



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

SEP 22 1981

MEMORANDUM FOR: Harold Denton, Director, NRR  
John Davis, Director, NMSS ✓  
Victor Stello, Director, IE  
Learned Barry, Controller, CON  
Stephen Eilperin, Solicitor, GC  
Howard Shapar, Executive Legal Director, ELD  
Forrest Remick, Director, PE  
Raymond F. Fraley, Executive Director, ACRS  
Alan S. Rosenthal, Chairman, ASLAP  
B. Paul Cotter, Jr., Chairman, ASLBP

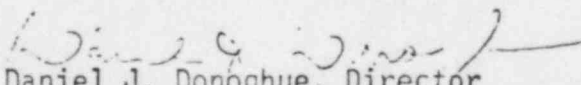
FROM: Daniel J. Donoghue, Director, Office of Administration

SUBJECT: DRAFT NOTICE OF PROPOSED RULE MAKING

We are enclosing a draft Notice of Proposed Rule Making which would amend the Commission's license fee schedule.

You are requested to review the draft and give me your comments and suggestions by c.o.b., Monday, September 28, 1981.

If you have questions concerning the draft Notice, please contact William O. Miller, 492-7225.

  
Daniel J. Donoghue, Director  
Office of Administration

Enclosure:  
Draft Notice of Proposed Rule Making

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FOR: The Commissioners

FROM: William J. Dircks, Executive Director for Operations

SUBJECT: LICENSE FEES - PROPOSED SCHEDULE

PURPOSE: To comply with a Commission request for a proposed revision to the NRC fee schedule which would more completely recover costs of licensing and inspection.

CATEGORY: This paper covers major policy issues requiring Commission approval.

DISCUSSION: On March 23, 1978, the NRC implemented a revised schedule of license fees updating the August 10, 1973 fee schedule. The revised schedule established fees for review of requests filed by vendors and architect-engineers for standardized reference designs; amendments; renewals; routine inspections; special projects; approval of spent fuel casks, and shipping containers; and sealed sources and devices containing byproduct, source or special nuclear material. The revised schedule also updated fees for review of applications for facility construction permits and operating licenses and applications for byproduct, source and special nuclear materials licenses. The revised schedule was based on FY 1977 costs.

The Commission's guidelines used in developing the March 23, 1978 fee schedule were based on two decisions of the Supreme Court issued on March 4, 1974, and four opinions of the Court of Appeals for the District of Columbia Circuit issued on December 16, 1976. The two cases decided by the Supreme Court were challenges of the validity of annual license fees charged by the Federal Communications Commission and the Federal Power Commission under authority of the Independent Office Appropriation Act of 1952. 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). The Court of Appeals cases were challenges of a revised fee schedule published by the Federal Communications Commission. National Cable Television Association v. Federal Communications Commission, Nos. 75-1053 et. al.;

Contact: William O. Miller, LFMB, 27225

National Association of Broadcasters v. Federal Communications  
Nos. 75-1087 et. al.; Electronic Industries Association v.  
Federal Communications Commission, Nos. 75-1120 et. al.;  
Capital Cities Communication, Inc. v. Federal Communications

Commission, Nos. 75-1503 et. al. The Court's decisions provided the NRC with the additional guidance needed to develop new fee guidelines.

In summary, Commission fee guidelines provide that:

1. Fees may be assessed to persons who are identifiable recipients of special benefits conferred by specifically identified activities of the U.S. Nuclear Regulatory Commission. The special benefits include services rendered at the request of a recipient. Services include the review of an application or request for a permit, license, approval, amendment, or special project, and all 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 ultimate beneficiary of the NRC service is obscure, the cost may not be included in the cost basis for fees;
5. A fee on the average should not exceed the sum of the direct and indirect costs which the NRC incurs in furnishing the service 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 and associated with the rendering of the type of agency service to the particular class of recipients.

Based on Commission guidelines and an analysis of the functions of NRC offices, their responsibilities and activities, the services of the offices were categorized as being eligible for cost recovery or as excluded from cost recovery. Only NRC services providing special benefits to identifiable recipients were included in the computation of fees. The following categorizes the activities based on

analysis. The services were identified as included or excluded from cost recovery and fee computation.

1. Office of Nuclear Reactor Regulation

- a. The review and processing of applications for facility construction permits and operating licenses was included. This effort includes safety, environmental, quality assurance, antitrust and special nuclear materials safeguards reviews.
- b. The review and processing of applications and requests for facility permit or license amendment and technical specification change was included.
- c. The review of topical reports filed by licensees or vendors was included.
- d. The review of standardized reference designs for nuclear steam supply systems was included.
- e. The review of standardized reference designs for balance of nuclear plants was included.
- f. Hot and cold examinations for reactor operators was included.
- g. Staff effort in development of standards, codes, criteria and licensing guides was excluded.
- h. Staff effort in facilities research projects was excluded.
- i. Licensing effort not specifically identified with applications on file (generic in nature) was excluded.

2. Advisory Committee on Reactor Safeguards

ACRS review of safety issues was included in the computation of fees for cost recovery. Generic licensing, research and standards development activities were excluded.



3. Atomic Safety and Licensing Board Panel

All activities of the Boards concerned with uncontested facility hearings were included in fee computation. All other effort was excluded.

4. Atomic Safety and Licensing Appeal Board

Board effort concerned with uncontested cases was included in fee computation. All effort involving contested cases was excluded.

5. Office of Nuclear Materials Safety and Safeguards

- a. The review and processing of applications and requests for non-reactor facility construction permits and operating licenses, fuel cycle licenses, transportation and package approvals, source and device evaluations, and materials licenses which involves safety, environmental, and special nuclear material safeguards issues was included. Antitrust reviews as required by 10 CFR Part 50 non-reactor facility applications were included.
- b. The review and processing of applications and requests for license renewal or amendment was included.
- c. The examination and testing of the qualifications of non-reactor facility operators was included.
- d. Staff effort in the development of standards and licensing guides was excluded.
- e. Staff effort devoted to research projects was excluded.
- f. Licensing effort not specifically identified with applications on file (generic in nature) was excluded.

6. Office of Inspection and Enforcement

- a. Effort required for routine health, safety, environmental, and safeguards inspections of licensed activities was included.

- b. Quality assurance inspection effort during the preconstruction, construction, preoperational and operations phases of facility licensing was included.
- c. Staff effort in development of standards and inspection criteria was excluded.
- d. Nonroutine inspections including: investigations, incidents, audit of licensee management and enforcement activities were excluded.
- e. Inspection activities which are not concerned with a specific licensee, facility or vendor (generic in nature) were excluded.

7. Office of Standards Development

All standards activities were excluded even though these activities provide substantial benefit to applicants, licensees and vendors by helping to define NRC requirements and practices and by helping to establish predictability of the regulatory process.

8. Office of Nuclear Regulatory Research

Research or confirmatory assessment which generally relates to regulatory decisions for the safe and environmentally compatible operation and protection of nuclear facilities and materials was excluded.

9. The Office of the Commissioners

The Commissioners are the governing body of the NRC and exercise overall responsibility for policy, guidance, administration and management of the Commission. It was not practical to isolate and allocate the services of this office to individual activities; therefore, the activities were excluded.

10. The Office of the Secretary

The allocation of services provided to the various NRC offices was determined and those activities supporting the licensing and inspection process were included in the computation of fees.

11. Office of the General Counsel

The effort of this office is associated with contested hearings and the providing of legal opinion and advise in connection with quasi-judicial responsibilities of the Commission and in policy development, litigation and legislative matters. Since these services are not directly concerned with the licensing and inspection process, except for the effort in contested hearings, there costs were excluded.

12. Office of Policy Evaluation

This office advises the Commissioners on a broad range of substantive policy matters and provides an independent review of NRC staff positions. The effort of this office is not generally directly associated with licensing or inspection activities and thus was excluded.

13. Offices of the Inspector and Auditor, Congressional Affairs, Public Affairs and Equal Employment Opportunity

The services provided by these offices were excluded.

14. The Executive Director for Operations

This office coordinates and directs the Commission's operational and administrative activities and is therefore directly concerned with licensing, inspection, standards and research activities. The services and related costs of the EDO, with the exception of the Special Projects Branch, were allocated to the operation offices based on analysis of the services provided. Therefore, services supporting the licensing and inspection process were included for cost recovery.

15. The Office of Administration

This office, with the exception of the Division of Rules and Records, provides service to the NRC offices essentially on a per capita basis, and this was the basis for distribution of Administration costs. Those services supporting the licensing and inspections process were included in fee computation. All cost of the Division of Rules and Records were excluded because this office is concerned primarily with requests under the Freedom of Information Act, Privacy Act, and the Federal Reports Act, and provides general support for rule changes.

16. The Office of the Controller

This office provides services to the NRC offices essentially on a per capita basis. Those services supporting the licensing and inspection programs were included.

17. The Office of Management and Program Analysis (formally the Office of Management Information and Program Control and Office of Planning and Analysis)

This office provides management information and control systems dealing with project status and schedules to assist the EDO in program assessment and policy analysis. The costs associated with management information and controls systems were allocated to the offices receiving the service and those services supporting the licensing and inspection programs were included. Program assessment and policy analysis activities were excluded.

18. Office of Executive Legal Director

This office provides services to the licensing and inspection process, conducts hearings, and provides legal advice to the Executive Director of Operations. Those services supporting the licensing and inspection programs were included.

19. Offices of State Programs and International Programs

These offices provide a service to states and foreign governments and their costs were excluded.

Smallest Practical Unit

It was necessary to determine the smallest practical unit prior to developing fees. In reactor facilities this was determined to be the application or request for a construction permit, operating license, or approval of a standard reference design, technical specification, topical report, or special project. The smallest practical unit for byproduct material, source material, and special nuclear material applications and requests was determined to be the type, use, and quantity. Applications and requests to amend or modify reactor construction permits or operating licenses were grouped into six classes based on average review effort.

Support Services

In addition to an analysis of staff activities, it was necessary to review program support services (contractual services) to identify those that were part of the review of applications for permits, licenses and approvals or supported the inspection process. Where the contractual service was found to support the license review process or inspection program, it was considered as providing special benefit and was included.

Professional Staff Rates

After the services of the various NRC offices including contractual support were analyzed and categorized for fee purposes, the cost to maintain a professional employee (yearly rate) was separately computed for the Offices of Nuclear Reactor Regulation, Nuclear Materials Safety and Safeguards and Inspection and Enforcement, and for the Advisory Committee on Reactor Safeguards, the Atomic Safety Licensing Board Panel and the Atomic Safety Licensing Appeal Panel. The rates took into consideration (1) personnel compensation, personnel benefits, administrative support and travel, (2) the number of professional employees involved in activities or projects subject to cost recovery in a particular office (excluding administrative, supervisory and management direction employees in the office), and (3) the cost of overhead support provided to the operating offices by Program Direction and Administration (PDA) and Program Technical Support (PTS).

It is proposed that the professional staff rate for NRR, NMSS, IE and ACRS, ASLBP and ASLAP be adjusted to take into account the costs of employee pay raises for FY 1978-81 and to add the budget factor CON used for all other non-payable costs in budget development for FY 1978-81.

## LIMITS ESTABLISHED BY PRESENT FEE SCHEDULE

In the March 23, 1978 schedule, fees cover actual costs for reactors and other fuel cycle facilities and applications; however, upper fee limits were established for each category of application, permit, license, topical reports, or approval. The one exception was special projects where no limit or cap was set.



In the inspection area, charges were limited to routine inspections and an upper limit was set on the number of charges that could be assessed during a specified period of time. No charges would be imposed if the licensee was not inspected.

Topical reports were subject to actual costs not to exceed \$20,000 per report.

Fees for review of a preliminary or final design of a standard nuclear steam supply system or balance of plant were to be based on actual costs up to a specified maximum, but the fee would be collected in five equal installments as the first five units of approved design were sold.

Amendments and approvals resulting from Commission Orders were exempted from fees. Also certain classes of amendments resulting from a written request for an application may be exempt from fees when the amendment serves to simplify or clarify a license or technical specification; the amendment has only minor safety significance, and is issued for the convenience of the Commission.

On August 24, 1979, the U.S. Court of Appeals, Fifth Circuit, held, in a challenge of the NRC's March 23, 1978 fee schedule, in Mississippi Power and Light Co., Offshore Power Systems, and Florida Power and Light Co. v. United States Nuclear Regulatory Commission; Nuclear Engineering Co., Inc. v. United States Nuclear Regulatory Commission; and Chem-Nuclear Services, Inc., v. United States Nuclear Regulatory Commission, that:

(1) the Nuclear Regulatory Commission had the authority to recover its full costs of providing services to identifiable beneficiaries; (2) the NRC could properly assess a fee for the costs of providing routine inspections necessary to assure a licensee's compliance with the Atomic Energy Act and with applicable regulations; (3) the NRC could charge for costs incurred in conducting environmental reviews required by NEPA; (4) the NRC properly included in its fee schedule the costs of uncontested hearings and of administrative and technical support services; (5) the NRC could assess a fee for renewing a license to operate a low-level radioactive waste burial site; and (6) the NRC's fees were not arbitrary or capricious. The Appeals Court upheld the Commission's license fee guidelines. On November 19, 1979, a petition for a writ of certiorari was filed with the Supreme Court and subsequently denied.

Services for which the NRC may recover costs are those having a clearly identifiable recipient of the service. These services include the review of applications and requests for permits, licenses, amendments, renewals, approvals, operator qualifications, and inspections.

Excluded from recovery by the fee guidelines are all research activities, standards and code development, generic licensing and non-routine inspection activities, and international programs. In addition, the Commission has, by rule, specifically exempted from fees licenses issued to Federal, State and local governments and to educational institutions where the material is used for teaching, training or medical purposes.

#### PROPOSED REVISION TO FEE POLICY

It is proposed that: (1) fees for the review and processing of all Part 50 applications for construction permits, operating licenses, amendments, standard design reviews, topical reports, technical specifications, and special projects be based on actual costs and full cost recovery; (2) fees be assessed for all inspection activities associated with Part 50 operating licenses and Parts 40 and 70 fuel cycle licenses identified in revised fee Categories Part 170.32.1.A., 1.B., 1.C., 2.A. and 4.A. and such charges will be based on actual costs; (3) fees for Part 30 waste disposal burial licenses, Parts 40 and 70 and 71 fuel cycle licenses, and approvals be based on actual costs; (4) the present Part 170 exemption from fees for applications and requests resulting from Commission Orders be eliminated; and (5) fees for Part 55 applications for qualification and requalification of reactor operators be based on actual costs and assessed to the utility employing the operator or operators.

Licensing costs have more than doubled for CP's and OL's since 1977 when the present fee schedule was developed. Inspections costs have increased substantially.

Radioisotopes Licenses. Fees for radioisotopes licenses (small programs covered by Parts 30, 40 and 70) and for inspection of these programs have not been revised. The current fees are the FY 1977 average cost for the particular type or category of license, e.g., industrial radiography. It is not possible to recover actual costs for these approximately 8,000 licenses because NMSS and IE do not record manpower to the docket assigned to the application. Instead manpower is assigned to a broad category of licenses, e.g., medical institutions.

Collections. The revised fee schedule would recover approximately \$40 million in FY 1983 or almost twice what would be recovered under the current fee schedule.

Recommendations: That the Commission:

1. Approve the proposed amendments set forth in Enclosure "A" for publication in the Federal Register for a 60-day public comment period.
2. Note that a Regulatory Flexibility Certification indicating that these amendments, if promulgated, will not have a significant economic impact on a substantial number of small entities is included within Enclosure "A".
3. Note that these amendments, if promulgated, will not require additional reports or data from licensees.
4. Note that a public announcement will be issued when the amendments are filed with the Office of the Federal Register.
5. Note that the appropriate Congressional Committees will be notified of this action.
6. Note that pursuant to §51.5(d) of Part 51 of the Commission's regulations, neither an environmental impact statement nor a negative declaration need be prepared in connection with the proposed amendment since it is non-substantive and insignificant from the standpoint of environmental impact.

Coordination: The Offices of Nuclear Reactor Regulation, Nuclear Safety and Safeguards, Inspection and Enforcement, Executive Legal Director and Controller concur in this paper.

Scheduling:

William J. Dircks  
Executive Director for Operations

Enclosure:

A. Proposed Revision of License Fee Schedule

UNITED STATES NUCLEAR REGULATORY COMMISSION

10 CFR Part 170

Proposed Revision of License Fee Schedules

AGENCY: United States Nuclear Regulatory Commission

ACTION: Proposed rule

SUMMARY: The Nuclear Regulatory Commission proposes to amend its regulations and fees for inspections and review of applications for permits, licenses, amendments, renewals, topical reports, and special projects. The revised schedule of fees will more completely recover costs incurred by the Commission in providing services to identifiable recipients.

DATES: The comment period expires . Comments received after will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSES: Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch. Comments may also be delivered to Room 1121, 1717 H Street, N.W., Washington, D.C., between 8:15 a.m. and 5:00 p.m. Copies of comments received will be available for examination and copying at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: William O. Miller, License Fee Management Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: (301) 492-7225.

SUPPLEMENTARY INFORMATION: On March 23, 1978, the NRC amended 10 CFR Part 170 to revise its schedule of fees for applications; permits; and licenses; and to establish fees for routine inspections; and applications for amendments; renewals; standard designs filed by vendors and architect-engineers for approvals; special projects; spent-fuel casks and shipping containers; approval of sealed sources and devices containing or utilizing byproduct, source, or special nuclear materials; approval of power sources, and approval of topical reports. The revised schedule was developed pursuant to Title V of the Independent Offices Appropriation Act of 1952 (IOAA) and guidance provided by the Supreme Court on March 4, 1974 in its decisions of National Cable Television Association, Inc. v. United States,

Enclosure "A"



(1974). In these decisions the Court held that the IOAA authorized an agency to charge fees for special benefits rendered to identifiable persons measured by the "value to the recipient" of the service. On December 16, 1976, the Court of Appeals for the District of Columbia further clarified the meaning of IOAA in four decisions. National Cable Television Association v. Federal Communications Commissions, No. 75-1503 et. al; National Association of Broadcasters v. Federal Communications Commission, No. 75-1087 et. al.; Electronic Industries Association v. Federal Communications Commission, No. 75-1120 et. al.; and Capital Cities Communication, Inc. v. Federal Communications Commission, No. 75-1503 et. al. These decisions of the Supreme Court of Appeals Court enabled the Commission to develop new license fee guidelines which were used as the criteria in analyzing the functions and activities of the NRC offices and determining which activities were subject to cost recovery and which were not.

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 U.S. Nuclear Regulatory Commission. Special benefits include services rendered at the request of a recipient and encompass activities such as the review of an application or request for a permit, license, approval, amendment, renewal, or special project, and all 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 ultimate beneficiary of the NRC service is obscure, the cost may not be included in the cost basis for fees;
5. A fee on the average should not exceed the sum of the direct and indirect costs which the NRC incurs in furnishing the service 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 and associated with the rendering of the type of service to the particular class of recipients.

The revised schedule was based on a detailed analysis of individual NRC offices which identified those activities that met the test for cost recovery. In this process, each activity was classified as included or excluded in cost computation. The same test was applied to contractual support services. Finally a professional staff rate was developed for the Offices of Nuclear Reactor Regulation, Nuclear Material Safety and Safeguards, Inspection and Enforcement and the Advisory Committee on Reactor Safeguards, Atomic Safety and Licensing Board Panel and the Atomic Safety and Licensing Appeal Panel.

A detailed report of the functions and activities of each NRC office and explanation of fee development was published in the Federal Register, No. 42 FR 22149-22168 and No. 43 FR 7211-7227. A Nuclear Regulatory Commission document, NUREG-0268, summarized fee calculations. Copies of these documents were made available to the public and copies are available in the NRC Public Document Room at 1717 H Street, Washington, DC 20555. Copies may be obtained by writing to the Nuclear Regulatory Commission, License Fee Management Branch, Washington, DC 20555.

On August 24, 1979, the U.S. Court of Appeals held in Mississippi Power and Light Co., Offshore Power Systems, and Florida Power and Light Co. v. U.S. Nuclear Regulatory Commission; Nuclear Engineering Co., Inc. v. U.S. Nuclear Regulatory Commission; and Chem-Nuclear Services, Inc. v. U.S. Nuclear Regulatory Commission that:

(1) The Nuclear Regulatory Commission had the authority to recover the full cost of providing services to identifiable beneficiaries; (2) the NRC could properly assess a fee for the costs of providing routine inspections necessary to assure a licensee's compliance with the Atomic Energy Act and with applicable regulations; (3) the NRC could charge for costs incurred in conducting environmental reviews required by NEPA; (4) the NRC properly included in the fee schedule the costs of uncontested hearings and of administrative and technical support services; (5) the NRC could assess a fee for renewing a license to operate a low-level radioactive waste burial site; and (6) the NRC's fees were not arbitrary or capricious. The Appeals Court upheld the Commission's license fee guidelines.

On November 19, 1979, a petition for a writ of certiorari was filed with the Supreme Court and subsequently denied.

Enclosure "A"

An examination of current costs of providing licensing and other review and inspection services demonstrates that the Commission is not in keeping with the intent of Congress as set forth in the Independent Offices Appropriation Act of 1952, which states in pertinent part:

"It is the sense of the Congress that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency (including wholly owned Government corporations as defined in the Government Corporation Control Act of 1945) to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses), except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible, and the head of each Federal agency is authorized by regulation (which, in the case of agencies in the executive branch, shall be as uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine, in case of an existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts, and any amount so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts."

The functions and regulatory activities of the various NRC offices have not changed since the last revision of fees in 1978. However, the emphasis on safety has increased appreciably and costs have increased.

Current charges for reactor construction permits and operating licenses are based on actual cost but the regulations impose an upper limit. This limit reflected costs in FY 1977 for the type of plant (custom or standard) and the number of units at a site. Today this ceiling prevents full cost recovery for several applications. In view of increased licensing effort and costs, the ceiling or limit on fees for reactor permits and licenses will be removed. The range of construction permit and operating licenses are shown below. These ranges are shown for illustrative purposes. Fees may fall either above or below the ranges

The Commissioners

-5-

and charges would be based on actual costs. The table provides a comparison of current fees and present costs.

Enclosure "A"

COMPARISON OF PRESENT FEES WITH ACTUAL COST

Range of Facility License Fees Assessed Per Action

	<u>Current (3/78) Schedule</u>		<u>Range of Present Costs</u>	
	<u>From</u>	<u>To</u>	<u>From</u>	<u>To</u>
<u>Power Reactors</u>				
Construction Permit Review	\$846,800	\$1,069,000	\$1,943,800	\$2,817,100
Operating License Review	\$829,100	\$1,024,500	\$2,357,100	\$2,751,500
Amendment Reviews	\$400	\$45,900	\$150	\$135,900
<u>Research &amp; Test Reactors</u>				
Amendment Reviews	\$600	\$20,000	\$150	\$34,600

Routine Inspection Fees Per Year

	<u>Current (3/78) Schedule</u>				<u>Range of Present Inspection Costs</u>			
	<u>Safety</u>		<u>Safeguards</u>		<u>Safety</u>		<u>Safeguards</u>	
	<u>From</u>	<u>To</u>	<u>From</u>	<u>To</u>	<u>From</u>	<u>To</u>	<u>From</u>	<u>To</u>
Power Reactors	\$60,400	\$75,700	\$9,500	\$11,800	\$36,900	\$134,700	\$1,900	\$12,700
Research & Test Reactors	\$4,200	\$9,000	\$1,300	\$6,500	\$700	\$2,100	\$250	\$700

Reactive Inspection Fees Per Year

	<u>Safety</u>	<u>Safeguards</u>	<u>Range of Present Inspection Costs</u>			
			<u>Safety</u>		<u>Safeguards</u>	
			<u>From</u>	<u>To</u>	<u>From</u>	<u>To</u>
Power Reactors	Presently	No Charge	\$3,800	\$64,900	\$150	\$4,500
Research & Test Reactors	Presently	No Charge	\$150	\$700	\$150	\$700

The NRC processes large numbers of applications to amend reactor construction permits, operating licenses and technical specifications. Many of these requests are currently exempt from fees because Part 170 exempts amendments and approvals that result from Part 2.204 Orders. Every application or request to amend or modify a reactor permit, operating license materials license, or other forms of approvals will be subject to fees based on costs. This includes requests for relief or exemption from and extension of time to comply with the requirements of NRC regulations now or hereafter in effect.

The present system of classifying reactor amendments and approvals in accordance with Part 170.22 is being eliminated, and all applications heretofore subject to a fixed fee based on class, will be subject to a fee based on actual review costs. Experience shows that power reactor amendments and technical specification approvals currently range from \$150 to approximately \$135,900 for an application. Amendments and approvals for test and research facilities range from \$150 to approximately \$34,600.

The current upper limit of \$20,000 for review of a topical report is being eliminated and topical report reviews will be subject to a fee based on actual review costs. Most topical report reviews are in the \$1,400 to \$58,000 range.

The 1978 fee schedule excluded non-routine inspections from fees. This was a policy decision. Non-routine inspections are reactive in nature and deal with enforcement, investigations, and incidents. Throughout the year they account for a significant portion of the NRC inspection effort. Since non-routine inspections and routine inspections deal with the same fundamental issues of safety, health purposes, safeguards, physical security, and protection of the environment, all inspections of Part 50 reactor facilities and Parts 40 and 70 licensed fuel cycle programs will be subject to fees. The applicability of charges for Part 19.16 investigations will be decided on an individual basis. Currently fees are set at a fixed charge. In the revised schedule inspection fees for Part 50 licensed programs and Part 40 & 50 materials fuel cycle programs will be based on actual costs. The inspection fee schedule for byproduct material licenses and Part 40 & 50 non-fuel cycle source and special nuclear material licenses will not be revised at this time. The following tables compare inspection charges under the March 23, 1978 fee schedule with the current range of costs.



In the revised schedule, the licenses for special nuclear material and source material and transportation package approvals have been combined into fewer categories. This approach is desirable since fees for these licenses and approvals are determined based on costs of professional staff time as support service.

SUMMARY OF CHANGE IN MATERIALS INSPECTION FEES AND COSTS

Category	Routine Inspections			Reactive Inspections		
	Current 3/78 Schedule	Present Range of Costs		Current 3/78 Schedule	Present Range Of Costs	
		From	To		From	To
<u>1. Special Nuclear Material</u>						
<u>A. &gt; 5 Kg U-235 or 2 Kg U-233 for fuel fabrication (&gt; 20%)</u>						
Safety	\$15,900	\$2,000	\$18,400 <sup>1/</sup>	None	-0-	\$8,500
Safeguards	30,900	\$23,900	\$88,000 <sup>1/</sup>	None	-0-	\$37,100 <sup>1/</sup>
<u>B. &gt; 5 Kg U-235 for fuel fabrication (&lt; 20%)</u>						
Safety	\$15,900	\$2,000	\$13,800	None	-0-	\$8,000
Safeguards	\$10,300	\$2,400	\$17,500	None	-0-	\$31,800
<u>C. &gt; 2 Kg Pu for fuel fabrication</u>						
Safety	\$18,400	\$3,800	\$15,000	None	-0-	\$8,000
Safeguards	\$35,100	\$5,000	\$47,600	None	-0-	\$24,400
<u>D. &gt; 5 Kg U-235 or U-233, other than fuel fabrication</u>						
Safety	\$4,900	-0-	\$1,100	None	-0-	\$5,700
Safeguards	\$15,200	\$13,700	\$17,600	None	-0-	\$8,300
<u>E. &gt; 2 Kg Pu for activities other than fuel fabrication</u>						
Safety	\$780		<sup>2/</sup>	None		<sup>2/</sup>
Safeguards	\$10,800			None		
<u>F. 200 grams to 2 Kg of Pu</u>						
Safety	\$780		<sup>2/</sup>	None		<sup>2/</sup>
Safeguards	\$2,300			None		
<u>G. 350 to 5 Kg of U-235 or U-233</u>						
Safety	\$780	\$1,600	\$3,200	None	\$750	\$1,500
Safeguards	\$4,000	\$23,600	\$38,700	None	\$6,000	\$9,700

<sup>1/</sup> Excludes NFS Erwin, Tennessee

<sup>2/</sup> No individual licensees in this category

SUMMARY OF CHANGE IN MATERIALS INSPECTION FEES AND COSTS

Category	Routine Inspections			Reactive Inspections		
	Current 3/78 Schedule	Present Range of Costs		Current 3/78 Schedule	Present Range of Costs	
		From	To		From	To
1. <u>Special Nuclear Material (con't.)</u>						
H. <u>Receipt &amp; storage of spent fuel</u>						
Safety	\$780	\$1,600	\$3,200	None		
Safeguards	\$5,800	\$7,800	\$11,400	None	\$750	\$1,500
2. <u>Source Material</u>						
A. <u>Uranium Milling</u>						
Safety	\$1,800	\$1,600	\$2,100	None	\$750	\$900
B. <u>In-situ leaching or heap-leaching operation</u>						
Safety	\$1,800	-0-	\$900	None	-0-	\$900
C. <u>Refining mill concentrates to UF6</u>						
Safety	\$1,800	\$1,600	\$2,100	None	\$750	\$900
D. <u>Ion exchange and ore-buying stations</u>						
Safety	\$460	\$600	\$1,100	None	-0-	\$600
4. <u>Waste Disposal</u>						
A. <u>Burial</u>						
Safety	\$980	\$200	\$300	None	\$50	\$190

Enclosure "A"

The schedule of fees for review of applications for preliminary and final design approvals of nuclear steam supply systems and balance of plants will be revised to require full cost recovery. The delayed pay schedule would be eliminated.

Applications to qualify and to requalify Part 55 reactor operators will be subject to fees based on NRC costs. Costs will be billed to the utility employing the operator(s). Annual costs for requalification at a site is approximately \$120,000.

Section 170.31 is being revised to eliminate the present ceiling on fees for materials fuel cycle licenses, licenses authorizing burial of radioactive wastes, and licenses authorizing transportation of radioactive material. Fees will be based on actual costs. The following table compares the March 23, 1978 schedule of licensing fees with the current range of costs for these licenses.

SUMMARY OF MATERIALS FEES AND COSTS

Licensing Actions

Category	New Applications			Amendments			
	Current 3/78 Schedule	Present Range of Costs		Current 3/78 Schedule		Present Range of Costs	
		From	To	From	To	From	To
<u>Special Nuclear Material</u>							
A. <u>&gt; 5 Kg U-235 or 2 Kg U-233 for fuel fabrication (&gt; 20%)</u>	\$136,600	\$427,000	\$745,000	\$150	\$34,600	\$200	\$105,000
B. <u>&gt; 5 Kg U-235 for fuel fabrication (&lt; 20%)</u>	\$124,800	\$337,000	\$565,000	\$150	\$34,600	\$200	\$105,000
C. <u>&gt; 2 Kg Pu for fuel fabrication</u>	\$771,900	\$790,000	\$1,300,000	\$150	\$75,000	\$200	\$152,000
D. <u>&gt; 5 Kg U-235 or U-233, other than fuel fabrication</u>	\$34,600	\$145,000	\$380,000	\$150	\$2,800	\$200	\$105,000
E. <u>&gt; 2 Kg Pu for activities other than fuel fabrication</u>	\$62,300	\$415,000	\$975,000	\$150	\$6,900	\$200	\$105,000
F. <u>200 grams to 2 Kg of Pu</u>	\$47,100	\$145,000	\$380,000	\$150	\$4,800	\$200	\$105,000
G. <u>350 to 5 Kg of U-235 or U-233</u>	\$20,800	\$27,000	\$262,000	\$150	\$2,800	\$200	\$58,000
H. <u>Receipt &amp; Storage of Spent Fuel</u>							
New Site	\$325,000	\$333,000	\$566,000	\$150	\$88,500	\$200	\$145,000
Existing Site	\$234,300	\$190,000	\$389,000	\$150	\$88,500	\$200	\$145,000
<u>Source Material</u>							
A. <u>Uranium Milling</u>	\$107,700	\$200,000	\$330,000	\$150	\$20,800	\$250	\$50,000
B. <u>In-situ leaching or heap-leaching operation</u>							
(Production Scale)	\$66,500	\$185,000	\$250,000	\$150	\$4,200	\$250	\$40,000
(R & D Scale)	\$23,800	\$20,000	\$85,000	\$150	\$4,200	\$250	\$20,000



SUMMARY OF MATERIALS FEES AND COSTS

Licensing Actions

Category	New Applications				Amendments			
	Current 3/78 Schedule	Present Range of Costs		Current 3/78 Schedule		Present Range of Costs		
		From	To	From	To	From	To	
2. <u>Source Material (con't.)</u>								
C. <u>Refining Mill concentrates to UF6</u>	\$107,700	\$247,000	\$385,000	\$150	\$20,800	\$300	\$105,000	
D. <u>Ion exchange and ore-buying stations</u>	\$140	\$10,000	\$50,000	\$40		\$250	\$10,000	
3. <u>Waste Disposal</u>								
A. <u>Burial</u>	\$323,100	\$45,000	\$760,000	\$150	\$197,700	\$50	\$145,000	
4. <u>Transportation</u>								
A. Evaluation of spent fuel cask	\$83,100	\$40,000	\$150,000	\$150	\$6,900	\$400	\$40,000	
B. Evaluation of high level casks and packages	\$69,200	\$35,000	\$130,000	\$150	\$5,500	\$400	\$40,000	
C. Evaluation of fissile packages containing greater than type A quantities	\$13,800	\$10,000	\$50,000	\$150	\$3,500	\$200	\$30,000	
D. Evaluation of fissile packages containing less than type A quantities	\$6,900	\$5,000	\$40,000	\$150	\$1,400	\$200	\$15,000	
E. Evaluation of packages containing less than 20 times the type A quantity	\$1,400	\$2,500	\$25,000	\$150	\$350	\$200	\$15,000	

Professional Rate. The rates for the professional staff in the Offices of Nuclear Reactor Regulation, Nuclear Materials Safety and Safeguards, Inspection and Enforcement, and the Advisory Committee on Reactor Safeguards, Atomic Safety Licensing Board Panel and Atomic Safety Licensing Appeal Panel have been adjusted to take into account employee pay raises for Fiscal Years 1978-81, the the inflation factor used by the NRC Controller for budget development during this period. The following is a summary of the calculation of professional rates.

Average Cost Per Professional Man-Year Computation  
FY 1981

	OFFICE OF NMSS		<u>Total</u>
	<u>Salaries &amp; Benefits</u>	<u>All Other Costs</u>	
FY 1977 Professional Man-Year Cost	\$50,413	\$18,830	\$69,243
FY '78 Increase	<u>3,554</u> (7.05%)	<u>1,224</u> (6.5%)	<u>4,778</u>
FY 1978 Cost	\$53,967	\$20,054	\$74,021
FY '79 Increase	<u>2,968</u> (5.5%)	<u>1,304</u> (6.5%)	<u>4,272</u>
FY 1979 Cost	\$56,935	\$21,358	\$78,293
FY '80 Increase	<u>4,014</u> (7.05%)	<u>1,281</u> (6%)	<u>5,295</u>
FY 1980 Cost	\$60,949	\$22,639	\$83,588
FY '81 Increase	<u>5,546</u> (9.1%)	<u>1,358</u> (6%)	<u>6,904</u>
FY 1981 Cost	\$66,495	\$23,997	\$90,492

Average Cost Per Professional Man-Year Computation  
FY 1981

	OFFICE OF ACRS		
	<u>Salaries &amp; Benefits</u>	<u>All Other Costs</u>	<u>Total</u>
FY 1977 Professional Man-Year Cost	\$44,928	\$44,166	\$89,094
FY '78 Increase	<u>3,167</u> (7.05%)	<u>2,871</u> (6.5%)	<u>6,038</u>
FY 1978 Cost	\$48,095	\$47,037	\$95,132
FY '79 Increase	<u>2,645</u> (5.5%)	<u>3,057</u> (6.5%)	<u>5,702</u>
FY 1979 Cost	\$50,740	\$50,094	\$100,834
FY '80 Increase	<u>3,577</u> (7.05%)	<u>3,006</u> (6%)	<u>6,583</u>
FY 1980 Cost	\$54,317	\$53,100	\$107,417
FY '81 Increase	<u>4,943</u> (9.1%)	<u>3,186</u> (6%)	<u>8,129</u>
FY 1981 Cost	\$59,260	\$56,286	\$115,546

Average Cost Per Professional Man-Year Computation  
FY 1981

	OFFICE OF ASLAP		
	<u>Salaries &amp; Benefits</u>	<u>All Other Costs</u>	<u>Total</u>
FY 1977 Professional Man-Year Cost	\$63,112	\$24,942	\$88,054
FY '78 Increase	<u>4,449(7.05%)</u>	<u>1,621(6.5%)</u>	<u>6,070</u>
FY 1978 Cost	\$67,561	\$26,563	\$94,124
FY '79 Increase	<u>3,716(5.5%)</u>	<u>1,727(6.5%)</u>	<u>5,443</u>
FY 1979 Cost	\$71,277	\$28,290	\$99,567
FY '80 Increase	<u>5,025(7.05%)</u>	<u>1,697(6%)</u>	<u>6,722</u>
FY 1980 Cost	\$76,302	\$29,987	\$106,289
FY '81 Increase	<u>6,943(9.1%)</u>	<u>1,799(6%)</u>	<u>8,742</u>
FY 1981 Cost	\$83,245	\$31,786	\$115,031



Average Cost Per Professional Man-Year Computation  
FY 1981

	OFFICE OF NRR		
	<u>Salaries &amp; Benefits</u>	<u>All Other Costs</u>	<u>Total</u>
FY 1977 Professional Man-Year Cost	\$51,897	\$18,115	\$70,012
FY '78 Increase	<u>3,659(7.05%)</u>	<u>1,177(6.5%)</u>	<u>4,836</u>
FY '78 Cost	\$55,556	\$19,292	\$74,848
FY '79 Increase	<u>3,056(5.5%)</u>	<u>1,254(6.5%)</u>	<u>4,310</u>
FY '79 Cost	\$58,612	\$20,546	\$79,158
FY '80 Increase	<u>4,132(7.05%)</u>	<u>1,233(6%)</u>	<u>5,365</u>
FY '80 Cost	\$62,744	\$21,779	\$84,523
FY '81 Increase	<u>5,710(9.1%)</u>	<u>1,307(6%)</u>	<u>7,017</u>
FY '81 Cost	\$68,454	\$23,086	\$91,540

Average Cost Per Professional Man-Year Computation  
FY 1981

	OFFICE OF ASLBP		
	<u>Salaries &amp; Benefits</u>	<u>All Other Costs</u>	<u>Total</u>
FY 1977 Professional Man-Year Cost	\$53,630	\$31,799	\$85,429
FY '78 Increase	<u>3,781(7.05%)</u>	<u>2,067(6.5%)</u>	<u>5,848</u>
FY 1978 Cost	\$57,411	\$33,866	\$91,277
FY '79 Increase	<u>3,158(5.5%)</u>	<u>2,201(6.5%)</u>	<u>5,359</u>
FY 1979 Cost	\$60,569	\$36,067	\$96,636
FY '80 Increase	<u>4,270(7.05%)</u>	<u>2,164(6%)</u>	<u>6,434</u>
FY 1980 Cost	\$64,839	\$38,231	\$103,070
FY '81 Increase	<u>5,900(9.1%)</u>	<u>2,294(6%)</u>	<u>8,194</u>
FY 1981 Cost	\$70,739	\$40,525	\$111,264

Average Cost Per Professional Man-Year Computation  
FY 1981

	OFFICE OF I & E		
	<u>Salaries And Benefits</u>	<u>All Other Costs</u>	<u>Total</u>
FY 1977 Professional Man-Year Cost	\$46,434	\$18,189	\$64,623
FY '78 Increase	<u>3,274(7.05%)</u>	<u>1,182(6.5%)</u>	<u>4,456</u>
FY 1978 Cost	\$49,708	\$19,371	\$69,079
FY '79 Increase	<u>2,734(5.5%)</u>	<u>1,259(6.5%)</u>	<u>3,993</u>
FY 1979 Cost	\$52,442	\$20,630	\$73,072
'80 Increase	<u>3,697(7.05%)</u>	<u>1,238(6%)</u>	<u>4,935</u>
FY 1980 Cost	\$56,139	\$21,868	\$78,007
FY '81 Increase	<u>5,109(9.1%)</u>	<u>1,312(6%)</u>	<u>6,421</u>
FY 1981 Cost	\$61,248	\$23,180	84,428

Fee Collection. It is proposed that the NRC billing procedure be revised whereby applicants would pay review and licensing costs as the review progresses at the end of each six-month review period, and the final installment would become due when the review of the application for a permit, license, approval, renewal, amendment, or a special project is complete, at which time the NRC expenditures for professional staff time and appropriate costs for support services will be determined and the resultant charge assessed. In no event will the fee assessed exceed the actual cost of reviewing an application. The revised billing procedure will be applicable only to those application reviews subject to fees based on actual costs as designated in the schedule of fees. For applications where review charges are based on actual costs, it will require that a fee be assessed for any application that has been pending with the Commission for six months or longer at the time this revised actual cost billing procedure becomes effective. Fees for applications not subject to actual-cost charges will remain payable at the time the application is filed with the Commission. Under the revised procedure, charges will be assessed against all applicable in-house applications for permits, licenses, approvals or special projects, except applications for renewals and amendments and against all subsequent applications, including applications for amendments and renewals. The new billing procedure will enable applicants to pay for work as it is being done and will require smaller outlays of money at any one time. It will also bring greater reliability to any revenue forecasts required by the Commission.

#### REGULATORY FLEXIBILITY CERTIFICATION

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule affects only the licensing and inspection of nuclear power plants, other production or utilization facilities, and vendors of nuclear power steam supply systems balance of nuclear power plants, and materials facilities engaged in uranium and plutonium fuel fabrication, uranium milling, leaching and refining operations, source material ore-buying and ion exchange activities, burial of radioactive waste, spent fuel cask and package approvals, and other users of critical quantities of special nuclear materials. The companies that own these businesses do not fall within the scope of the definition of "small entities" set forth in Section 601(3) of the Regulatory Flexibility Act, or within the definition of "small business" as set forth in Section 3 of the Small Business Act, 15 U.S.C. 632, or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121.

Enclosure "A"

PAPERWORK REDUCTION ACT

The proposed amendments do not require additional reports or paperwork.

Pursuant to the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a), the Atomic Energy Act of 1954, as amended, and Sections 552 and 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to Part 170, Title 10, Chapter 1, Code of Federal Regulations, is contemplated.

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

1. The authority citation for Part 170 reads as follows:  
  
Authority: Sec. 501, 65 Sta. 290; 31 U.S.C. 483a. Sec. 201(b), Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841).
2. The paragraph in §170.2 is amended to delete the word routine before the safety and safeguards inspections...
3. A new paragraph is added to §170.3 to read as follows:  
  
(y) "Application" means any request for service filed by a person pursuant to Commission regulations.  
  
(z) "Completed review" as used in this Part means that the review has been brought to an end, whether by reason of issuance of a permit, license, or approval, a denial of the application, or by its withdrawal, suspension or postponement.
4. Paragraphs 170.12(c), (d), (e), and (s) are amended to read as follows, and a new paragraph (j) is added to read as follows:

§170.12 Payment of fees.

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(c) Amendment Fees. Fees for amendments to Part 50 permits, licenses, and approvals; approved standard reference designs, uranium enrichment plants; licenses for greater than 200 grams of plutonium or 350 grams of contained uranium 235 in unsealed form or 200 grams of uranium 233 in unsealed form, receipt and storage of spent fuel, possession and use of source material in milling, insitu leaching, refining uranium mill concentrates, commercial ore-buying stations and ion exchange facilities, disposal

Enclosure "A"



of radioactive waste by land or sea burial; spent fuel cask and shipping package approvals are payable upon notification by the Commission. Six months after the application is filed, the applicant will be billed for accumulated costs and at the end of each six-month period thereafter or when the review is completed, or the application is denied, withdrawn, suspended, or action on the application is postponed, the licensee will be billed for outstanding accumulated costs. Amendment fees for materials licenses and approvals not subject to actual cost reviews are payable at the time the application is filed.

(d) Renewal Fees: Fees for Part 50 permits, licenses, and approvals, approved standard reference designs, uranium enrichment plants; licenses for greater than 200 grams of plutonium or 350 grams of contained uranium 235 in unsealed form or 200 grams of uranium 233 in unsealed form, receipt and storage of spent fuel, possession and use of source material in milling, insitu leaching, refining uranium mill concentrates, ore-buying stations and ion exchange facilities, commercial disposal of radioactive waste by land or sea burial, and spent fuel cask and shipping package approvals, are payable upon notification by the Commission. Six months after the application is filed, the applicant will be billed for accumulated costs and at the end of each six-month period thereafter or when the review is completed, or the application is denied, withdrawn, suspended, or action on the application is postponed, the licensee will be billed for outstanding accumulated costs. Renewal fees for materials licenses and approvals not subject to actual-cost reviews are payable at the time the application is filed.

(e) Approval Fees. Fees for spent fuel cask and shipping container approvals, spent fuel storage facility design approvals and construction approvals are payable upon notification by the Commission. Six months after the application is filed, the applicant will be billed for accumulated costs and at the end of each six-month period thereafter or when the review is completed, or the application is denied, withdrawn, suspended, or action on the application is postponed, the licensee will be billed for outstanding accumulated costs.

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(i) License Fees. Fees for review of applications for construction permits, operating licenses, manufacturing licenses, preliminary and final design approvals for nuclear steam supply systems and balance of plants, uranium enrichment plants, licenses for greater than 200 grams of plutonium, or 350 grams of contained uranium, 350 grams of contained

uranium 235 in unsealed form or 200 grams of uranium 233 in unsealed form, receipt and storage of spent fuel, possession and use of source material in milling, insitu leaching, refining uranium mill concentrates, commercial disposal of radioactive waste by land or sea burial, and spent fuel cask and shipping package approvals are payable upon notification by the Commission. Six months after the application is filed, the applicant will be billed for accumulated costs and at the end of each six-month period thereafter or when the review is completed, or the application is denied, withdrawn, suspended, or action on the application is postponed, the licensee will be billed for outstanding accumulated costs. License fees for material licenses and approvals not subject to actual-cost reviews are payable at the time the application is filed.

5. §170.21 is amended 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, and special projects shall pay the fees set forth in the table below.

(b) Deleted.

SCHEDULE OF FACILITY FEES

Facility Categories	Type of Fees	Fee
A. Power Reactor	Application-Construction Permit.....	\$125,000
	Construction Permit.....	Actual Cost <sup>1/</sup>
	Operating License.....	Actual Cost <sup>1/</sup>
	Amendment.....	Actual Cost <sup>1/</sup>
	Inspection <sup>2/</sup> .....	Actual Cost <sup>1/</sup>
B. Standard Design Reviews	Application.....	\$ 50,000
	Approval.....	Actual Cost <sup>1/</sup>
	Amendment.....	Actual Cost <sup>1/</sup>
C. Test Facility	Application-Construction Permit.....	\$ 5,000
	Construction Permit.....	Actual Cost <sup>1/</sup>
	Operating License.....	Actual Cost <sup>1/</sup>
	Amendment.....	Actual Cost <sup>1/</sup>
	Inspection <sup>2/</sup> .....	Actual Cost <sup>1/</sup>
D. Research Reactor	Application-Construction Permit.....	\$ 5,000
	Construction Permit.....	Actual Cost <sup>1/</sup>
	Operating License.....	Actual Cost <sup>1/</sup>
	Amendment.....	Actual Cost <sup>1/</sup>
	Inspection <sup>2/</sup> .....	Actual Cost <sup>1/</sup>
E. Uranium Enrichment Plant	Application-Construction Permit.....	\$125,000
	Construction Permit.....	Actual Cost <sup>1/</sup>
	Operating License.....	Actual Cost <sup>1/</sup>
	Amendment.....	Actual Cost <sup>1/</sup>
	Inspection <sup>2/</sup> .....	Actual Cost <sup>1/</sup>
F. Special Projects		Actual Cost <sup>1/</sup>

<sup>1/</sup>Charge will be based on the expenditures for professional staff time and appropriate support services.

<sup>2/</sup>Inspections covered by this schedule are safety, environmental, health physics and special nuclear material safeguards inspections performed by NRC for purposes of reviewing a licensed program. These inspections are performed throughout the full term of the license to assure that the authorized activities are being conducted in accordance with the Atomic Energy of 1954, as amended, Commission regulations, and the terms and conditions of the license.

6. §170.22, §170.23 and §170.24 are deleted.

7. The table in §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:

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES

Category of Materials Licenses	Type of Fee	Fee
1. Special nuclear material:		
A. Licenses for greater than 200 grams of plutonium or 350 grams of contained U-235 in unsealed form or 200 grams of U-233 in unsealed form.	Application.....	\$150
	License.....	Actual Cost <sup>1/</sup>
	Renewal.....	Actual Cost <sup>1/</sup>
	Amendment.....	Actual Cost <sup>1/</sup>
B. Licenses for 200 grams or less of plutonium or 350 grams or less of contained U-235 in unsealed form or less than 200 grams of U-233 in unsealed form. Licenses with combined quantity of special nuclear material exceeding critical quantities shall pay the same as Category 1A.	Application-New license..	\$460
	Renewal.....	\$460
	Amendment.....	\$110
C. Licenses for receipt and storage of spent fuel.	Application.....	\$150
	License.....	Actual Cost <sup>1/</sup>
	Renewals.....	Actual Cost <sup>1/</sup>
	Amendment.....	Actual Cost <sup>1/</sup>
D. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems. <sup>2/</sup>	Application-New license..	\$110
	Renewal.....	\$110
	Amendment.....	\$ 40
2. Source material:		
A. Licenses for source material in milling, insitu leaching, heap-leaching, refining uranium mill concentrates to uranium hexafluoride, ore-buying stations and ion exchange facilities.	Application.....	\$150
	License.....	Actual Cost <sup>1/</sup>
	Renewal.....	Actual Cost <sup>1/</sup>
	Amendment.....	Actual Cost <sup>1/</sup>
B. All other source material licenses	Application-New License..	\$140
	Renewal.....	\$ 70
	Amendment.....	\$ 40



SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES

Category of Materials Licenses	Type of Fee	Fee
3. Byproduct Material:		
A. Licenses for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for porcessing 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 of 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	
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 where 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	
G. Licenses issued prusuant 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 Renewal.....\$570 Amendment.....\$230	



SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES

Category of Materials Licenses	Type of Fee	Fee
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 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 otherspecific byproduct material licenses, except those in categories 4A through 10A. <u>2/</u>	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 of land or sea burial by the licensee.	Application.....\$150 License.....Actual Cost <sup>1/</sup> Renewal.....Actual Cost <sup>1/</sup> Amendment.....Actual Cost <sup>1/</sup>	

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES

Category of Materials Licenses	Type of Fee	Fee
4. Waste Disposal:		
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:	
	Safety & 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
	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
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, or special nuclear material, except licenses in category 7A.	Application-New License..	\$190
	Renewal.....	\$150
	Amendment.....	\$ 40

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES

Category of Materials Licenses	Type of Fee	Fee
7. 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, of 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.	Application-Evaluation...	\$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 Licnese..	\$1,900
	Renewal.....	\$ 460
	Amendment.....	\$ 460
11. Transportation of radioactive material:		
A. Evaluation of spent fuel casks.	Application.....	\$150
	Approval.....	Actual Cost <sup>1/</sup>
	Renewal.....	Actual Cost <sup>1/</sup>
	Amendment.....	Actual Cost <sup>1/</sup>

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES

Category of Materials License

1. B. Evaluation of packages containing radioactive material.	Application.....	\$150
	Approval.....	Actual Cost <sup>1/</sup>
	Renewal.....	Actual Cost <sup>1/</sup>
	Amendment.....	Actual Cost <sup>1/</sup>
12. Review of spent fuel facilities.	Application.....	\$150
	Approval.....	Actual Cost <sup>1/</sup>
13. Special projects.		Actual Cost <sup>1/</sup>

<sup>1/</sup> Charge will be based on the expenditures for professional staff time and appropriate support services.

<sup>2/</sup>

8. The table in §170.32 is amended to read as follows:

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

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES

Category of Licenses	Fee	Frequency
1. Special Nuclear Material:		
A. Licenses for greater than 200 grams of plutonium, or 350 grams of contained U-235 in unsealed form or 200 grams of U-233 in unsealed form.	Actual Cost <sup>1/</sup>	every 6 months
B. Licenses for 200 grams or less of plutonium or 350 grams or less of contained U-235 in unsealed form or less than 200 grams of U-233 in unsealed form.	Actual Cost <sup>1/</sup>	every 6 months
C. Licenses for receipt and storage of spent fuel.	Actual Cost <sup>1/</sup>	every 6 months
D. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems.	\$330	1 every 5 years
2. Source Material:		
A. Licenses for source material in milling, in-situ leaching, heap-leaching and refining uranium mill concentrates to uranium hexafluoride, ore-buying stations and ion exchange facilities.	Actual Cost <sup>1/</sup>	every 6 months
B. All other source material licenses.	\$460	1 every 2 years
3. Byproduct Material:		
A. Licenses for possession and use of by-product 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.	Large Program \$1,600  Small Program \$ 780	1 per year  1 per year
B. Licenses issued pursuant to §32.72 of this chapter authorizing the processing or manufacture and distribution of radio-pharmaceuticals containing byproduct material.	\$650	1 every 3 years



SCHEDULE OF MATERIALS LICENSE INSPECTION FEES

Category of Licenses	Fee	Frequency
3. 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. <u>2/</u>	\$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. <u>2/</u>	\$980	1 per year
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).	\$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.	\$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.	\$390	1 every 3 years

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES

Category of Licenses	Fee	Frequency
3. Byrproduct Material:		
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 re-distribution of items and quantities which have been manufactured or imported under a specific license and 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.	\$390	1 every 3 years
I. Licenses issued pursuant to §32.18 of this chapter to distribute quantities of by-product material to persons exempt from the licensing requirements of part 30 of this chapter.	\$390	1 every 3 years
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.	\$390	1 every 3 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.	\$390	1 every 3 years
L. All other specific byproduct material licenses, except those in categories 4A through 10A.	\$390	1 every 5 years

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES

Category of License	Fee	Frequency
4. Waste Disposal	Actual Cost <sup>1/</sup>	every 6 months
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.		
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.	\$650	1 every 3 years
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.	\$650	1 every 3 years
5. Well logging and well surveys and tracer studies:	\$520	1 every 3 years
A. Licenses for possession and use of special nuclear material and/or byproduct material for well logging, well surveys, and tracer studies.		
6. Nuclear laundries:		
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material.	\$590	1 every 3 years
7. Human use of byproduct material, source material, or special nuclear material:	\$460	1 every 2 years
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.		
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.	\$460	1 every 3 years

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES

Category of Licenses	Fee	Frequency
7. C. Licenses issued pursuant to parts 30, 40, and 70 of this chapter to an individual physician for human use of by-product material, source material, or special nuclear material, except licenses in category 7A.	\$330	1 every 3 years
8. Civil defense:		
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	\$200	1 every 10 years
9. Device, product, or sealed source safety evaluation:		No inspections conducted
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.		
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.		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.	\$780	1 per year
11. Transportation of radioactive material:		
A. Evaluation of spent fuel cask.		No inspections conducted
B. Evaluation of packages containing radioactive material.		No inspections conducted
12. Review of spent fuel facilities		No inspections conducted
13. Special projects		No inspections conducted

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES

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Footnotes:

- 1/ Charge will be separately determined by the Commission taking into account the professional staff time required to conduct the inspection multiplied by the applicable cost per staff-year, plus any appropriate support services costs incurred.
- 2/ 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.
- 3/ 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. 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.
- 4/ 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.



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Samuel Chilk  
Secretary of the Commission

Dated \_\_\_\_\_ day of \_\_\_\_\_, 1981

Washington, DC