, repeated use of a design, and commonality in analysis, procedures, and purchase specifications. Additionally, as these benefits develop, licensing time and costs should decrease.

It should be noted that, with respect to the licensing of a standard nuclear power plant, much of the effort required to process the application is independent of the standardization option. The effort related to environmental, antitrust, and safeguards reviews and considerations as well as quality assurance inspections and evaluations, considerations of the Advisory Committee on Reactor Safeguards, and hearings, are independent of the type of plant or design.

It was observed by one person that the proposed schedule of facility fees did not contain a schedule of fees for renewal of licenses for test and research reactors. It is intended that renewals of such licenses will be handled by amendments under the appropriate class in the license amendment schedule of § 170.22, and that a separate fee schedule is unnecessary.

It was suggested that the six classes of amendment fees for facility permits, licenses, or approvals, be revised for clarification purposes. The licensing staff has reviewed the classes of amendments and made revisions to

the class definitions so that they would be more specific. The schedule in § 170.22 has also been revised to provide that, at the time an application for amendment or other required approval is filed, the applicant shall determine the class of amendment or approval being filed, state the basis for the classification, and remit the corresponding fee with the application. The Commission will evaluate the application or request to determine accuracy of the fee classification and inform the applicant if reclassification is required. Where a reclassification results in overpayment by the applicant, a refund will be made. If the reclassification results in placing the application into a higher fee class, the applicant will be billed for the additional charge. The Commission's processing of an application or request by consolidation or by separation into parts will not result in increased charges. The processing of an application for an amendment or approval will not be delayed pending resolution of proper fee payment. *Provided*, The applicant has classified the application and remitted what it believes to be the correct fee.

Proposed § 170.22 provided that amendments or approvals resulting from Commission Orders issued pursuant to 10 CFR 2.204 of this chapter, or amendments resulting in an initial increase in power to 100 percent of the initial design power, are exempt from fees. The section was amended to provide that, in addition, the Commission will consider exempting from fees those applications for amendments in Classes I, II, and III, when the application results from a written NRC request for an application to amend a license; provided, however, that the request is to simplify or clarify license or technical specifications, the amendment has no, or only minor safety significance, and the amendment is issued for the convenience of the NRC. Examples of such amendments would include, but are not limited to, conversion to standardized technical specifications, revision of reporting requirements, Commission initiated changes to simplify interpretation of specifications, and removal of unnecessary technical specifications after satisfactorily completing environmental studies.

Several persons commented that the Commission should specify a maximum level of inspection frequency rather than a minimum frequency so that licensees would know how many inspections would be performed in a given period of time, as well as the costs thereof. Some licensees argued that unless a maximum inspection frequency was provided for in the rule, the NRC could perform numerous inspections at will and charge the licensees for each inspection. We agree that the rule should provide for maximum

charges, and thus, have revised the inspection fee schedules accordingly to show the maximum number of charges which will be assessed against a license during a specified period.

One person commented that the proposed schedule of facility fees did not recognize the case of a duplicate plant project utilizing a reference nuclear steam supply system and a balance of plant. This approach to standardization is covered by § 170.21, fee Category A.4.b.

It was suggested by one person that NRC costs incurred in the review of applications for approval of standardized reference designs filed by vendors and architect-engineers be incorporated in the charges assessed to a utility filing for a construction permit for a nuclear power plant. The writer argued that the utility is the ultimate recipient of any benefit of standardization. We have not done this because vendors and architect-engineers file the applications and request approval of their designs and are therefore the identifiable recipients of special benefits conferred by NRC approval of standardized reference designs.

One person commented that any fees paid for an early site review should be deducted from the charge assessed for a construction permit. We agree that, where an application for a construction permit is filed proposing to build a facility on a site which has been approved for a facility by the NRC, and a fee has been paid for the early site review, the fee will be subtracted from the charge imposed on the applicant for the construction permit. In no instance will an applicant be required to pay more than one fee for review of a single site, except where the time lapse since the review is such that an update of the review must be completed.

Two parties commented that it would be unfair to assess fees for Preliminary Design Approvals and Final Design Approvals for standardized reference designs where the application was on file prior to the effective date of this notice. As of December 16, 1977, the Commission has reviewed and issued 11 approvals without assessing fees. To be fair and equitable in those cases where no fees are presently being charged, the Commission will exempt from payment of fees (1) approvals of Preliminary Design Approvals and Final Design Approvals, (2) special projects, e.g., early site reviews, topical reports, and amendment or renewal of Preliminary Design Approvals and Final Design Approvals, (3) approvals issued for the evaluation of casks, packages, and containers, used in transportation of radioactive material, and (4) approvals for standardized spent fuel facility design provided such complete and acceptable applications were filed prior to the ef-

effective date of this notice. In those cases where no fees are presently being charged for license amendments and license renewals, and where a complete and acceptable application for amendment or renewal is filed prior to the effective date of this notice, the Commission will exempt the application from fees.

In the case of Part 50 construction permits, manufacturing licenses, and operating licenses, where the permit or license review is completed on or after the effective date of this amendment to Part 170, the revised schedule of fees shall apply. Under the present regulations in Part 170, the application fee for Parts 30, 40 and 70 licenses covers the review and licensing process. Accordingly, no additional license fees would be imposed on those applications filed prior to the effective date of this amendment.

One person questioned how charges would be determined for facility Reference System Preliminary Design Approvals and Final Design Approvals when more than one standard design is included in a single application. The point was made that it would be unfair to charge a full fee for each approval when there is likely to be an amount of commonality in designs. The charge for vendor and architect-engineer standard design approvals will be based on the expenditures for professional manpower and appropriate support services required to review the particular application with an upper ceiling specified in the rule. The charge for the approval of a single design will not exceed that shown in the fee schedule (application fee plus approval fee). When one application for a Preliminary Design Approval or a Final Design Approval contains more than one design, the additional approvals are subject to a maximum fee which is the sum of the application fee and approval fee. Consequently, where a design has commonality with a previously approved design, the reduced effort will be reflected in the charge. Where a Preliminary Design Approval or Final Design Approval is amended or renewed the amendment fee or renewal fee will be based on expenditures for professional manpower and appropriate support services required and be considered as a special project.

Two parties suggested that the collection of fees for Preliminary Design Approvals and Final Design Approvals be deferred until the design is sold and a construction permit issued and the fee be spread over several units. The Commission has decided that collection of review costs for Preliminary Design Approvals and Final Design Approvals will be as follows: the applicant will be required to remit an application fee of \$50,000 with the application and pay 20 percent of the remaining review costs (which are limited by

the rule) for each of the first five units of the approved design as they are referenced in applications filed by a utility or utilities.

Several parties argued that collection of fees for regulatory services may lead to inefficiency and redundancy in NRC's review of applications. This argument appears to be without merit. The Commission is committed to the expeditious review of each application; however, the review must be conducted within the established guidelines and regulations of the NRC and applicable statutes. In addition, the Commission is committed to the effective use of its resources and accordingly, budget and staffing proposals are carefully reviewed by internal review committees, by the Commission, by the Office of Management and Budget in the Executive Office of the President, and by the Congress.

Several persons commented that the NRC's assessing of fees, while the Agreement States do not, puts the Commission licensees at a competitive disadvantage with licensees operating under Agreement State licenses. The extent and significance of this problem is not serious because at this time, several Agreement States have license fees and it is expected that other states will adopt a fee program. The Commission has furnished model license fee legislation to all 50 states and to the Council of State Governments. In addition, there are few instances where Commission licensees are in close and direct competition with Agreement State licensees. Finally, assessment of fees here is consistent with the judicial guidelines utilized in promulgating this fee schedule.

One person commented that the length of time is too short between renewals for materials licenses, and that renewal fees should be deleted since the renewal of a materials license can be addressed as an amendment.

The matter of the length of time between issuance and expiration of a license is not directly related to fees. It is noted, however, the staff is currently reviewing the five-year renewal requirement for materials licenses. With regard to whether or not a separate fee category is warranted for renewals, it should be noted that the nature and scope of license renewals and license amendments are sufficiently different to warrant categorizing them separately. License amendment reviews normally focus on one or more narrow aspects of a licensed operation, while a license renewal involves a broad review of nearly all aspects of licensed operations.

Two persons commented that the terms "major amendment" and "minor amendment" for materials licenses should be defined and that the cost difference between the major and

minor amendment fees may not be fair. The proposed fee schedule did define the two classes of materials license amendments. Because of limited licensing experience in the fuel cycle area, commercial waste disposal by burial, and the evaluation of packages and containers used in transportation of licensed material, the fees shown in the schedules will be the maximum charges and the fee will be based on the actual expenditures for professional manpower and appropriate support services.

Several persons commented that Category 11, the fees for review and approval of shipping packages and containers, should be broadened to differentiate between small and large shipping containers. The proposed rule has been revised to take into account the various types of shipping containers on the basis of the decay heat for spent fuel casks. The number of categories has also been expanded to make a distinction with respect to the quantity and form of radioactive material that may be present in the shipping package and whether the contents of the package are fissile.

Numerous colleges and universities questioned whether nonprofit educational institutions would be required to pay license, amendment, and inspection fees for research reactor facilities under the proposed schedule of fees when the facility is used for purposes other than teaching, training, or medical activities. They argued that to impose such charges may in some instances jeopardize their research programs. On the other hand, there were also comments from industry that it was unfair for an educational institution to use a research reactor for commercial purposes in competition with private industry without being subject to the payment of license and inspection fees. Currently, there are 54 colleges and universities licensed by the Commission to operate research reactors. The Commission does not have data concerning how extensively these facilities may be used for purposes other than teaching, training, or medical. It is not practical to resolve this matter with this amendment to Part 170. The Commission will pursue this matter at a later date and issue a separate notice.

Several parties argued that the Commission should not impose fees on vendors and architect-engineers for review of facility topical reports. These reports deal with subjects such as design, analytical models, or techniques or performance testing of components, and systems of nuclear power plants, which can be reviewed independently of any specific license application for a construction permit or operating license. The basis for the argument is that these reports benefit the Commission's licensing process and

the utility by reducing the time required to process a permit or license. They argue that imposition of fees for topicals may discourage the submission of such reports since the vendor and architect-engineers are not particularly interested in this review system in any event.

The May 2, 1977 notice left the charge for topical report reviews open; to be based on actual expenditures for professional manpower and appropriate support services with no upper limit. The topical report review involves the evaluation of an application filed by a vendor or architect-engineer. It comes under the Commission's guidelines for assessing fees to persons who are identifiable recipients of special benefits conferred by specifically identified activities of the NRC. The Commission has decided to assess fees for topical reports because the service provided in the review of the application or report falls within the guidelines which were based on the court's decisions. The Commission has, however, set an upper limit of \$20,000 for a topical report review because it believes that the submission of topical report requests should not be discouraged by the possibility of an open-ended fee. In this exceptional circumstance the Commission has, therefore, set a maximum fee for the topical report review. It is to be noted that the upper limit applies equally to all persons who request topical report reviews and is consistent with the guidelines.

One licensee commented that the steady-state power, which characterizes a research reactor, is the level which the Commission should use in setting the frequency of routine inspections. The classification of each licensed research reactor is described in the Commission inspection manual which is in the Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C. This classification is based on various characteristics of the facility as they relate to safety and, in general, are related to licensed steady-state power levels. As suggested, steady-state power will be used to determine the frequency of inspections for research reactors.

One person commented that it is inequitable to propose a safeguards inspection fee for a reactor fuel reprocessing facility that is substantially higher than the fee for a power reactor. Most of the difference in fees result from costs attributable to the inspection of the material control and accountability aspects of the licensee's program. This is directly related to the fact that considerable special nuclear material is in an uncontained state while in various process streams and, therefore, is much more vulnerable to theft and/or diversion through sabotage in a fuel reprocessing plant. By

contrast, inspection for a reactor is concerned with control and accountability involving only verification of sealed fuel element inventory and burn-up calculations and physical security.

Several parties commented that fees should be related to revenue earned by the licensee or to the volume of sales so that smaller businesses pay lower fees. The Court of Appeals found that the value conferred standard means that the fee assessed cannot exceed approximate costs to the agency rendering the service. Fees based on revenue or the volume of business would not conform to the Court's guidance because these variables are unrelated to the NRC's costs of performing the service.

It was suggested by one person that the new schedule should include a provision for situations where the licensee places a licensed plant in a standby situation for an indeterminate period. This situation would be handled by license amendment. When a plant is placed in standby, the license may be modified to authorize "possession only" and this would be considered a minor amendment. When the licensee plans to resume operations, the license would be amended to authorize "possession and use".

CHANGES INCORPORATED IN FINAL RULE

1. The schedule of facility fees has been revised to provide that charges for construction permits, operating licenses, facility manufacturing licenses, review of standardized reference designs filed by vendors and architect-engineers, and topical report reviews will be based on the expenditures for professional manpower and appropriate support services required to process the application or request. Such charges will not exceed the fees shown in § 170.21.

2. A new term "Advanced Reactors" has been added to § 170.21 and will replace the category identified as "Breeder Reactors". The new category is defined as any nuclear reactor concept other than light water reactors and high temperature gas cooled reactors and will accommodate new reactor concepts which may be submitted to the Commission for review.

3. The category identified as Fuel Reprocessing Complex has been deleted in Proposed 170.21 E. Any processing of such applications in the future will be handled as special projects.

4. Footnote 4 of § 170.21 (previously designated footnote 10) has been revised to provide that, where a fee has been paid for a facility early site review, the charge will be deducted from the fee assessed for a construction permit issued for the approved site. Also, the revised footnote clarifies the intent that a separate charge will

not be assessed for a site review where the person requesting the review has an application for a construction permit concurrently on file for the same site, except where the application for the construction permit is withdrawn by the applicant or denied by the Commission.

5. The classes of amendments for facility permits, licenses, or approvals, have been revised extensively. Although six classes remain, the descriptions have been amplified and clarified. The footnote in § 170.22, which would exempt from fees amendments issued pursuant to Commission orders, has been broadened to provide that Classes I, II, and III amendments, which result from written NRC requests, may be exempted from fees at the discretion of the Commission when the amendment is issued for the convenience of the Commission.

6. The definition of special projects has been broadened to cover applications or requests to amend or renew Preliminary Design Approvals or Final Design Approvals for standardized reference designs filed by vendors and architect-engineers. Accordingly, fees for such applications or requests will be based on actual expenditures for professional manpower and support services.

7. The schedule of inspection fees has been modified to show the maximum number of charges which will be assessed against a license during a specified period. The proposed schedule did not set an upper limit. Licensees may be inspected more frequently than shown in the schedule, however, the number of charges will be limited by the schedule.

8. Several new fee subcategories have been developed for Category 1H licenses which authorize the receipt and storage of spent fuel. The new categories take into consideration factors which affect the scope of the licensing review. This includes whether or not the facility will be based on an approved standardized design or a custom design, and whether the facility will be located on a site for which an environmental and site safety review have been performed and documented when the license application is filed with the Commission. A new fee Category 12, covering the review of a standardized spent fuel facility design, has been established. The new categories will accommodate the new standardization concept in licensing.

9. Several new fee categories have been developed for the review of packages and containers used in the transportation of licensed radioactive materials. The new categories are designed to cover the smallest practical units used in transportation.

10. Materials license fee Categories 1A through 1G, 2A through 2C, and 4A, of § 170.31 have been modified to

split the application fee shown in the proposed schedule into an application fee and license fee. The total charge will remain the same as shown in the May 7, 1977 notice. The modifications make the method of assessing fees for fuel cycle applications and licenses consistent with that used for Part 50 facility licenses.

11. The definition of materials license fee Categories 1A, 1C, 1D, 1E, 1F, and 1G, of § 170.31 and § 170.32 have been modified to make the language consistent with Part § 73.1 and equivalent sections of Part 70 with respect to safeguards application requirements.

12. Footnote 1 to § 170.31 has been revised to provide that an application for a license, license renewal, or license amendment, covering more than one fee category of special nuclear material, except Category 1H (spent fuel storage), will be subject to the category having the highest fee, provided, however, the use of the material is confined to one location. The purpose of this change is to clarify the intent of the Commission to limit fees to the direct and indirect costs of the licensing review or inspection.

13. § 170.31 has been revised to clarify the intent that applications for licenses to manufacture and distribute encapsulated byproduct material or special nuclear material for use in power generation are not subject to the charges in fee Categories 1J and 3A. Also, fee Category 10 covering power sources has been revised to clarify that reactor start-up sources are not considered sources used for power generation.

14. Fee Categories 1D through 1G, and 1J have been revised to clarify the intent that these categories cover licenses which authorize research and development and that the radioactive material is in an unsealed form.

15. A footnote has been added to § 170.31 which specifies that an applicant for a license or license amendment which would authorize both byproduct material and special nuclear material contained in sealed sources for use in gauging devices will pay a single fee under fee Category 11. This change takes into account the Commission's intent to limit fees to the direct and indirect costs of the licensing review.

16. Fees have been established for renewal of Commission "Approvals" for packages and containers used in the transport of radioactive materials. The renewal fee was inadvertently omitted in the proposed schedule.

17. The terms "duplicate unit", "replicate unit", "reference systems concept", and "Advanced Reactors", have been added to § 170.3 for clarification purposes. The definition of "waste disposal license" has been deleted as unnecessary.

18. A footnote has been added to § 170.32 which provides that, where more than one permanent radiography installation is shown on a materials license as authorized locations of use, a separate fee will be assessed for the routine inspection of each location, provided, however, that if the multiple installations can be inspected during one visit a single inspection fee will be assessed.

19. The regulation in § 170.12 concerning the remittance of fees by applicants and licensees has been revised in its entirety to accommodate the amended rule.

20. The schedule of amendment fees for materials license Categories 1A through 1H, 2A through 2C, 4A and 4B, and 11A through 11D, have been modified to add fees for "Administrative" type amendments. Footnote 3 to § 170.31 has been amended to define administrative amendments. The modification will accommodate those requests from licensees which are routine or administrative in nature (e.g. name changes, minor word changes in licenses or approvals etc.).

21. The proposed amendment fee for materials fee Category 2B has been redesignated as a major safety and environmental amendment fee. A new category designated as minor safety and environmental amendment has been established for fee purposes. These changes make the amendment fees for Category 2B consistent with those established for other major fuel cycle licenses.

22. Footnote 4 of § 170.21 (previously designated as footnote 10) has been broadened to provide for a maximum fee of \$20,000 for the review of a topical report. The fee will be based on actual expenditures incurred for professional manpower and support services. The fee in the proposed schedule was open-ended.

23. Footnote 1.d. of § 170.31 has been revised to provide that the Commission may exempt from fees applications for amendments to materials licenses and approvals which result from a written NRC request and the amendment is issued for the convenience of the Commission.

24. Footnote 4. of § 170.31, which provides for the charging of fees based on actual manpower and support services required to process the application, has been added to Categories 1D through 1G of § 170.31. This approach is consistent with other fuel cycle licenses where the professional manpower and appropriate support services will be determined and the resultant fee assessed, but in no event will the fee exceed that shown in § 170.31.

25. The method of payment for Preliminary Design Approvals or Final Design Approvals has been modified to require the application for approval to be accompanied by an application fee

of \$50,000, and to require the approval fee to be paid in five installments based on payment of 20 percent of the fee for each of the first five units of the approved design referenced in an application filed by a utility or utilities. Approval fees for additional designs, filed in a single application are subject to a maximum fee which is the sum of the application fee and the approval fee.

RULEMAKING PETITIONS

On May 2, 1974, Conner, Hadlock and Knotts, a Washington, D.C., law firm, filed a petition for rulemaking on behalf of 13 electric utilities with the Nuclear Regulatory Commission (at that time the Atomic Energy Commission) to amend the license fee schedules specified in 10 CFR Part 170 by reducing the fees for nuclear power reactor licenses. The petition cited the March 4, 1974 decisions of the Supreme Court, referred to previously. This petition was docketed as RPM-170-2 and a notice was published in the FEDERAL REGISTER on May 21, 1974.

In a letter dated February 7, 1975, the petitioners moved the Commission to limit fees to be charged in the future to the amounts specified in their petition of May 2, 1974, with respect to application fees, construction permit fees, and operating license fees, until the matter of appropriate fees is finally resolved by court or legislative action and to consolidate into Docket PRM-170-2 the Commission initiated rulemaking proceeding regarding the proposed amendments to 10 CFR Part 170. The Commission denied the petitioner's request for a temporary reduction of fees as made in the request to consolidate Docket PRM-170-2 with the Commission's ongoing rulemaking proceeding in connection with the proposed amendment of 10 CFR Part 170 (40 FR 33736).

The Nuclear Regulatory Commission has developed a revised schedule of license fees in 10 CFR Part 170 consistent with the holdings of the Supreme Court decisions and the United States Court of Appeals for the District of Columbia Circuit in its December 16, 1976 decisions in the Federal Communications Commission cases.

Under these Courts' decisions, we find no basis for granting the petitioner's request for a reduction of licensing fees to approximately five percent of the current level in 10 CFR Part 170. Under the guidance provided by the Court of Appeals, fees may be assessed to persons who are identifiable recipients of special benefits conferred by specifically identified activities of the NRC. Special benefits include services rendered at the request of a recipient, all services necessary for the issuance of a required license, and all services necessary to assist a recipient in complying with statutory obliga-

*Should read: PRM insert **Should read: their letter of February 7, 1975 and granted

tions or obligations under the Commission regulations. Under the revised schedule, the direct and indirect costs incurred in providing special benefits as described above were used in fee calculations.

The Atomic Industrial Forum also filed a petition to amend the license fee schedule (PRM 170-1, 39 FR 15521). The Commission's independent rule making proceeding on license fees has rendered the petition moot. Accordingly, it is denied.

Following the Supreme Court decisions on March 4, 1974, in *National Cable Television Association, Inc. v. United States* 415 U.S. 336 (1974), and *Federal Power Commission v. New England Power Co.*, 415 U.S. 345 (1974), the Commission eliminated annual license fees and notified licensees that a request may be filed for refund of annual fees collected. We again advise licensees that a refund of annual fees is available. A request for refund should include the name and address of the licensee and the license number. Each specific annual fee refund claim should include the invoice number, the amount paid by year, the amount of the refund requested, and the amount of any previous refund.

Request for refunds should be mailed to the Office of the Controller, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 170, are published as a document subject to codification to be effective March 23, 1978.

1. The title of the license fee schedule (Part 170) is hereby amended to read:

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

2. Section 170.2 is revised to read as follows:

§ 170.2 Scope.

Except for persons who apply for or hold the permits, licenses, or approvals exempted in § 170.11, the regulations in this part apply to a person who is an applicant for, or holder of, a specific byproduct material license

¹Under its current regulations the Commission recovered approximately 3.7 percent of its regulatory budget in fiscal year 1977. If the revised schedule had been in effect during fiscal year 1977, the Commission would have recovered about 12 percent of its fiscal year 1977 budget of approximately \$250 million.

issued pursuant to Parts 30 and 32-35 of this chapter, a specific source material license issued pursuant to Part 40 of this chapter, a specific special nuclear material license issued pursuant to Part 70 of this chapter, a specific approval of spent fuel casks and shipping containers issued pursuant to Part 1 of this chapter, a specific request for approval of sealed sources and devices containing byproduct material, source material, or special nuclear material, or a production or utilization facility construction permit and operating license issued pursuant to Part 50 of this chapter, to routine safety and safeguards inspections of a licensed person, to a person who applies for approval of a reference standardized design of a nuclear steam supply system or balance of plant, for review of a facility site prior to the submission of an application for a construction permit, for review of a standardized spent fuel facility design, and for a special project review which the Commission completes or makes whether or not in conjunction with a license application on file or which may be filed.

3. Section 170.3 is amended as follows: Paragraph (c) is deleted as not necessary and the paragraph is reserved, and paragraphs (q)-(x) are added as follows:

§ 170.3 Definitions.

(c) [Reserved] * * *

* * * * *

(q) "Nuclear Steam Supply System" consists of the reactor core, reactor coolant system, and related auxiliary systems including the emergency core cooling system; decay heat removal system; and chemical volume and control system.

(r) "Balance of plant" consists of the remaining systems, components, and structures that comprise a complete nuclear power plant and are not included in the nuclear steam supply system.

(s) "Special projects" means those projects submitted to the Commission for review and for which specific fees are not prescribed in this chapter. Examples of special projects include, but are not limited to, topical reports, early site reviews, waste solidification facilities, fuel reprocessing facilities, and amendment or renewal of standardized reference design approvals.

(t) "Routine inspection" means an inspection performed at frequencies or during a certain period of time prescribed by the Commission for purposes of reviewing a licensee's authorized activities to assure that they are being conducted in accordance with regulatory or statutory requirements and that associated facilities and equipment are being operated in a safe manner.

(u) "Duplicate unit" means one of a limited number of the same kind of units which are to be constructed within a limited time span and subject to review at the same time by the staff.

(v) "Replicate unit" means a unit based on the reuse of a plant design, previously reviewed and approved for construction by the same utility or by another utility as part of another construction permit application.

(w) "Reference systems concept" means a concept that involves the review of an entire facility design or major fraction of a facility design outside of the context of a license application. The standard design would be referenced in subsequent license applications.

(x) "Advanced reactor" means any nuclear reactor concept other than light water reactors and high temperature gas cooled reactors.

§ 170.11 [Amended]

4. The introductory language in paragraph (a) and paragraph (a)(9) of § 170.11 is revised to read as follows:

(a) No application fees, license fees, amendment fees, renewal fees, approval fees, or inspection fees shall be required for:

* * * * *

(9) A license for possession and use of byproduct material, source material, or special nuclear material applied for by, or issued to, an agency of a State or any political subdivision thereof, except for licenses which authorize distribution of byproduct material, source material, or special nuclear material, or products containing byproduct material, source material, or special nuclear material, or licenses authorizing services to any person other than an agency or political subdivision of the State.

* * * * *

5. Paragraph (b)(3) of § 170.11 is deleted.

6. Section 170.12 is revised in its entirety to read as follows:

§ 170.12 Payment of fees.

(a) *Application Fees.* Each application for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application will be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received may be returned to the applicant. All application fees will be charged irrespective of the Commission's disposition of the application or a withdrawal of the application.

(b) *License Fees.* Fees for construction permits, operating licenses, manufacturing licenses, and materials li-

censes, are payable upon notification by the Commission when the review of the project is completed.

(c) *Amendment Fees.* The appropriate amendment fee shall accompany the application for amendment when filed with the Commission. Where applicable, the applicant shall provide a proposed determination of the amendment class and serve the basis therefor as part of the amendment request and shall remit the fee corresponding to this determination with the application for amendment. The Commission will examine the amendment fee and will, where applicable, refund any overcharges or bill the applicant for the additional amendment fee.

(d) *Renewal Fees.* The appropriate renewal fee shall accompany the renewal application when filed with the Commission.

(e) *Approval Fees.* Fees for spent fuel cask and shipping container approvals, standardized spent fuel facility design approvals, and construction approvals are payable upon notification by the Commission when the review of the project is completed. Fees for facility reference standardized design approvals will be paid in five (5) installments based on payment of 20 percent of the approval fee (see footnote 3 § 170.21) as each of the first five (5) units of the approved design are referenced in an application(s) filed by a utility or utilities.

(f) *Special Project Fees.* Fees for special projects are payable upon notification by the Commission when the review of the project is completed.

(g) *Inspection Fees.* Inspection fees are payable upon notification by the Commission.

(h) *Method of Payment.* Fee payments shall be by check, draft, or money order made payable to the U.S. Nuclear Regulatory Commission.

7. Section 170.21 of Part 170 is revised to read as follows:

§ 170.21 Schedule of fees for production and utilization facilities, review of reference standardized designs, and special projects.

(a) Applicants for construction permits, manufacturing licenses, operating licenses, and approvals of reference standardized facilities designs, shall pay the fees set forth in the table below.

(b) Applicants for special project reviews shall pay fees as separately determined by the Commission.

SCHEDULE OF FACILITY FEES

Facility categories	Types of fees	Fee*
A. Power reactors:		
1. Custom ¹ :		
	Application—Construction permit	\$ 125,000
	Construction permit—First unit	944,000
	Construction permit—Concurrent unit ²	174,000
	Operating license—First unit	1,024,500
	Operating license—Concurrent unit ²	302,800
2. Standardized design—duplicate unit ³ :		
	Application—Construction permit	125,000
	Construction permit—First unit	944,000
	Construction permit—Concurrent unit ²	174,000
	Construction permit—First identical unit additional site(s)	757,100
	Operating license—First unit	1,024,500
	Operating license—Concurrent unit ²	300,200
	Operating license—First identical unit additional site(s)	712,000
3. Standardized design—replicate unit ³ :		
	Application—Construction permit	125,000
	Construction permit—First unit	811,600
	Construction permit—Concurrent unit ²	164,200
	Construction permit—First identical unit additional site(s)	725,900
	Operating license—First unit	914,400
	Operating license—Concurrent unit ²	293,900
	Operating license—First identical unit additional site(s)	691,500
4. Standardized design—Reference systems concept ⁴ :		
a. Utility referencing a standardized nuclear steam supply system and custom balance of plant for both CP and OL stages.		
	Application—Construction permit	125,000
	Construction permit—First unit	853,600
	Construction permit—Concurrent unit ²	162,500
	Construction permit—First identical unit additional site(s)	725,900
	Operating license—First unit	934,100
	Operating license—Concurrent unit ²	292,100
	Operating license—First identical unit additional site(s)	689,200
b. Utility referencing a standardized nuclear steam supply system and standardized balance of plant for both the CP and OL stages.		
	Application—Construction permit	125,000
	Construction permit—First unit	721,800
	Construction permit—Concurrent unit ²	162,500
	Construction permit—First identical unit additional site(s)	725,900
	Operating license—First unit	829,100
	Operating license—Concurrent unit ²	292,100
	Operating license—First identical unit additional site(s)	669,200
5. Manufacturing license concept ⁴ :		
a. Vendor—review of preliminary design.		
	Application	125,000
	Manufacturing license	1,477,500
b. Vendor—review of final design.		
	Final design amendment	448,100
c. Utility referencing a manufacturing license.		
	Application—Construction permit	125,000
	Construction permit—First unit	730,000
	Construction permit—Concurrent unit ²	61,500
	Operating license—First unit	1,001,200
	Operating license—Concurrent unit ²	221,000
6. Advanced reactors ⁵ :		
	Application—Construction permit	125,000
	Construction permit	1,781,000
	Operating license	1,954,900
B. Standard reference design review⁶:		
1. Vendor—Standardized nuclear steam supply system:		
a. Review of preliminary reference design.		
	Application	50,000
	Approval	412,100
b. Review of final reference design.		
	Application	50,000
	Approval	483,400
2. Architect-engineer—Standardized balance of plant:		
a. Review of preliminary reference design.		
	Application	50,000
	Approval	412,100
b. Review of final reference design.		
	Application	50,000
	Approval	561,200
C. Test facility⁷:		
	Application—Construction permit	5,000
	Construction permit	67,200
	Operating license	100,300
D. Research reactor⁸:		
	Application—Construction permit	5,000
	Construction permit	34,900
	Operating license	55,000
E. Uranium enrichment plants⁹:		
	Application—Construction permit	125,000
	Construction permit	388,400
	Operating license	457,200
F. Special projects and reviews¹⁰:		

* Where a partial fee for a power reactor operating license has been paid prior to the effective date of this amendment, the amount paid shall be deducted from the fee prescribed by this amendment and the difference will be due when the operating license for 100 pct power is issued.

² Concurrent unit. A concurrent unit is defined as a power reactor of the same design at a single power station that was subject to concurrent licensing review.

(Continued)

(Continued)

*When review of the permit, license, approval, or amendment is complete, the expenditures for professional manpower and appropriate support services will be determined and the resultant fee assessed, but in no event will the fee exceed that shown in the schedule of facility fees. When one application for a preliminary design approval or final design approval contains more than one design, the additional approvals are subject to a maximum fee which is the sum of the application fee and approval fee.

*Charge will be separately determined by the Commission taking into account the professional manpower required to conduct the review multiplied by the applicable cost per man-year, plus any appropriate support services costs incurred. Where a fee has been paid for a facility early site review, the charge will be deducted from the fee for a construction permit issued for that site. A separate charge will not be assessed for a site review where the person requesting the review has an application for a construction permit on file for the same site, except where the application is withdrawn by the applicant or denied by the Commission. The maximum fee for review of a topical report shall not exceed \$20,000.

3. A new § 170.22 is added to read as follows:

§ 170.22 Schedule of fees for facility license amendments.

SCHEDULE OF AMENDMENT FEES FOR REACTOR FACILITY PERMITS, LICENSES, AND OTHER APPROVALS REQUIRED BY THE LICENSE OR COMMISSION REGULATIONS

Class of Amendment ¹	Fee ²	
	Power reactors	Test and research reactors
CLASS I: Amendments that are a duplicate of an amendment for a second essentially identical unit at the same site, where both proposed amendments are received, processed, and issued at the same time.....	\$400	
CLASS II: Amendments that are pro forma, administrative in nature, or have no safety or environmental significance.....	1,200	\$600
CLASS III: Amendments, exemptions, or required approvals that involve a single environmental, safety, or other issue, have acceptability for the issue clearly identified by an NRC position, or are deemed not to involve a significant hazards consideration.....	4,000	2,000
CLASS IV: Amendments, exemptions, or required approvals that involve a complex issue or more than one environmental, safety, or other issue, or several changes of the class III type incorporated into the proposed amendment, or involve a significant hazards consideration, or require an extensive environmental impact appraisal, or result from dismantling or license termination orders.....	12,300	6,000
CLASS V: Amendments, exemptions, or required approvals that require evaluation of several complex issues, or involve review by the ACRS, or require an environmental impact statement.....	25,800	12,000
CLASS VI: Amendments, exemptions, or required approvals that require evaluation of a new Safety Analysis Report and rewrite of the facility license (including technical specifications), such as may be required for a license renewal.....	45,900	20,000

¹ At the time the application is filed, the licensee or applicant shall provide a proposed determination of amendment class and state the basis therefor as part of the amendment or modification request and shall remit the fee corresponding to this determination. The Commission will evaluate the proposed amendment class determination and inform the licensee or applicant if reclassification is required. Reclassification that changes the class of amendment will result in the refund of over-charges to the licensee or applicant or billing the licensee or applicant for additional fees.

² License amendments or approvals resulting from Commission Orders issued pursuant to 10 CFR 2.204, and amendments resulting in an initial increase in power to 100 percent of the initial design power level are not subject to these fees, except as provided in footnote 1 to § 170.21. Class I, II, or III amendments which result from a written Commission request for the application may be exempt from fees when the amendment is to simplify or clarify license or technical specifications; the amendment has only minor safety significance, and is issued for the convenience of the Commission.

*Should read: filed

9. A new § 170.23 is added to read as follows:

§ 170.23 Schedule of fees for routine health, safety and environmental inspections of facilities.

SCHEDULE OF FACILITY ROUTINE HEALTH, SAFETY AND ENVIRONMENTAL INSPECTION FEES¹

Category	Fee ²	Maximum frequency ³
(1) Power reactor:		
First unit.....	\$75,700 per year.....	Continuous.
Additional units at same site ⁴	\$80,400 per year.....	Do.
(2) Test reactor.....	\$4,500 per inspection.....	2 per year.
(3) Research reactor.....	\$4,200 per inspection.....	1 every 2 years.
(4) Other production or utilization facility ⁵	\$42,100 per year.....	Continuous.
(5) Production or utilization facility licensed for possession but not operation.....	\$650 per year.....	1 per year.

¹ Routine inspections are safety, environmental, and health physics inspections performed at specified frequencies for purposes of reviewing a licensed program to assure that the authorized activities are being conducted in accordance with the Atomic Energy Act of 1954 as amended, Commission regulations, and the terms and conditions of the license.

² The frequency shown in the schedule is the maximum number of routine inspections for which a fee will be assessed.

³ A reduced fee will be charged when the inspection of an additional unit at the same site is conducted concurrently with the first unit.

⁴ Fee is applicable for a fuel reprocessing facility and for a uranium enrichment facility.

10. A new § 170.24 is added to read as follows:

§ 170.24 Schedule of fees for routine safeguards inspections of facilities

SCHEDULE OF FACILITY ROUTINE SAFEGUARDS INSPECTION FEES

Category	Fee	Maximum frequency ¹
(1) Power reactor:		
First unit.....	\$11,800 per year.....	2 per year.
Additional unit at same site ²	\$9,500 per year.....	Do.
(2) Test reactor (fuel of high strategic importance).....	\$2,500 per inspection.....	1 per year.
(3) Research reactor (fuel of moderate strategic importance).....	\$1,000 per inspection.....	1 every 2 years.
(4) Other production or utilization facility ³	\$38,700 per year.....	3 per year.

¹ The frequency shown in the schedule is the maximum number of safeguards inspections for which a fee will be assessed. Power reactors and other production and utilization facilities will be assessed the yearly inspection fee shown in the above table.

² A reduced fee will be charged when the inspection of additional unit(s) at the same site is conducted concurrently with the first unit.

³ Fee is applicable for a fuel reprocessing facility and for a uranium enrichment facility.

11. Section 170.31 is amended 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.

579013

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES

Category of materials licenses	Type of fee ¹	Fee	Category of materials licenses	Type of fee ¹	Fee		
I. Special nuclear material: ²			H. Licenses for receipt and storage of spent fuel: (1) License application for a storage facility of custom design requiring a full design review:				
A. Licenses for possession and use of 5 kg or more of contained uranium 238 in uranium enriched to 20 pct or more, or 2 kg or more of uranium 233, for fuel processing and fabrication. ³	Application	\$14,000	(a) Storage facility to be located at a new site.	Application	\$35,000		
	New license	122,800		New license	290,000		
	Renewal	76,800		Renewal	32,000		
	Amendment: ⁴			Amendment: ⁴			
	Major—Safety and environmental	34,600		Major—Safety and environmental	88,500		
	Major—Safeguards	8,300		Major—Safeguards	6,200		
	Minor—Safety and environmental	1,400		Minor—Safety and environmental	3,500		
	Minor—Safeguards	3,500		Minor—Safeguards	3,500		
	Administrative	150		Administrative	150		
	B. 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		12,000	(b) Storage facility to be located at the site of an existing nuclear facility. ⁵	Application	25,000
New license		112,800	New license	209,300			
Renewal		71,900	Renewal	32,000			
Amendment: ⁴			Amendment: ⁴				
Major—Safety and environmental		34,600	Major—Safety and environmental	88,500			
Major—Safeguards		6,900	Major—Safeguards	6,200			
Minor—Safety and environmental		1,400	Minor—Safety and environmental	3,500			
Minor—Safeguards		3,800	Minor—Safeguards	3,500			
Administrative		150	Administrative	150			
C. Licenses for possession and use of 2 kg or more of plutonium for fuel processing and fabrication. ³		Application for construction approval	50,000	(2) License application for a storage facility which references an approved standardized design:		(a) Storage facility to be located at a new site.	Application	25,000
	Construction approval	480,300	New license		236,600		
	License fee	241,600	Renewal		32,000		
	Renewal	170,800	Amendment: ⁴				
	Amendment: ⁴		Major—Safety and environmental		88,500		
	Major—Safety and environmental	78,900	Major—Safeguards		6,200		
	Major—Safeguards	13,800	Minor—Safety and environmental		3,500		
	Minor—Safety and environmental	1,400	Minor—Safeguards		3,500		
	Minor—Safeguards	6,200	Administrative		150		
	Administrative	150	(b) Storage facility to be located at the site of an existing nuclear facility. ⁵		Application		15,000
D. Licenses for 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	3,000		New license	130,000		
	New license	31,600		Renewal	32,000		
	Renewal	18,000		Amendment: ⁴			
	Amendment: ⁴			Major—Safety and environmental	88,500		
	Safety and environmental	1,400		Major—Safeguards	6,200		
	Safeguards	2,800		Minor—Safety and environmental	3,500		
	Administrative	150		Minor—Safeguards	3,500		
	E. 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		6,000	Administrative	150	
		New license		56,300	(3) License application for a storage facility of duplicate design—design which is identical to a previously licensed detail design:	(a) Storage facility to be located at a new site.	Application	15,000
		Renewal	38,100	New license			159,200
Amendment: ⁴			Renewal	32,000			
Safety and environmental		1,400	Amendment: ⁴				
Safeguards		6,900	Major—Safety and environmental	88,500			
Administrative		150	Major—Safeguards	6,200			
F. Licenses for possession and use of 200 g but less than 2 kg of plutonium in unsealed form. ³		Application	5,900	Minor—Safety and environmental			3,500
		New license	42,100	Minor—Safeguards			3,500
		Renewal	29,800	Administrative			150
	Amendment: ⁴		(b) Storage facility to be located at the site of an existing nuclear facility. ⁵	Application			10,000
	Safety and environmental	1,400		New License	73,500		
	Safeguards	4,800		Renewal	32,000		
	Administrative	150		Amendment: ⁴			
	G. Licenses for possession and use of 350 g but less than 5 kg of contained uranium 235 in unsealed form, or 200 g but less than 2 kg of uranium 233 in unsealed form. ³	Application		2,000	Major—Safety and environmental	88,500	
		New license		18,800	Major—Safeguards	6,200	
		Renewal		11,100	Minor—Safety and environmental	3,500	
Amendment: ⁴				Minor—Safeguards	3,500		
Safety and environmental		1,400		Administrative	150		
Safeguards		2,800		(b) Storage facility to be located at the site of an existing nuclear facility. ⁵	Application	10,000	
Administrative		150	New License		73,500		
See footnotes at end of table.					Renewal	32,000	
					Amendment: ⁴		
					Major—Safety and environmental	88,500	
			Major—Safeguards		6,200		
			Minor—Safety and environmental		3,500		
			Minor—Safeguards		3,500		
			Administrative		150		

RULES AND REGULATIONS

579014

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—Continued

7292

RULES AND REGULATIONS

Category of materials licenses ^a	Type of fee ^b	Fee	Category of materials licenses	Type of fee ^b	Fee
	Minor—Safety and environmental	1,500	D. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations performed in a shielded radiography installation(s) and at multiple temporary locations at the address(es) shown in the licenses or at temporary jobsites of the licensee in the field.	Application—New license	460
	Minor—Safeguards	3,500		Renewal	460
	Administrative	150		Amendment	110
I. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems. ^c	Application—New license	110			
	Renewal	110	E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials where the source is not removed from its shield (self-shielded units).	Application—New license	190
	Amendment	40		Renewal	150
J. All other special nuclear material licenses, except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical quantity as defined in § 150.11 of Part 150 which shall pay the same rate as Category 1G and special nuclear material for use in power generation which shall pay the fee in Category 10. ^c	Application—New license	460		Amendment	40
	Renewal	460	F. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes.	Application—New license	460
	Amendment	110		Renewal	460
2. Source material:				Amendment	110
A. Licenses for possession and use of source material in milling operations, except in in situ leaching and heap-leaching operations.	Application	11,000	G. Licenses issued pursuant to Subpart B of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons generally licensed under Parts 31 or 35 of this chapter, except specific licenses authorizing redistribution of items which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons generally licensed under Parts 31 or 35 of this chapter.	Application—New license	950
	New license ^c	96,700		Renewal	570
	Renewal ^c	100,800		Amendment	250
	Amendment ^c				
	Major—Safety and environmental ^c	20,800	H. Licenses issued pursuant to Subpart A of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons exempt from the licensing requirements of Part 30 of this chapter, except (1) §§ 32.11 and 32.18 of this chapter, (2) specific licenses authorizing redistribution of items and quantities which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons exempt from the licensing requirements of Part 30 of this chapter, and (3) specific licenses which authorize distribution of timepieces, hands, and dials.	Application—New license	950
	Minor—Safety and environmental ^c	3,500		Renewal	570
	Administrative	150		Amendment	250
B. Licenses for processing and recovery of source material in in situ leaching operations or heap-leaching operations.	Production scale activity:				
	Application	7,000			
	New license ^c	59,500	I. Licenses issued pursuant to § 32.18 of this chapter to distribute quantities of byproduct material to persons exempt from the licensing requirements of Part 30 of this chapter.	Application—New license	190
	Research and development scale activity:			Renewal	150
	Application	2,000		Amendment	40
	New license ^c	21,800	J. Licenses issued pursuant to § 32.14 of this chapter to distribute timepieces, hands, and dials containing hydrogen 3 or promethium 147 to persons exempt from the licensing requirements of Part 30 of this chapter.	Application—New license	190
	Renewal ^c	*17,300		Renewal	150
	Amendment ^c			Amendment	40
	Major—Safety and environmental	*4,200			
	Minor—Safety and environmental	*760			
	Administrative	*150			
C. Licenses for refining uranium mill concentrates to uranium hexafluoride.	Application	11,000			
	New license ^c	96,700			
	Renewal ^c	45,800			
	Amendment ^c				
	Major—Safety and environmental ^c	20,800			
	Minor—Safety and environmental ^c	3,500			
	Administrative	150			
D. All other source material licenses	Application—New license	140			
	Renewal	70			
	Amendment	40			
3. Byproduct material:					
A. Licenses 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, except byproduct material for use in power generation which shall pay the fee in category 10.	Application—New license	460			
	Renewal	460			
	Amendment	110			
B. Licenses issued pursuant to § 32.12 of this chapter authorizing the processing or manufacture and distribution of radiopharmaceuticals containing byproduct material.	Application—New license	190			
	Renewal	150			
	Amendment	40			
C. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations performed in shielded radiography installation(s) or permanently designated area(s) at the address(es) listed in the license.	Application—New license	190			
	Renewal	150			
	Amendment	40			

579015

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—Continued

Category of materials licenses	Type of fee ¹	Fee	Category of materials licenses	Type of fee ¹	Fee	
K. Licenses for possession and use of byproduct material for research and development, except those licenses covered by categories 3A or 3B, and licenses covered by categories 7B or 7C authorizing medical research.	Application—New license.....	190	C. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter to an individual physician for human use of byproduct material, source material, or special nuclear material, except licenses in category 7A.	Application—New license.....	190	
	Renewal.....	150		Renewal.....	150	
	Amendment.....	40		Amendment.....	40	
L. All other specific byproduct material licenses, except those in categories 4A through 10A.*	Application—New license.....	110	8. Civil defense: A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	Application—New license.....	190	
	Renewal.....	110		Renewal.....	150	
	Amendment.....	40		Amendment.....	40	
4. Waste disposal:			9. Device, product, or sealed source safety evaluation:			
A. 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.	Application.....	32,000		A. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices and devices or products distributed to general licensees or persons exempt from the requirements for a license pursuant to Parts 30, 40, and 70 of this chapter.	Application—Evaluation.....	370
	New license*.....	291,100				
	Renewal*.....	98,500	B. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except: (1) reactor fuel, (2) sealed sources distributed to general licensees or persons exempt from the requirements for a license pursuant to Parts 30, 40, and 70 of this chapter, and (3) power sources covered by category 10.			
	Amendment*.....	197,700				
	Major—Safety and environmental*.....	890				
	Minor—Safety and environmental.....	150				
	Administrative.....	1,100				
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging 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.....	570			110	
	Renewal.....	570				
	Amendment:					
	Safety and environmental.....	570				
	Administrative*.....	150				
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.....	190	10. Power source: A. Licenses for the manufacture and distribution of encapsulated byproduct material or special nuclear material wherein the decay energy of said material is used as a source of power, except reactor fuel.	Application—New license.....	1,900	
	Renewal.....	* 4150		Renewal.....	460	
	Amendment.....	** 440		Amendment.....	460	
5. Well logging and well surveys and tracer studies: A. Licenses for possession and use of special nuclear material and/or byproduct material for well logging, well surveys, and tracer studies.	Application—New license.....	460	11. Transportation of radioactive material:			
	Renewal.....	460		A. Evaluation of spent fuel cask for greater than 20 kW decay heat.	Application.....	8,000
	Amendment.....	110			Approval*.....	75,100
6. Nuclear laundries: A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material.	Application—New license.....	460		Amendments*:		
	Renewal.....	460		Major*.....	6,900	
	Amendment.....	110		Minor*.....	3,600	
7. Human use of byproduct material, source material, or special nuclear material:				Administrative.....	150	
	A. 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.....	300		Renewal.....	180
		Renewal.....	270	B. 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 greater than 2,000 times the type A quantity. ¹	Application.....	7,000
	Amendment.....	40		Approval*.....	62,200	
				Amendments:		
	B. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter to medical institutions, or two or more physicians on a single license, for human use of byproduct material, source material, or special nuclear material, except licenses in category 7A.	Application—New license.....	190		Major*.....	5,600
	Renewal.....	150			Minor*.....	2,800
	Amendment.....	40			Administrative.....	180
					Renewal.....	180
			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. ¹	Application.....	1,000	
				Approval*.....	12,800	
				Amendments*:		
				Major*.....	3,500	
				Minor.....	690	
				Administrative.....	150	
				Renewal.....	150	

See footnotes at end of table.

*Should read: 150
**Should read: 40

RULES AND REGULATIONS

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—Continued

Category of materials licenses	Type of fee ¹	Fee
D. 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.....	700
	Approval [†]	6,200
	Amendments: **	
	Major.....	1,400
	Minor.....	350
	Administrative.....	153
E. Evaluation of packages containing radioactive material less than 20 times the type A quantity.	Application.....	700
	Approval [†]	1,900
	Amendments: *	
	Major.....	350
	Minor.....	150
	Renewal.....	150
12. Review of standardized spent fuel facility design.*	Application.....	12,000
13. Special projects*	Approval [†]	107,200

Types of fees. Separate charges as shown in the schedule will be assessed for applications for new licenses and approvals, issuance of new licenses and approvals, and amendments and renewals to existing licenses and approvals. The following guidelines apply to these charges:

(a) *Application fees.* Applications for materials licenses and approvals shall be accompanied by the prescribed application fee for each category, except that applications for licenses covering more than one fee category of special nuclear material (excluding category 1H) to be used at the same location, shall be accompanied by the prescribed application fee for the highest fee category. Where a license or approval has expired, the full application fee for each category shall be due, except for licenses covering more than one fee category of special nuclear material (excluding category 1H) for use at the same location, in which case the application fee for the highest category would apply.

(b) *License/approval fees.* New licenses and approvals issued in fee categories 1A through 1H, 2A, 2B, 2C, 4A, 11A through 11E, and category 12, shall pay the license or approval fee for each category, as determined by the Commission when the review of the application or project is completed (see footnote 4, except that a license covering more than one fee category of special nuclear material in categories 1A through 1G shall pay a license fee for the highest fee category assigned to the license).

(c) *Renewal fees.* Applications for renewal of materials licenses and approvals shall be accompanied by the prescribed fee for each category, except that applications for renewal covering more than one fee category of special nuclear material (excluding category 1H) to be used at the same location, shall be accompanied by the prescribed renewal fee for the highest fee category. When the review of an application for renewal is complete for licenses in fee categories 1A through 1H, 2A, 2B, 2C, and 4A, the Commission will examine the renewal fee in accordance with footnote 4, and will refund any overcharges of the renewal fee, if applicable.

(d) *Amendment fees.* Applications for amendments shall be accompanied by the prescribed amendment fee(s). At the time an application for amendment is filed for licenses and approvals in fee categories 1A through 1H, 2A, 2B, 2C, 4A, 11A, 11B, 11C, 11D, and 11E, the licensee or applicant shall provide an initial determination of the amendment class and state the basis therefor as part of the amendment or approval request, and shall remit the fee corresponding to that determination; however, when review of the amendment or approval is complete, the Commission will examine the amendment fee in accordance with footnote 4, if applicable, and will refund any overcharges to the licensee or applicant, or bill the licensee or applicant for the additional amendment fee. Amendments which result from written NRC requests may be exempted from these fees at the discretion of the Commission when the amendment is issued for the convenience of the NRC.

An application for amendment to a license or approval classified in more than one fee category shall be accompanied by the prescribed amendment fee for the category affected by the amendment, unless the amendment is applicable to two or more fee categories, in which case the amendment fee for the highest fee category would apply. An application for amendment to a materials license or approval that would place the license or approval in a higher fee category or add a new category shall be accompanied by the prescribed application fee for the new category, except for applications for amendments increasing the scope of a licensed program from fee categories 1F to 1E, 1G to 1D, 3C to 3D, and 7C to 7B, in which cases the amendment fee for the higher fee category would apply. An application for amendment reducing the scope of a licensee's program shall pay the amendment fee of the fee category assigned to the license at the time the application is filed. Applications to terminate licenses shall not be subject to fees.

*Licenses paying fees under categories 1A through 1H are not subject to fees under categories 1I and 1J for sealed sources authorized in the same license. Applicants for new licenses or renewal of existing licenses that cover both byproduct material and special nuclear material in sealed sources for use in gauging devices will pay the appropriate application or renewal fee for fee category 1I only.

**A major amendment is defined as one requiring evaluation of many aspects of licensed activities where the proposed action could present a potential risk to the public's health and safety. A minor amendment is defined as one where safety, environmental, or safeguards considerations may be easily resolved. An administrative amendment is defined as an amendment that is pro forma, routine in nature, or has no safety, environmental, or safeguards significance.

†When the review of an application is complete, the expenditures for professional manpower and appropriate support services will be determined and the resultant fee assessed, but in no event will the fee exceed that shown in the schedule of fees for materials licenses and other regulatory services. All administrative amendments are based on fixed charges.

‡Fees would be applicable only in those instances where a site safety and environmental review has been performed and documented by the Commission for the site at which the storage facility is to be located.

§Fee is applicable to a license authorizing either production scale activity or research and development scale activity.

¶A type A quantity is defined in § 71.4(q) of 10 CFR Part 71.

‡‡Charge will be separately determined by the Commission taking into account the professional manpower required to conduct the review multiplied by the applicable cost per man-year, plus any appropriate support services costs incurred.

12. Section 170.32 is added to read:

§ 170.32 Schedule of fees for health and safety, and safeguards inspections for materials licenses.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES

Category of materials licenses	Type of fee ¹	Fee ²	Maximum frequency ³
1. Special nuclear material:			
A. Licenses for possession and use of five (5) kg or more of contained uranium 235 in uranium enriched to 20 pct or more, or two (2) kg or more of uranium 233, for fuel processing and fabrication.	Health and safety.....	\$5,300	3 per year.
	Safeguards.....	10,300	Do.
B. Licenses for possession and use of five (5) kg or more of contained uranium 235 in uranium enriched to less than 20 pct, for fuel processing and fabrication.	Health and safety.....	5,300	Do.
	Safeguards.....	10,300	1 per year.
C. Licenses for possession and use of two (2) kg or more of plutonium for fuel processing and fabrication.	Health and safety.....	4,600	4 per year.
	Safeguards.....	11,700	3 per year.
D. Licenses for possession and use of five (5) kg or more of contained uranium 235 in unsealed form, or two (2) kg or more of uranium 233 in unsealed form for activities other than fuel processing and fabrication.	Health and safety.....	4,900	1 per year.
	Safeguards.....	7,600	2 per year.
E. Licenses for possession and use of quantities of plutonium of two (2) kg or more in unsealed form for activities other than fuel processing and fabrication.	Health and safety.....	780	1 per year.
	Safeguards.....	5,400	2 per year.
F. Licenses for possession and use of 200 g but less than two (2) kg of plutonium in unsealed form.	Health and safety.....	780	1 per year.
	Safeguards.....	2,300	Do.
G. Licenses for possession and use of 350 g but less than five (5) kg of contained uranium 235 in unsealed form, or 200 g but less than two (2) kg of uranium 233 in unsealed form.	Health and safety.....	780	1 every 2 years.
	Safeguards.....	4,000	1 per year.
H. Licenses for receipt and storage of spent fuel:			
(1) License application for a storage facility of custom design requiring a full design review:			
(a) Storage facility to be located at a new site.	Health and safety.....	780	Do.
	Safeguards.....	2,900	2 per year.
(b) Storage facility to be located at the site of an existing nuclear facility.	Health and safety.....	780	1 per year.
	Safeguards.....	2,900	2 per year.
(2) License application for a storage facility which references an approved standardized design:			
(a) Storage facility to be located at a new site.	Health and safety.....	780	1 per year.
	Safeguards.....	2,900	2 per year.
(b) Storage facility to be located at the site of an existing nuclear facility.	Health and safety.....	780	1 per year.
	Safeguards.....	2,900	2 per year.
(3) License application for a storage facility of duplicate design—design which is identical to a previously licensed detail design:			
(a) Storage facility to be located at a new site.	Health and safety.....	780	1 per year.
	Safeguards.....	2,900	2 per year.

See footnote at end of table.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES—Continued

Category of materials licenses	Type of fee ¹	Fee ²	Maximum frequency ³
(b) Storage facility to be located at the site of an existing nuclear facility.	Health and safety.....	780	21 per year. *
	Safeguards.....	2,900	2 per year.
I. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems.	Health and safety.....	330	1 every 5 years.
J. All other special nuclear material licenses, except licenses authorizing special nuclear material in unsealed form in a situation that would constitute a critical quantity as defined in § 150.11 of part 150 which shall pay the same rate as category 1G and special nuclear material for use in power generation which shall pay the fee in category 1G.	.....do.....	780	1 per year.
2. Source material:			
A. Licenses for possession and use of source material in milling operations, except in in-situ leaching and heap-leaching operations.	.....do.....	1,800	Do.
B. Licenses for processing and recovery of source material in in-situ leaching operations or heap-leaching operations.	.....do.....	1,800	Do.
C. Licenses for refining uranium mill concentrates to uranium hexafluoride.	.....do.....	1,800	Do.
D. All other source material licenses.	.....do.....	460	1 every 2 years.
3. Byproduct material:			
A. Licenses 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, except byproduct material for use in power generation which shall pay the fee in Category 10 ⁴ .	Health & Safety.....	** 1,600	1 per year.
	Large program.....	780	Do.
	Small program.....		
B. Licenses issued pursuant to § 32.72 of this chapter authorizing the processing or manufacture and distribution of radio-pharmaceuticals containing byproduct material.	Health & Safety.....	650	1 every 3 years.
C. Licenses for byproduct material issued pursuant to part 34 of this chapter for industrial radiography operations performed in a shielded radiography installation(s) or permanently designated area(s) at the address(es) listed in the license.	.....do.....	720	1 per year.
D. Licenses for byproduct material issued pursuant to part 34 of this chapter for industrial radiography operations performed in a shielded radiograph installation(s) and at multiple temporary locations at the address(es) shown in the license or at temporary jobsites of the licensee in the field.	.....do.....	980	Do.
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials where the source is not removed from its shield (Self-shielded units).	.....do.....	390	1 every 5 years.

*Should read: 1 per year

**Should read:

Health & Safety: 5
 Large program.... 1,600 1 per year
 Small program..... 780 Do.

579018

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES—Continued

Category of materials licenses	Type of fee ¹	Fee ²	Maximum frequency ³	Category of materials licenses	Type of fee ¹	Fee ²	Maximum frequency ³
F. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes.	Health and safety.....	380	1 every 3 years.	B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material, from other persons for the purpose of packaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.	Health & Safety.....	650	1 every 3 years.
G. Licenses issued pursuant to Subpart B of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons generally licensed under parts 31 or 35 of this chapter, except specific licenses authorizing redistribution of items which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons generally licensed under parts 31 or 35 of this chapter.	.....do.....	390	Do.	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.	.....do.....	650	Do.
H. Licenses issued pursuant to Subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons exempt from the licensing requirements of part 30 of this chapter, except (1) §§ 32.11 and 32.18 of this chapter, (2) specific licenses authorizing redistribution of items and quantities which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons exempt from the licensing requirements of part 30 of this chapter, and (3) specific licenses which authorize distribution of timepieces, hands and dials.	.....do.....	390	Do.	5. Well logging and well surveys and tracer studies: A. Licenses for possession and use of special nuclear material and/or byproduct material for well logging, well surveys, and tracer studies.	.....do.....	520	Do.
I. Licenses issued pursuant to § 32.18 of this chapter to distribute quantities of byproduct material to persons exempt from the licensing requirements of part 30 of this chapter.	.....do.....	390	Do.	6. Nuclear laundries: A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material.	.....do.....	590	Do.
J. Licenses issued pursuant to § 32.14 of this chapter to distribute timepieces, hands, and dials, containing hydrogen 3 or promethium 147 to persons exempt from the licensing requirements of part 30 of this chapter.	.....do.....	390	Do.	7. Human use of byproduct material, source material, or special nuclear material: A. 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.	.....do.....	460	1 every 2 years.
K. Licenses for possession and use of byproduct material for research and development, except those licenses covered by categories 3A or 3B, and licenses covered by categories 7B or 7C authorizing medical research.	.....do.....	390	Do.	B. Licenses issued pursuant to parts 30, 40, and 70 of this chapter to medical institutions, or two or more physicians on a single license, for human use of byproduct material, source material, or special nuclear material, except licenses in category 7A.	.....do.....	460	1 every 3 years.
L. All other specific byproduct material licenses, except those in categories 4A through 10A.	.....do.....	390	1 every 5 years.	C. Licenses issued pursuant to parts 30, 40, and 70 of this chapter to an individual physician for human use of byproduct material, source material, or special nuclear material, except licenses in category 7A.	.....do.....	330	Do.
4. Waste disposal: A. 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.	.....do.....	980	1 per year.	8. Civil defense: A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	.....do.....	200	1 every 10 years.
				9. Device, product, or sealed source safety evaluation: A. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices and devices or products distributed to general licensees or persons exempt from the requirements for a license pursuant to parts 30, 40, and 70 of this chapter.	Not applicable.....		No inspections conducted.

579019

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES—Continued

Category of materials licenses	Type of fee ¹	Fee ²	Maximum frequency ³
B. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except (1) reactor fuel, (2) sealed sources distributed to general licensees or persons exempt from the requirements for a license pursuant to parts 30, 40, and 70 of this chapter, and (3) power sources covered by category 10.	Not applicable		No inspections conducted
10. Power source:			
A. Licenses for the manufacture and distribution of encapsulated byproduct material or special nuclear material wherein the decay energy of said material is used as a source of power, except reactor fuel.	Health and safety	780	1 per year.
11. Transportation of radioactive material:			
A. Evaluation of spent fuel cask for greater than 20 kW decay heat.	Not applicable		No inspections conducted.
B. 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 greater than 2,000 times the type A quantity.	do		Do.
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.	do		Do.
D. 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.	do		Do.
E. Evaluation of packages containing radioactive material less than 20 times the type A quantity.	do		Do.
12. Review of standardized spent fuel facility design.	do		Do.

¹ Types of Fees—Separate charges as shown in this schedule will be assessed for each routine inspection which is performed.

² Inspection fees are due upon receipt of notice from the Commission. The inspection fee for licenses covering more than one fee category will be charged only for the highest fee category assigned the license, if the inspection of the entire license is done at the same time. Where a licensee holds more than one materials license at a single location, a fee equal to the highest fee category covered by the licenses will be assessed, if the inspections are conducted at the same time.

³ The frequency shown in the schedule is the maximum number of each type of inspection for which a fee will be assessed.

⁴ Where a license authorizes shielded radiographic installations or manufacturing installations at more than one address, a separate fee will be assessed for inspection of each location, provided, however, that if the multiple installations are inspected during a single visit a single inspection fee will be assessed.

⁵ For inspection purposes, large and small programs in Category 3A are defined as follows: *Large Programs*—Those licensees handling or processing loose or unsealed material for the manufacture of tagged compounds or products such as sealed sources and distribution of same to others. *Small Programs*—Those licensees who are processors of "finished products," such as previously tagged compounds and sealed sources for introduction into products or repackaging for sale to others.

13. Section 170.41 of Part 170 is revised to read as follows:

§ 170.41 Failure by applicant or licensee to pay prescribed fees.

In any case where the Commission finds that an applicant or a licensee has failed to pay a prescribed fee required in this part, the Commission will not process any application and may suspend or revoke any license or approval involved or may issue an order with respect to licensed activities as the Commission determines to be appropriate or necessary in order to carry out the provisions of this part, Parts 30, 40, 50, 70, and 71 of this chapter, and of the Act. (Sec. 501, 49 Stat. 290; (31 U.S.C. 483a).)

Date at Washington, D.C. this 9th day of February, 1978

For the U.S. Nuclear Regulatory Commission

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-4355 Filed 2-16-78; 8:45 am]

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

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

POSTAGE AND FEES PAID
UNITED STATES NUCLEAR
REGULATORY COMMISSION



579021

UNITED STATES NUCLEAR REGULATORY COMMISSION
RULES and REGULATIONS

TITLE 10, CHAPTER 1, CODE OF FEDERAL REGULATIONS - ENERGY

**PART
170**

**FEEES FOR FACILITIES AND MATERIALS LICENSES
AND OTHER REGULATORY SERVICES
UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED***

GENERAL PROVISIONS

- Sec.
170.1 Purpose
170.2 Scope
170.3 Definitions
170.4 Interpretations
170.5 Communications
170.11 Exemptions
170.12 Payment of fees

SCHEDULE OF FEES

- 170.21 Schedule of fees for production and utilization facilities
170.31 Schedule of fees for materials licenses

ENFORCEMENT

- 170.41 Failure by licensee to pay annual fee

AUTHORITY: The provisions of this Part 170 issued under sec. 501, 65 Stat. 290; 31 U.S.C. 483a, sec. 161, 68 Stat. 948; 42 U.S.C. 2201, Sec. 201(f), Pub. L. 93-438, 88 Stat. 1243; 42 U.S.C. 5841.

GENERAL PROVISIONS

§ 170.1 Purpose.

The regulations in this part set out fees charged for licensing services rendered by the Nuclear Regulatory Commission, as authorized under Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290; 31 U.S.C. 483a) and provisions regarding their payment.

§ 170.2 Scope.

Except for persons who apply for or hold the permits, licenses, or approvals exempted in § 170.11, the regulations in this part apply to a person who is an applicant for, or holder of, a specific byproduct material license issued pursuant to Parts 30 and 32-35 of this chapter, a specific source material license issued pursuant to Part 40 of this chapter, a specific special nuclear material license issued pursuant to Part 70 of this chapter, a specific approval of spent fuel casks and shipping containers issued pursuant to Part 71 of this chapter, a specific request for approval of sealed sources

*Amended 43 FR 7210.

and devices containing byproduct material, source material, or special nuclear material, or a production or utilization facility construction permit and operating license issued pursuant to Part 50 of this chapter, to routine safety and safeguards inspections of a licensed person, to a person who applies for approval of a reference standardized design of a nuclear steam supply system or balance of plant, for review of a facility site prior to the submission of an application for a construction permit, for review of a standardized spent fuel facility design, and for a special project review which the Commission completes or makes whether or not in conjunction with a license application on file or which may be filed.

§ 170.3 Definitions.

As used in this part:

(a) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(b) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

(c) "Materials license" means a byproduct material license issued pursuant to Part 30 of this chapter, or a source material license issued pursuant to Part 40 of this chapter, or a special nuclear material license issued pursuant to Part 70 of this chapter.

(d) "Nuclear reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

(e) "Other production or utilization facility" means a facility other than a

nuclear reactor licensed by the Commission under the authority of section 103 or 104 of the Atomic Energy Act of 1954, as amended (the Act), and pursuant to the provisions of Part 50 of this chapter.

(f) "Power reactor" means a nuclear reactor designed to produce electrical or heat energy licensed by the Commission under the authority of section 103 or subsection (f) 'b of the Act and pursuant to the provisions of §§ 50.21(b) or 50.22 of this chapter.

(g) "Production facility" means:

(1) Any nuclear reactor designed or used primarily for the formation of plutonium or uranium-233; or

(2) Any facility designed or used for the separation of the isotopes of uranium or the isotopes of plutonium, except laboratory scale facilities designed or used for experimental or analytical purposes only, or

(3) Any facility designed or used for the processing of irradiated materials containing special nuclear material, except:

(i) laboratory scale facilities designed or used for experimental or analytical purposes;

(ii) facilities in which the only special nuclear materials contained in the irradiated material to be processed are uranium enriched in the isotope U²³⁵ and plutonium produced by the irradiation, if the material processed contains not more than 10⁻⁶ grams of plutonium per gram of U²³⁵ and has fission product activity not in excess of 0.25 millicurie of fission products per gram of U²³⁵; and

(iii) facilities in which processing is conducted pursuant to a license issued under Parts 30 and 70 of this chapter, or equivalent regulations of an Agreement State, for the receipt, possession, use, and transfer of irradiated special nuclear material, which authorizes the processing of the irradiated material on a batch basis for the separation of selected fis-

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES

tion products and limits the process batch to not more than 100 grams of uranium enriched in the isotope 235 and not more than 15 grams of any other special nuclear material.

(h) "Research reactor" means a nuclear reactor licensed by the Commission under the authority of subsection 104c of the Act and pursuant to the provisions of § 50.21(c) of this chapter for operation at a thermal power level of 10 megawatts or less, and which is not a testing facility as defined by paragraph (m) of this section.

(i) "Sealed source" means any byproduct material that is encased in a capsule designed to prevent leakage or escape of the byproduct material.

(j) "Source material" means:

(1) Uranium or thorium, or any combination thereof, in any physical or chemical form; or

(2) Ores which contain by weight one-twentieth of one percent (0.05%) or more of (i) uranium, (ii) thorium, or (iii) any combination thereof. Source material does not include special nuclear material.

(k) "Special nuclear material" means:

(1) Plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material but does not include source material; or

(2) any material artificially enriched by any of the foregoing, but does not include source material.

(l) "Manufacturing license" means a license pursuant to Appendix M of Part 50 of this chapter to manufacture a nuclear power reactor(s) to be operated at sites not identified in the license application.

(m) "Testing facility" means a nuclear reactor licensed by the Commission under the authority of subsection 104c of the Act and pursuant to the provisions of § 50.21(c) of this chapter for operation at:

(1) A thermal power level in excess of 10 megawatts; or

(2) A thermal power level in excess of 1 megawatt, if the reactor is to contain:

(i) A circulating loop through the core in which the applicant proposes to conduct fuel experiments; or

(ii) A liquid fuel loading; or

(iii) An experimental facility in the core in excess of 16 square inches in cross-section.

(n) "Utilization facility" means any nuclear reactor other than one designed, or used primarily for the formation of plutonium or U²³⁵ and any other equipment or device determined by rule of the Commission to be a utilization facility within the purview of subsection 11cc of the Act.

(o) [Deleted 43 FR 7210.]

(p) "Human use" means the internal or external administration of byproduct source, or special nuclear material, or the radiation therefrom, to human beings.

(q) "Nuclear Steam Supply System" consists of the reactor core, reactor coolant system, and related auxiliary systems including the emergency core cooling system; decay heat removal system; and chemical volume and control system.

(r) "Balance of plant" consists of the remaining systems, components and structures that comprise a complete nuclear power plant and are not included in the nuclear steam supply system.

(s) "Special projects" means those projects submitted to the Commission for review and for which specific fees are not prescribed in this chapter. Examples of special projects include, but are not limited to, topical reports, early site reviews, waste solidification facilities, fuel reprocessing facilities, and amendment or renewal of standardized reference design approvals.

(t) "Routine inspection" means an inspection performed at frequencies or during a certain period of time prescribed by the Commission for purposes of reviewing a licensee's authorized activities to assure that they are being conducted in accordance with regulatory or statutory requirements and that associated facilities and equipment are being operated in a safe manner.

(u) "Duplicate unit" means one of a limited number of the same kind of units which are to be constructed within a limited time span and subject to review at the same time by the staff.

(v) "Replicate unit" means a unit based on the reuse of a plant design, previously reviewed and approved for construction by the same utility or by another utility as part of another construction permit application.

(w) "Reference systems concept" means a concept that involves the review of an entire facility design or major fraction of a facility design outside of the context of a license application. The standard design would be referenced in subsequent license applications.

(x) "Advanced reactor" means any nuclear reactor concept other than light water reactors and high temperature gas cooled reactors.

§ 170.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized or be given upon the Commission.

§ 170.5 Communications.
All communications regarding regulations in this part should be addressed to the Executive Director for Operation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Communications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C. or at 7920 Norfolk Avenue, Bethesda, Md.

§ 170.11 Exemptions.

(a) No application fees, license fees, amendment fees, renewal fees, approval fees, or inspection fees shall be required for:

(1) A license authorizing the export only of a production or utilization facility.

(2) A license authorizing the export only or import only of byproduct material, source material or special nuclear material.

(3) A license authorizing the receipt, ownership, possession, use or production of byproduct material, source material, or special nuclear material incidental to the operation of a production or utilization facility licensed under Part 50 of this chapter, including a license under Part 70 of this chapter, authorizing possession and storage only of special nuclear material at the site of a nuclear reactor for use as fuel in operation of the nuclear reactor or at the site of a spent fuel processing plant for processing at the plant.

(4) A construction permit or license applied for by, or issued to, a nonprofit educational institution for a production facility or utilization facility, other than a power reactor, to be used for teaching, training, or medical purposes, or for byproduct material, source material, or special nuclear material to be used for teaching, training, or medical purposes, or in connection with a facility, other than a power reactor, used for teaching, training, or medical purposes.

(5) A construction permit or license applied for by, or issued to, a Government agency, except for a utilization facility designed to produce electrical or heat energy pursuant to section 103 or 104b of the Atomic Energy Act of 1954, as amended.

(6) [Deleted 38 FR 18443.]

(7) [Deleted 38 FR 18443.]

579023

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES

(8) A license authorizing the use of source material or shielding only in devices and containers, provided, however, that all other licensed byproduct material, source material, or special nuclear material in the device or container will be subject to the fees prescribed in § 170.31.

(9) A license for possession and use of byproduct material, source material, or special nuclear material applied for by, or issued to, an agency of a State or any political subdivision thereof, except for licenses which authorize distribution of byproduct material, source material, or special nuclear material, or products containing byproduct material, source material, or special nuclear material, or licenses authorizing services to any person other than an agency or political subdivision of the State.

(b) (1) The Commission may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of this part as it determines are authorized by law and are otherwise in the public interest. (2) Applications for exemption under this paragraph may include activities such as, but not limited to, the use of licensed materials for educational or noncommercial public displays or scientific collections. (3) [Deleted 43 FR 7210.]

§ 170.12 Payment of fees.

(a) *Application Fees.* Each application for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application will be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received may be returned to the applicant. All application fees will be charged irrespective of the Commission's disposition of the application or a withdrawal of the application.

(b) *License Fees.* Fees for construction permits, operating licenses, manufacturing licenses, and materials licenses, are payable upon notification by the Commission when the review of the project is completed.

(c) *Amendment Fees.* The appropriate amendment fee shall accompany the application for amendment when filed with the Commission. Where applicable, the applicant shall provide a proposed determination of the amendment class and state the basis therefor as part of the amendment request and shall remit the fee corresponding to this determination with the application for amendment. The Commission will examine the amendment fee and will, where applicable, refund any overcharges or bill the applicant for the additional amendment fee.

(d) *Renewal Fees.* The appropriate renewal fee shall accompany the re-

newal application when filed with the Commission.

(e) *Approval Fees.* Fees for spent fuel cask and shipping container approvals, standardized spent fuel facility design approvals, and construction approvals are payable upon notification by the Commission when the review of the project is completed. Fees for facility reference standardized design approvals will be paid in five (5) installments based on payment of 20 percent of the approval fee (see footnote 3 § 170.21) as each of the first five (5) units of the approved design are referenced in an application(s) filed by a utility or utilities.

(f) *Special Project Fees.* Fees for special projects are payable upon notification by the Commission when the review of the project is completed.

(g) *Inspection Fees.* Inspection fees are payable upon notification by the Commission.

(h) *Method of Payment.* Fee payments shall be by check, draft, or money order made payable to the U.S. Nuclear Regulatory Commission.

§ 170.21 Schedule of fees for production and utilization facilities, review of reference standardized designs, and special projects.

(a) Applicants for construction permits, manufacturing licenses, operating licenses, and approvals of reference standardized facilities designs, shall pay the fees set forth in the table below.

(b) Applicants for special project reviews shall pay fees as separately determined by the Commission.

SCHEDULE OF FACILITY FEES

Facility categories	Types of fees	Fee	
A. Power reactors			
1. Custom*	Application—Construction permit	\$ 125,000	
	Construction permit—First unit	944,000	
	Construction permit—Concurrent unit ¹	174,000	
	Operating license—First unit	1,024,500	
	Operating license—Concurrent unit ¹	302,800	
	2. Standardized design—duplicate unit ²	Application—Construction permit	125,000
		Construction permit—First unit	944,000
		Construction permit—Concurrent unit ¹	174,000
		Construction permit—First identical unit additional site(s)	757,100
		Operating license—First unit	1,024,500
3. Standardized design—replicate unit ²	Application—Construction permit	125,000	
	Construction permit—First unit	811,600	
	Construction permit—Concurrent unit ¹	164,200	
	Construction permit—First identical unit additional site(s)	725,900	
	Operating license—First unit	914,400	
4. Standardized design—Reference systems concept ³	Operating license—Concurrent unit ¹	293,900	
	Operating license—First identical unit additional site(s)	691,500	
	a. Utility referencing a standardized nuclear steam supply system and custom balance of plant for both CP and OL stages	Application—Construction permit	125,000
		Construction permit—First unit	853,600
		Construction permit—Concurrent unit ¹	162,500
		Construction permit—First identical unit additional site(s)	725,900
		Operating license—First unit	934,100
	b. Utility referencing a standardized nuclear steam supply system and standardized balance of plant for both the CP and OL stages	Operating license—Concurrent unit ¹	292,100
		Operating license—First identical unit additional site(s)	669,200
		Application—Construction permit	125,000
Construction permit—First unit		721,600	
Construction permit—Concurrent unit ¹		162,500	
5. Manufacturing license concept ⁴	Construction permit—First identical unit additional site(s)	725,900	
	Operating license—First unit	829,100	
	Operating license—Concurrent unit ¹	292,100	
	Operating license—First identical unit additional site(s)	669,200	
	a. Vendor—review of preliminary design	Application	125,000
Manufacturing license		1,477,500	
b. Vendor—review of final design		Final design amendment	448,100
		Application—Construction permit	125,000
c. Utility referencing a manufacturing license		Construction permit—First unit	730,000
	Construction permit—Concurrent unit ¹	61,500	
	Operating license—First unit	1,001,200	
	Operating license—Concurrent unit ¹	221,000	
	6. Advanced reactors ⁵	Application—Construction permit	125,000
Construction permit		1,781,000	
Operating license		1,954,900	
B. Standard reference design review⁶			
1. Vendor—Standardized nuclear steam supply system	Application	50,000	
	Approval	412,100	
	a. Review of preliminary reference design	Application	50,000
		Approval	483,400
	b. Review of final reference design	Application	50,000
Approval		483,400	
2. Architect-engineer—Standardized balance of plant	Application	50,000	
	Approval	483,400	

579024

(Continued)

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES**

(Continued)

SCHEDULE OF FACILITY FEES

Facility categories	Types of fees	Fee ¹
a. Review of preliminary reference design	Application	50,000
	Approval	412,100
b. Review of final reference design	Application	50,000
	Approval	501,200
C. Test facility ²	Application—Construction permit	5,000
	Construction permit	87,200
	Operating license	100,300
D. Research reactor ³	Application—Construction permit	5,000
	Construction permit	34,900
	Operating license	55,000
E. Uranium enrichment plants ⁴	Application—Construction permit	125,000
	Construction permit	388,400
	Operating license	457,200
F. Special projects and reviews ⁵		

¹ Where a partial fee for a power reactor operating license has been paid prior to the effective date of this amendment, the amount paid shall be deducted from the fee prescribed by this amendment and the difference will be due when the operating license for 100 pct power is issued.

² Concurrent unit. A concurrent unit is defined as a power reactor of the same design at a single power station that was subject to concurrent licensing review.

When review of the permit, license, approval, or amendment is complete, the expenditures for professional manpower and appropriate support services will be determined and the resultant fee assessed, but in no event will the fee exceed that shown in the schedule of facility fees. When one application for a preliminary design approval or final design approval contains more than one design, the additional approvals are subject to a maximum fee which is the sum of the application fee and approval fee.

³ Charge will be separately determined by the Commission taking into account the professional manpower required to conduct the review multiplied by the applicable cost per man-year, plus any appropriate support services costs incurred. Where a fee has been paid for a facility early site review, the charge will be deducted from the fee for a construction permit issued for that site. A separate charge will not be assessed for a site review where the person requesting the review has an application for a construction permit on file for the same site, except where the application is withdrawn by the applicant or denied by the Commission. The maximum fee for review of a topical report shall not exceed \$20,000.

§ 170.22 Schedule of fees for facility license amendments.

SCHEDULE OF AMENDMENT FEES FOR REACTOR FACILITY PERMITS, LICENSES, AND OTHER APPROVALS REQUIRED BY THE LICENSE OR COMMISSION REGULATIONS

Class of Amendment ¹	Fee ²	
	Power reactors	Test and research reactors
CLASS I: Amendments that are a duplicate of an amendment for a second essentially identical unit at the same site, where both proposed amendments are received, processed, and issued at the same time	\$400	
CLASS II: Amendments that are pro forma, administrative in nature, or have no safety or environmental significance	1,200	\$600
CLASS III: Amendments, exemptions, or required approvals that involve a single environmental, safety, or other issue, have acceptability for the issue clearly identified by an NRC position, or are deemed not to involve a significant hazards consideration	4,000	1,000
CLASS IV: Amendments, exemptions, or required approvals that involve a complex issue or more than one environmental, safety, or other issue, or several changes of the class III type incorporated into the proposed amendment, or involve a significant hazards consideration, or require an extensive environmental impact appraisal, or result from dismantling or license termination orders	12,300	6,000
CLASS V: Amendments, exemptions, or required approvals that require evaluation of several complex issues, or involve review by the ACRS, or require an environmental impact statement	25,800	12,000
CLASS VI: Amendments, exemptions, or required approvals that require evaluation of a new Safety Analysis Report or a rewrite of the facility license (including technical specifications), such as may be required for a license renewal	45,900	20,000

¹ At the time the application is filed, the licensee or applicant shall provide a proposed determination of amendment class and state the basis therefor as part of the amendment or modification request and shall remit the fee corresponding to this determination. The Commission will evaluate the proposed amendment class determination and inform the licensee or applicant if reclassification is required. Reclassification that changes the class of amendment will result in the refund of over-charges to the licensee or applicant or billing the licensee or applicant for additional fees.

² License amendments or approvals resulting from Commission Orders issued pursuant to 10 CFR 2.204, and amendments resulting in an initial increase in power to 100 percent of the initial design power level are not subject to these fees, except as provided in footnote 1 to § 170.21. Class I, II, or III amendments which result from a written Commission request for the application may be exempt from fees when the amendment is to simplify or clarify license or technical specifications, the amendment has only minor safety significance, and is issued for the convenience of the Commission.

579025

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES**

§ 170.23 Schedule of fees for routine health, safety and environmental inspections of facilities.

SCHEDULE OF FACILITY ROUTINE HEALTH, SAFETY AND ENVIRONMENTAL INSPECTION FEES¹

Category	Fee ²	Maximum frequency ³
(1) Power reactor:		
First unit	\$75,700 per year	Continuous.
Additional units at same site ⁴	\$80,400 per year	Do.
(2) Test reactor	\$4,500 per inspection	2 per year.
(3) Research reactor	\$4,200 per inspection	1 every 2 years.
(4) Other production or utilization facility ⁵	\$42,100 per year	Continuous.
(5) Production or utilization facility licensed for pos- sion but not operation	\$650 per year	1 per year.

¹ Routine inspections are safety, environmental, and health physics inspections performed at specified frequencies for purposes of reviewing a licensed program to assure that the authorized activities are being conducted in accordance with the Atomic Energy Act of 1954, as amended, Commission regulations, and the terms and conditions of the license.

² The frequency shown in the schedule is the maximum number of routine inspections for which a fee will be assessed.

³ A reduced fee will be charged when the inspection of an additional unit at the same site is conducted concurrently with the first unit.

⁴ Fee is applicable for a fuel reprocessing facility and for a uranium enrichment facility.

§ 170.24 Schedule of fees for routine safeguards inspections of facilities

SCHEDULE OF FACILITY ROUTINE SAFEGUARDS INSPECTION FEES

Category	Fee	Maximum frequency ¹
(1) Power reactor:		
First unit	\$11,800 per year	2 per year.
Additional unit at same site ²	\$9,500 per year	Do.
(2) Test reactor (fuel of high strategic importance):	\$6,500 per inspection	1 per year.
(3) Research reactor (fuel of moderate strategic impor- tance)	\$1,300 per inspection	1 every 2 years.
(4) Other production or utilization facility ³	\$30,000 per year	3 per year.

¹ The frequency shown in the schedule is the maximum number of safeguards inspections for which a fee will be assessed. Power reactors and other production and utilization facilities will be assessed the yearly inspection fee shown in the above table.

² A reduced fee will be charged when the inspection of additional unit(s) at the same site is conducted concurrently with the first unit.

³ Fee is applicable for a fuel reprocessing facility and for a uranium enrichment facility.

§ 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

Category of materials licenses	Type of fee ¹	Fee
I. Special nuclear material:		
A. Licenses for possession and use of 5 kg or more of contained uranium	Application	\$14,000
235 in uranium enriched to 20 pct or more, or 2 kg or more of uranium	New license	122,800
233, for fuel processing and fabrication.	Renewal	78,800
	Amendment ²	
	Major—Safety and environmental	34,800
	Major—Safeguards	8,300
	Minor—Safety and environmental	1,400
	Minor—Safeguards	3,500
	Administrative	150
B. Licenses for possession and use of 5 kg or more of contained uranium	Application	12,000
235 in uranium enriched to less than 20 pct, for fuel processing and fabrication.	New license	112,800
	Renewal ³	71,900
	Amendment ²	
	Major—Safety and environmental	34,800
	Major—Safeguards	6,900
	Minor—Safety and environmental	1,400
	Minor—Safeguards	3,500
	Administrative	150
C. Licenses for possession and use of 2 kg or more of plutonium for fuel processing and fabrication.	Application for construction approval	50,000
	Construction approval	480,300
	License fee	241,800
	Renewal	170,800
	Amendment ²	
	Major—Safety and environmental	75,000
	Major—Safeguards	12,800
	Minor—Safety and environmental	1,400
	Minor—Safeguards	6,200
	Administrative	150

See footnotes at end of table.

579026

43 FR 7210

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES...

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—Continued

Category of materials licenses	Type of fee	Fee
D. Licenses for possession and use of 5 kg or more of contained uranium 235 in unsealed form, or 3 kg or more of uranium 233 in unsealed form for activities other than fuel processing and fabrication.*	Application.....	3,000
	New license.....	31,600
	Renewal.....	18,000
	Amendment:	
	Safety and environmental.....	1,400
	Safeguards.....	2,800
E. 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.*	Application.....	6,000
	New license.....	56,300
	Renewal.....	38,100
	Amendment:	
	Safety and environmental.....	1,400
	Safeguards.....	2,800
F. Licenses for possession and use of 200 g but less than 2 kg of plutonium in unsealed form.*	Application.....	5,000
	New license.....	42,100
	Renewal.....	29,800
	Amendment:	
	Safety and environmental.....	1,400
	Safeguards.....	4,800
G. Licenses for possession and use of 350 g but less than 5 kg of contained uranium 235 in unsealed form, or 200 g but less than 2 kg of uranium 233 in unsealed form.*	Application.....	2,000
	New license.....	18,800
	Renewal.....	11,100
	Amendment:	
	Safety and environmental.....	1,400
	Safeguards.....	2,800
H. Licenses for receipt and storage of spent fuel: (1) License application for a storage facility of custom design requiring a full design review:		
	(a) Storage facility to be located at a new site:	
	Application.....	175,000
	New license.....	290,000
	Renewal.....	37,000
	Amendment:	
	Major—Safety and environmental.....	88,500
	Major—Safeguards.....	6,200
	Minor—Safety and environmental.....	3,500
	Minor—Safeguards.....	3,500
	Administrative.....	150
	(b) Storage facility to be located at the site of an existing nuclear facility.*	
	Application.....	25,000
	New license.....	209,300
	Renewal.....	32,000
	Amendment:	
	Major—Safety and environmental.....	88,500
	Major—Safeguards.....	6,200
	Minor—Safety and environmental.....	3,500
	Minor—Safeguards.....	3,500
	Administrative.....	150
	(2) License application for a storage facility which references an approved standardized design:	
	(a) Storage facility to be located at a new site:	
	Application.....	25,000
	New license.....	236,600
	Renewal.....	32,000
	Amendment:	
	Major—Safety and environmental.....	88,500
	Major—Safeguards.....	6,200
	Minor—Safety and environmental.....	3,500
Minor—Safeguards.....	3,500	
Administrative.....	150	
(b) Storage facility to be located at the site of an existing nuclear facility.*		
Application.....	15,000	
New license.....	130,000	
Renewal.....	32,000	
Amendment:		
Major—Safety and environmental.....	88,500	
Major—Safeguards.....	6,200	
Minor—Safety and environmental.....	3,500	
Minor—Safeguards.....	3,500	
Administrative.....	150	
(3) License application for a storage facility of duplicate design—design which is identical to a previously licensed detail design:		
(a) Storage facility to be located at a new site:		
Application.....	15,000	
New license.....	159,200	
Renewal.....	32,000	
Amendment:		
Major—Safety and environmental.....	88,500	
Major—Safeguards.....	6,200	
Minor—Safety and environmental.....	3,500	
Minor—Safeguards.....	3,500	
Administrative.....	150	
(b) Storage facility to be located at the site of an existing nuclear facility.*		
Application.....	10,000	
New License.....	73,500	
Renewal.....	32,000	

See footnotes at end of table.

579017

43 FR 7210

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—Continued

Category of materials licenses	Type of fee	Fee
	Amendment:	
	Major—Safety and environmental	88,500
	Major—Safeguard	6,200
	Minor—Safety and environmental	3,500
	Minor—Safeguards	3,500
	Administrative	150
I. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems:	Application—New license	110
	Renewal	110
	Amendment	40
J. All other special nuclear material licenses, except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical quantity as defined in §150.11 of Part 150 which shall pay the same rate as Category 1G and special nuclear material for use in power generation which shall pay the fee in Category 10:	Application—New license	460
	Renewal	460
	Amendment	110
2. Source material:		
A. Licenses for possession and use of source material in milling operations, except in in situ leaching and heap-leaching operations:	Application	11,000
	New license*	96,700
	Renewal*	10,800
	Amendment:	
	Major—Safety and environmental*	20,800
	Minor—Safety and environmental*	3,500
	Administrative	150
B. Licenses for processing and recovery of source material in in situ leaching operations or heap-leaching operations:	Production scale activity:	
	Application	7,000
	New license*	59,500
	Research and development, scale activity:	
	Application	2,000
	New license*	21,800
	Renewal*	17,300
	Amendment:	
	Major—Safety and environmental*	14,200
	Minor—Safety and environmental*	1,780
	Administrative	150
C. Licenses for refining uranium mill concentrates to uranium hexafluoride:	Application	11,000
	New license*	96,700
	Renewal*	45,800
	Amendment:	
	Major—Safety and environmental*	20,800
	Minor—Safety and environmental*	3,500
	Administrative	150
D. All other source material licenses:	Application—New license	140
	Renewal	70
	Amendment	40
3. Byproduct material:		
A. Licenses 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, except byproduct material for use in power generation which shall pay the fee in category 10:	Application—New license	460
	Renewal	460
	Amendment	110
B. Licenses issued pursuant to §32.72 of this chapter authorizing the processing or manufacture and distribution of radiopharmaceuticals containing byproduct material:	Application—New license	190
	Renewal	150
	Amendment	40
C. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations performed in shielded radiography installation(s) or permanently designated areas at the address(es) listed in the license:	Application—New license	190
	Renewal	150
	Amendment	40
D. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations performed in a shielded radiography installation(s) and at multiple temporary locations at the address(es) shown in the licenses or at temporary jobsites of the licensee in the field:	Application—New license	460
	Renewal	460
	Amendment	110
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials when the source is not removed from its shield (self-shielded units):	Application—New license	190
	Renewal	150
	Amendment	40
F. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes:	Application—New license	460
	Renewal	460
	Amendment	110

63 FR 7210

579078

See footnotes at end of table.

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—Continued

Category of materials licenses	Type of fee ¹	Fee
G. Licenses issued pursuant to Subpart B of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons generally licensed under Part 31 or 35 of this chapter, except specific licenses authorizing redistribution of items which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons generally licensed under Parts 31 or 35 of this chapter.	Application—New license.....	950
	Renewal.....	570
	Amendment.....	230
H. Licenses issued pursuant to Subpart A of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons exempt from the licensing requirements of Part 30 of this chapter, except: (1) §§ 32.11 and 32.18 of this chapter, (2) specific licenses authorizing redistribution of items and quantities which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons exempt from the licensing requirements of Part 30 of this chapter, and (3) specific licenses which authorize distribution of timepieces, hands, and dials.	Application—New license.....	950
	Renewal.....	570
	Amendment.....	230
I. Licenses issued pursuant to § 32.18 of this chapter to distribute quantities of byproduct material to persons exempt from the licensing requirements of Part 30 of this chapter.	Application—New license.....	190
	Renewal.....	150
	Amendment.....	40
J. Licenses issued pursuant to § 32.14 of this chapter to distribute timepieces, hands, and dials containing hydrogen 3 or promethium 147 to persons exempt from the licensing requirements of Part 30 of this chapter.	Application—New license.....	190
	Renewal.....	150
	Amendment.....	40
K. Licenses for possession and use of byproduct material for research and development, except those licenses covered by categories 3A or 3B, and licenses covered by categories 7B or 7C authorizing medical research.	Application—New license.....	190
	Renewal.....	150
	Amendment.....	40
L. All other specific byproduct material licenses, except those in categories 4A through 10A. ²	Application—New license.....	110
	Renewal.....	110
	Amendment.....	40
4. Waste disposal.		
A. 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.	Application.....	32,000
	New license ³	291,100
	Renewal ³	98,500
	Amendment: ⁴	
	Major—Safety and environmental ⁵	197,700
Minor—Safety and environmental.....	690	
Administrative.....	150	
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging 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.....	1,100
	Renewal.....	570
	Amendment: ⁶	
Safety and environmental.....	570	
Administrative ⁷	150	
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.....	190
	Renewal.....	150
	Amendment.....	40
5. Well logging and well surveys and tracer studies: A. Licenses for possession and use of special nuclear material and/or byproduct material for well logging, well surveys, and tracer studies.	Application—New license.....	460
	Renewal.....	460
	Amendment.....	110
6. Nuclear laundries: A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material.	Application—New license.....	460
	Renewal.....	460
	Amendment.....	110

See footnotes at end of table.

43 FR 7210

579039

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES...

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—Continued

Category of materials licenses	Type of fee	Fee
7. Human use of byproduct material, source material, or special nuclear material:		
A. 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.....	300
	Renewal.....	270
	Amendment.....	40
B. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter to medical institutions, or two or more physicians on a single license, for human use of byproduct material, source material, or special nuclear material, except licenses in category 7A.		
	Application—New license.....	190
	Renewal.....	150
	Amendment.....	40
C. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter to an individual physician for human use of byproduct material, source material, or special nuclear material, except licenses in category 7A.		
	Application—New license.....	190
	Renewal.....	150
	Amendment.....	40
8. Civil defense: A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.		
	Application—New license.....	190
	Renewal.....	150
	Amendment.....	40
9. Device, product, or sealed source safety evaluation:		
A. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices and devices or products distributed to general licensees or persons exempt from the requirements for a license pursuant to Parts 30, 40, and 70 of this chapter.		
	Application—Evaluation.....	570
B. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except: (1) reactor fuel, (2) sealed sources distributed to general licensees or persons exempt from the requirements for a license pursuant to Parts 30, 40, and 70 of this chapter, and (3) power sources covered by category 10.		
	do.....	110
10. Power source: A. Licenses for the manufacture and distribution of encapsulated byproduct material or special nuclear material wherein the decay energy of said material is used as a source of power, except reactor fuel.		
	Application—New license.....	1,900
	Renewal.....	460
	Amendment.....	460
11. Transportation of radioactive material:		
A. Evaluation of spent fuel cask for greater than 20 kW decay heat.		
	Application.....	8,000
	Approval.....	75,100
	Amendments:	
	Major.....	6,900
	Minor.....	3,500
	Administrative.....	150
	Renewal.....	150
B. 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 greater than 2,000 times the type A quantity.		
	Application.....	7,000
	Approval.....	62,200
	Amendments:	
	Major.....	5,500
	Minor.....	2,800
	Administrative.....	150
	Renewal.....	150
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.		
	Application.....	1,000
	Approval.....	12,800
	Amendments:	
	Major.....	3,500
	Minor.....	690
	Administrative.....	150
	Renewal.....	150
D. 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.....	700
	Approval.....	6,200
	Amendments:	
	Major.....	1,400
	Minor.....	350
	Administrative.....	150
	Renewal.....	150
E. Evaluation of packages containing radioactive material less than 20 times the type A quantity.		
	Application.....	200
	Approval.....	1,200
	Amendments:	
	Major.....	350
	Minor.....	150
	Renewal.....	150

43 FR 7210

579030

~~579030~~

See footnotes at end of table.

PART 170 • FEES FOR FACILITIES AND MATERIAL

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—Continued

Category of materials licenses	Type of fee	Fee
12. Review of standardized spent fuel facility design.	Application	12,000
	Approval	107,200
13. Special projects*		

*Types of fees. Separate charges as shown in the schedule will be assessed for applications for new licenses and approvals, issuance of new licenses and approvals, and amendments and renewals to existing licenses and approvals. The following guidelines apply to these charges:

(a) *Application fees.* Applications for materials licenses and approvals shall be accompanied by the prescribed application fee for a fee category, except that applications for licenses covering more than one fee category of special nuclear material (excluding category 1H) to be used at the same location, shall be accompanied by the prescribed application fee for the highest fee category. Where a license or approval has expired, the full application fee for each category shall be due, except for licenses covering more than one fee category of special nuclear material (excluding category 1H) for use at the same location, in which case the application fee for the highest category would apply.

(b) *License/approval fees.* New licenses and approvals issued in fee categories 1A through 1H, 2A, 2B, 2C, 4A, 11A through 11E, and category 12, shall pay the license or approval fee for each category, as determined by the Commission when the review of the application or project is completed (see footnote 4), except that a license covering more than one fee category of special nuclear material in categories 1A through 1G shall pay a license fee for the highest fee category assigned to the license.

(c) *Renewal fees.* Applications for renewal of materials licenses and approvals shall be accompanied by the prescribed fee for each category, except that applications for renewal covering more than one fee category of special nuclear material (excluding category 1H) to be used at the same location, shall be accompanied by the prescribed renewal fee for the highest fee category. When the review of an application for renewal is complete for licenses in fee categories 1A through 1H, 2A, 2B, 2C, and 4A, the Commission will examine the renewal fee in accordance with footnote 4, and will refund any overcharges of the renewal fee, if applicable.

(d) *Amendment fees.* Applications for amendments shall be accompanied by the prescribed amendment fees. At the time an application for amendment is filed for licenses and approvals in fee categories 1A through 1H, 2A, 2B, 2C, 4A, 11A, 11B, 11C, 11D, and 11E, the licensee or applicant shall provide an initial determination of the amendment class and state the basis therefor as part of the amendment or approval request, and shall remit the fee corresponding to that determination; however, when review of the amendment or approval is complete, the Commission will examine the amendment fee in accordance with footnote 4, if applicable, and will refund any overcharges to the licensee or applicant, or bill the licensee or applicant for the additional amendment fee. Amendments which result from written NRC requests may be exempted from these fees at the discretion of the Commission when the amendment is issued for the convenience of the NRC.

An application for amendment to a license or approval classified in more than one fee category shall be accompanied by the prescribed amendment fee for the category affected by the amendment, unless the amendment is applicable to two or more fee categories, in which case the amendment fee for the highest fee category would apply. An application for amendment to a materials license or approval that would place the license or approval in a higher fee category or add a new category shall be accompanied by the prescribed application fee for the new category, except for applications for amendments increasing the scope of a licensed program from fee categories 1F to 1E, 1G to 1D, 3C to 3D, and 7C to 7B, in which cases the amendment fee for the higher fee category would apply. An application for amendment reducing the scope of a licensee's program shall pay the amendment fee of the fee category assigned to the license at the time the application is filed. Applications to terminate licenses shall not be subject to fees.

*Licensees paying fees under categories 1A through 1H are not subject to fees under categories 1I and 1J for sealed sources authorized in the same license. Applicants for new licenses or renewal of existing licenses that cover both byproduct material and special nuclear material in sealed sources for use in gauging devices will pay the appropriate application or renewal fee for fee category 1I only.

*A major amendment is defined as one requiring evaluation of many aspects of licensed activities where the proposed action could present a potential risk to the public's health and safety. A minor amendment is defined as one where safety, environmental, or safeguards considerations may be easily resolved. An administrative amendment is defined as an amendment that is pro forma, routine in nature, or has no safety, environmental, or safeguards significance.

*When the review of an application is complete, the expenditures for professional manpower and appropriate support services will be determined and the resultant fee assessed, but in no event will the fee exceed that shown in the schedule of fees for materials licenses and other regulatory services. All administrative amendments are based on fixed charges.

*Fees would be applicable only in those instances where a site safety and environmental review has been performed and documented by the Commission for the site at which the storage facility is to be located.

*Fee is applicable to a license authorizing either production scale activity or research and development scale activity.

*A type A quantity is defined in § 71.4(q) of 10 CFR Part 71.

*Charge will be separately determined by the Commission taking into account the professional manpower required to conduct the review multiplied by the applicable cost per man-year, plus any appropriate support services costs incurred.

§ 170.32 Schedule of fees for health and safety, and safeguards inspections for materials licenses.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES

Category of materials licenses	Type of fee	Fee	Frequency
1. Special nuclear material.			
A. Licenses for possession and use of five (5) kg or more of contained uranium 235 in uranium enriched to 20 pct or more, or two (2) kg or more of uranium 233, for fuel processing and fabrication.	Health and safety	\$5,300	3 per year.
	Safeguards	10,300	Do.
B. Licenses for possession and use of five (5) kg or more of contained uranium 235 in uranium enriched to	Health and safety	5,300	Do.
	Safeguards	10,300	1 per year.

See footnote at end of table.

579031

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES—Continued

Category of materials licenses	Type of fee	Fee*	Maximum frequency*
less than 20 pct. for fuel processing and fabrication.			
C. Licenses for possession and use of two (2) kg or more of plutonium for fuel processing and fabrication.	Health and safety..... Safeguards.....	4,800 11,700	4 per year 3 per year
D. Licenses for possession and use of five (5) kg or more of contained uranium 235 in unsealed form, or two (2) kg or more of uranium 233 in unsealed form for activities other than fuel processing and fabrication.	Health and safety..... Safeguards.....	4,900 7,600	1 per year. 2 per year.
E. Licenses for possession and use of quantities of plutonium of two (2) kg or more in unsealed form for activities other than fuel processing and fabrication.	Health and safety..... Safeguards.....	780 5,400	1 per year. 2 per year.
F. Licenses for possession and use of 200 g but less than two (2) kg of plutonium in unsealed form.	Health and safety..... Safeguards.....	780 2,300	1 per year. Do.
G. Licenses for possession and use of 350 g but less than five (5) kg of contained uranium 235 in unsealed form, or 200 g but less than two (2) kg of uranium 233 in unsealed form.	Health and safety..... Safeguards.....	780 4,000	1 every 2 years. 1 per year.
H. Licenses for receipt and storage of spent fuel:			
(1) License application for a storage facility of custom design requiring a full design review:			
(a) Storage facility to be located at a new site.	Health and safety..... Safeguards.....	780 2,000	Do. 2 per year.
(b) Storage facility to be located at the site of an existing nuclear facility.	Health and safety..... Safeguards.....	780 2,900	1 per year. 2 per year.
(2) License application for a storage facility which references an approved standardized design:			
(a) Storage facility to be located at a new site.	Health and safety..... Safeguards.....	780 2,900	1 per year. 2 per year.
(b) Storage facility to be located at the site of an existing nuclear facility.	Health and safety..... Safeguards.....	780 2,900	1 per year. 2 per year.
(3) License application for a storage facility of duplicate design—design which is identical to a previously licensed detail design:			
(a) Storage facility to be located at a new site.	Health and safety..... Safeguards.....	780 2,900	1 per year. 2 per year.
(b) Storage facility to be located at the site of an existing nuclear facility.	Health and safety..... Safeguards.....	780 2,900	1 per year. 2 per year.
I. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems.	Health and safety.....	330	1 every 5 years.
J. All other special nuclear material licenses, except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical quantity as defined in § 150.11 of part 150 which shall pay the same rate as category 1G and special nuclear material for use in power generation which shall pay the fee in category 1G.	do.....	780	1 per year.
2. Source material:			
A. Licenses for possession and use of source material in milling operations, except in in-situ leaching and heap-leaching operations.	do.....	1,800	Do.
B. Licenses for processing and recovery of source material in in-situ leaching operations or heap-leaching operations.	do.....	1,800	Do.
C. Licenses for refining uranium mill concentrates to uranium hexafluoride.	do.....	1,800	Do.
D. All other source material licenses	do.....	460	1 every 2 years.
3. Byproduct material:			
A. Licenses 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, except byproduct material for use in power generation which shall pay the fee in Category 1G:	Health & Safety:..... Large program..... Small program.....	1,600 780	1 per year. Do.
B. Licenses issued pursuant to § 32.72 of this chapter authorizing the processing or manufacture and distribution of byproduct material:	Health & Safety.....	650	1 every 3 years.

43 FR 7210

579032

See footnote at end of table.

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES—Continued

Category of materials licenses	Type of fee	Fee*	Maximum frequency*
buton of radio-pharmaceuticals containing byproduct material			
C. Licenses for byproduct material issued pursuant to part 34 of this chapter for industrial radiography operations performed in a shielded radiography installation(s) or permanently designated area(s) at the address(es) listed in the license.	.....do.....	720	1 per year.
D. Licenses for byproduct material issued pursuant to part 34 of this chapter for industrial radiography operations performed in a shielded radiograph installation(s) and at multiple temporary locations at the address(es) shown in the license or at temporary jobsites of the licensee in the field.	.....do.....	980	Do.
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials where the source is not removed from its shield (Self-shielded units).	.....do.....	390	1 every 5 years.
F. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes.	Health and safety	390	1 every 3 years.
G. Licenses issued pursuant to Subpart B of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons generally licensed under parts 31 or 35 of this chapter, except specific licenses authorizing redistribution of items which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons generally licensed under parts 31 or 35 of this chapter.	.....do.....	390	Do.
H. Licenses issued pursuant to Subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons exempt from the licensing requirements of part 30 of this chapter, except (1) §§ 32.11 and 32.18 of this chapter, (2) specific licenses authorizing redistribution of items and quantities which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons exempt from the licensing requirements of part 30 of this chapter, and (3) specific licenses which authorize distribution of timepieces, hands and dials.	.....do.....	390	Do.
I. Licenses issued pursuant to § 32.18 of this chapter to distribute quantities of byproduct material to persons exempt from the licensing requirements of part 30 of this chapter.	.....do.....	390	Do.
J. Licenses issued pursuant to § 32.14 of this chapter to distribute timepieces, hands, and dials, containing hydrogen 3 or prometh'um 147 to persons exempt from the licensing requirements of part 30 of this chapter.	.....do.....	390	Do.
K. Licenses for possession and use of byproduct material for research and development, except those licenses covered by categories 3A or 3B, and licenses covered by categories 7B or 7C authorizing medical research.	.....do.....	390	Do.
L. All other specific byproduct material licenses, except those in categories 4A through 10A.	.....do.....	390	1 every 5 years.
4. Waste disposal:			
A. 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.	.....do.....	980	1 per year.
B. Licenses specifically authorizing the receipt of waste byproduct ma-	Health & Safety	850	1 every 3 years.

See footnotes at end of table.

579033

43 FR 7210

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES—Continued

Category of materials licenses	Type of fee	Fee	Maximum frequency
terial, source material, or special nuclear material, from other persons for the purpose of packaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.			
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.	do	650	Do.
5. Well logging and well surveys and tracer studies:			
A. Licenses for possession and use of special nuclear material and/or byproduct material for well logging, well surveys, and tracer studies.	do	525	Do.
6. Nuclear laundries:			
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material.	do	890	Do.
7. Human use of byproduct material, source material, or special nuclear material:			
A. 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.	do	460	1 every 2 years.
B. Licenses issued pursuant to parts 30, 40, and 70 of this chapter to medical institutions, or two or more physicians on a single license, for human use of byproduct material, source material, or special nuclear material, except licenses in category 7A.	do	460	1 every 3 years.
C. Licenses issued pursuant to parts 30, 40, and 70 of this chapter to an individual physician for human use of byproduct material, source material, or special nuclear material, except licenses in category 7A.	do	230	Do.
8. Civil defense:			
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	do	200	1 every 10 years.
9. Device, product, or sealed source safety evaluation:			
A. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices and devices or products distributed to general licensees or persons exempt from the requirements for a license pursuant to parts 30, 40, and 70 of this chapter.	Not applicable		No inspections conducted.
B. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except (1) reactor fuel, (2) sealed sources distributed to general licensees or persons exempt from the requirements for a license pursuant to parts 30, 40, and 70 of this chapter, and (3) power sources covered by category 10.	Not applicable		No inspections conducted.
10. Power source:			
A. Licenses for the manufacture and distribution of encapsulated byproduct material or special nuclear material wherein the decay energy of said material is used as a source of power, except reactor fuel.	Health and safety	780	1 per year.
11. Transportation of radioactive material:			
A. Evaluation of spent fuel cask for greater than 20 kW decay heat.	Not applicable		No inspections conducted.
B. 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.	do		Do.

43 FR 7210

579034

See footnotes at end of table.

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES...

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES—Continued

Category of materials licenses	Type of fee ¹	Fee ²	Maximum frequency ³
greater than 2,000 times the type A quantity.	do		Do
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.	do		Do
D. 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.	do		Do
E. Evaluation of packages containing radioactive material less than 20 times the type A quantity.	do		Do
12. Review of standardized spent fuel facility design.	do		Do

¹ Types of Fees—Separate charges as shown in this schedule will be assessed for each routine inspection which is performed.

² Inspection fees are due upon receipt of notice from the Commission. The inspection fee for licenses covering more than one fee category will be charged only for the highest fee category assigned the license, and the inspection of the entire license is done at the same time. Where a licensee holds more than one materials license at a single location, a fee equal to the highest fee category covered by the licenses will be assessed, if the inspections are conducted at the same time.

³ The frequency shown in the schedule is the maximum number of each type of inspection for which a fee will be assessed.

⁴ Where a license authorizes shielded radiographic installations or manufacturing installations at more than one address, a separate fee will be assessed for inspection of each location, provided, however, that if the multiple installations are inspected during a single visit a single inspection fee will be assessed.

⁵ For inspection purposes, large and small programs in Category 3A are defined as follows. A. *Large Programs*—Those licensees handling or processing loose or unsealed material for the manufacture of tagged compounds or products such as sealed sources and distribution of same to others. B. *Small Programs*—Those licensees who are processors of "finished products," such as previously tagged compounds and sealed sources for introduction into products or repackaging for sale to others.

§ 170.41 Failure by applicant or licensee to pay prescribed fees.

In any case where the Commission finds that an applicant or a licensee has failed to pay a prescribed fee required in this part, the Commission will not process any application and may suspend or revoke any license or approval involved or may issue an order with respect to licensed activities as the Commission determines to be appropriate or necessary in order to carry out the provisions of this part, Parts 30, 40, 50, 70, and 71 of this chapter, and of the Act.

579035

43 F-R 7210