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OCT 18 1982

MEMORANDUM FOR: ✓ Harold R. Denton, Director, NRR
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✓ Raymond Fraley, Director, ACRS
✓ B. Paul Cotter, Jr., Chairman, ASLBP
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✓ Learned W. Barry, Director and Controller, RM
✓ William B. Kerr, Director, SDBU/CR

FROM: Patricia G. Norry, Director, ADM

SUBJECT: FEDERAL REGISTER NOTICE

Please review the enclosed copy of the Federal Register Notice with which the Commission proposes to revise its license fee schedules. (Ignore the typographical errors.)

You are requested to provide your comments and/or concurrence by C.O.B. October 21, 1982.

/s/

Patricia G. Norry, Director
Office of Administration

Enclosure: As stated

cc: w/enclosure

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[7-50-01]

NUCLEAR REGULATORY COMMISSION

10 CFR Part 170

Proposed Revision of License Fee Schedules

AGENCY: 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: Send comments to: Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch. Deliver comments to: Room 1121, 1711 H Street, NW., Washington, D.C., between 8:15 a.m. and 5:00 p.m. Copies of comments may be examined and copied at: the Commission's Public Document Room at 1717 H Street, NW., 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.

[7550-01]

SUPPLEMENTARY INFORMATION: On February 21, 1978 (43 FR 7210), as corrected March 22, 1978 (43 FR 11815), the NRC amended 10 CFR Part 170 to revise its schedule of fees (hereinafter referred to as March 23, 1978 schedule) 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 decision of 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 these decisions the Court held that the IOAA authorizes 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 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); Capital Cities Communication, Inc. v. Federal Communications Commission, 554 F.2d 1135 (1976). These decisions of the Supreme Court and Court of Appeals enabled the Commission to develop new license fee guidelines which were used as the criteria in analyzing the

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functions and activities of the NRC offices and in 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, May 2, 1977 (42 FR 22149-22168) and February 21, 1978 (43 FR 7210-7227). A Nuclear Regulatory Commission document, NUREG-0268, U.S. Nuclear Regulatory Commission Determination of Proposed License Fees for Fiscal Year 1977, 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, NW., Washington, DC 20555.

On August 24, 1979, the U.S. Court of Appeals held in Mississippi Power and Light Co. v. U.S. Nuclear Regulatory Commission, 601 F. 2d 223 (1979), cert. denied 444 U.S. 1102 (1980), that: (1) The Nuclear Regulatory Commission had the authority to recover the full cost of providing services to identifiable beneficiaries; (2) the NPC 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 July 19, 1982, the First Circuit Court of Appeals decided the New England Power v. NRC Case No. 81-1839 concerning the assessment of fees for withdrawn applications. The Court held that applicants may not be billed for the cost of reviewing withdrawn applications where the request for withdrawal was filed with the Commission before November 6, 1981, the effective date of the Commission's interpretative rule concerning this matter. The Court further stated that "review work performed by the NRC at the request of an applicant constitutes a sufficiently substantial and particularized benefit to the applicant to justify the imposition of fees under the court's reading of the IOAA."

An examination of FY 1981 costs of providing licensing and other review and inspection services demonstrates that the Commission's current fee schedule for inspections and reviews does not adequately reflect 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 House of Representatives Committee on Appropriations in a report concerning FY 1983 appropriations has proposed to make the collection of fees as an offset to the NRC budget. That is, the money collected from fees would not be deposited into the Treasury as miscellaneous receipts but rather would be an offset to the Commission's appropriation. This would benefit the public in that tax dollars are reduced in direct proportion to the license fees received by the Commission.

For FY 1981, the basic 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.

Fees for Construction Permits and Operating Licenses

Fees currently assessed for Part JO construction permits and operating licenses are based on the actual professional staff hours and associated contractual services costs expended for the review subject to an upper limit imposed by the regulations. This limit reflected FY 1977 costs associated with the type of plant (custom or standard) being reviewed and the number of units at a site. A ceiling was appropriate only at the

time imposed and in the final analysis prevents full cost recovery for most applications. In certain instances, FY 1981 costs are greater because of increased licensing effort and contractual costs; therefore, we are proposing to remove the ceiling or upper limit on fees for reactor permits and licenses. Fees or charges would be based on actual cost expended for the review. Since a specific fee is not shown in the proposed regulation, a cost range has been provided for illustrative purposes. The table below provides an opportunity to compare fees currently being charged under the 1978 rule with FY 1981 costs.

For those construction permit (CP) applications currently on file with the Commission, fees will be assessed based on the actual professional staff hours and contractual services costs expended from the date the application was filed to the date the CP is issued. Professional hours expended prior to March 23, 1978 in reviewing the application will be billed at the professional rate established by the March 23, 1978 rule. Professional time expended on or after the effective date of the proposed regulation will be assessed at the FY 1981 rates. With respect to operating license applications currently on file with the Commission, the same procedure would apply except that fees will be assessed based on the actual professional staff hours and contractual services costs expended from the date the CP was issued to the issuance of the full power (100%) operating license.

Amendments or Approvals for Construction Permits and Operating Licenses

The present system of classifying reactor amendments and approvals into one of six fee classes in accordance with §170.22 is being eliminated.

All applications for amendment or approval filed on or after the effective date of the proposed rule will be subject to a fee based on the actual professional staff hours and contractual services costs expended for the review. This would include applications from licensees for relief or exemption from and for an extension of time to comply with the requirements of NRC regulations now or hereafter in effect. Fees will be charged irrespective of how the application is approved (e.g., license amendment, letter of approval, safety evaluation report, or other form) and also irrespective of whether they are approved pursuant to a specific exemption provision of the Commission's regulations under Title 10 of the Code of Federal Regulations (e.g., Sections 50.12, 73.5, and any other such sections now or hereafter in effect). However, fees will not be charged for Commission orders issued pursuant to Section 2.204 of 10 CFR Part 2 or for amendments and approvals resulting specifically from such Commission orders. The table below shows that, based on experience, costs to review power reactor applications for amendments and other required approvals currently range from \$150 to approximately \$164,600. Costs for review of amendments and other approvals for test and research facilities range from \$150 to approximately \$42,100.

Topical and Other Reports

In the current rule, the upper limit of \$20,000 chargeable for the review of a topical report or for the review of a revision to an approved topical report is being eliminated. Currently, there is no upper limit for other reports and revisions that are submitted for review and approval. Under the proposed rule, all reviews will continue to be based on actual

COMPARISON OF PRESENT FEES WITH ACTUAL COSTS
Range of Facility License Fees Assessed Per Action

	Current Schedule (3/78)		Range of FY 1981 Costs	
	From	To	From	To
<u>Power Reactors</u>				
Construction Permit Review	\$846,800	\$1,069,000	\$2,239,100	\$3,260,000
Operating License Review	\$829,100	\$1,024,500	\$2,735,000	\$3,181,600
Amendment Reviews	\$400	\$45,900	\$150	\$164,600
<u>Research & Test Reactors</u>				
Amendment Reviews	\$600	\$20,000	\$150	\$42,100

costs expended for the review, but none will have an upper limit on charges. Under the current rule and the proposed rule, if a report or revision to an approved report was filed with the Commission prior to March 23, 1978, and is still pending Commission review and approval, fees will not be assessed for its approval. However, any revisions to reports approved prior to March 23, 1978, and all reports filed on or after March 23, 1978, will be assessed fees based on actual cost. In the past, most topical report reviews have been in the range of \$1,400 to \$58,000.

Reactor Operators

NRC examinations and tests to qualify and to requalify Part 55 reactor operators will be subject to fees based on the actual NRC time required to administer the examinations and tests. Costs will be billed to the

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utility employing the operator(s). Annual costs for requalification, replacement, and reexamination at a site are approximately \$150,000. The costs of the cold and initial hot examinations of reactor operators to staff the plant at the time a Part 50 license is issued are approximately \$60,000 and will continue to be assessed as part of the operating license costs.

Design Approvals

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 for the five installment payments as approved designs are referenced in a utility application will be eliminated. It is proposed that those applications currently on file will be assessed fees at six-month intervals based on actual costs rather than in five installments as utilities reference the approved standardized designs.

Inspections

The Commission will continue to charge for routine inspections; however, based on a policy decision, the 1978 fee schedule excluded non-routine inspections from fee recovery. The Commission proposes to change this policy and charge for all inspections because non-routine inspections and routine inspections deal with the same fundamental issues of safety, health physics, safeguards, physical security, and protection of the environment. Consequently, all inspections performed on or after the

effective date of this rule will be subject to fees. This is to include inspections that previously were not subject to fees under the March 1978 fee schedule because the inspection was non-routine in nature or the inspection exceeded the billing frequency. Nonroutine inspections would include reactive inspections, investigations, incident/accident response, performance appraisal and enforcement inspections, emergency preparedness safety evaluation reviews, and systematic appraisal of licensee performance.

In the proposed schedule, licenses classified in Part 50 licensed reactor programs, Part 30 waste disposal burial licenses and licenses for low level radioactive waste storage facilities at nuclear power plants as classified in fee category 4A, Part 40 source material licenses classified in fee category 2A, and Part 70 licenses classified in fee categories 1A and 1B will be subject to fees based on the professional staff hours and contractual services costs required to conduct the inspection rather than fixed fees as in the current fee schedule. The remaining inspection fee categories for Parts 30, 40, and 70 byproduct material licenses, source material licenses, and special nuclear material licenses (i.e., all materials licenses except those in fee categories 1A, 1B, 2A, and 4A) will continue to be charged a fixed fee based on the average cost to perform the inspection.

For those licensees who hold licenses that are billed once a year for continuous inspections (Part 50 power reactor licensees, other production and utilization licensees, and possession only licensees) the licensee will be billed for any partial year elapsed (less than 365 days) under the March 23, 1978 fee schedule on a prorated basis. That is, if 20 days have passed since the last billing year through the effective date of this proposed amendment then the licensee would be billed 20/365

of the total fee as prescribed in the March 23, 1978 fee schedule. For those licensees who hold licenses that are billed on a per inspection basis, if the inspection is started before the effective date of this proposed rule then the licensee will be billed in accordance with the fees established in the March 23, 1978 fee schedule.

The following tables compare the inspection fees under the March 23, 1978 fee schedule with the fees in this proposed schedule.

Routine Inspection Fees (Per Year/Per Unit)

	Range of Current Schedule (3/78)				Range of FY 1981 Inspection Costs			
	Safety		Safeguards		Safety		Safeguards	
	From	To	From	To	From	To	From	To
Power Reactors	\$60,400	\$75,700	\$9,500	\$11,800	\$41,600	\$151,800	\$2,100	\$14,300
Research & Test Reactors	\$4,200	\$20,000	\$1,300	\$6,500	\$800	\$2,400	\$270	\$800

Non-Routine (All Other) Inspection Costs (Per Year/Per Unit)

	Range of Current Schedule (3/78)		Range of FY 1981 Inspection Costs					
	Safety		Safeguards		Safety		Safeguards	
	From	To	From	To	From	To	From	To
Power Reactors		Presently No Charge	\$4,200	\$73,100	\$150	\$5,000		
Research & Test Reactors		Presently No Charge	\$150	\$800	\$150	\$800		

SUMMARY OF CHANGE IN MATERIALS INSPECTION FEES AND COSTS BASED ON TOTAL ANNUAL ASSESSMENT

Category	Routine Inspections		Non-Routine (All Other) Inspections			
	Current 3/78 Schedule	Range of FY 1981 Costs		Current 3/78 Schedule	Range of FY 1981 Costs	
		From	To		From	To
<u>1. A. Special Nuclear Material</u>						
<u>> 5 Kg U-235 or 2 Kg U-233</u>						
<u>for fuel fabrication (>020%)</u>						
Safety	\$15,900	\$2,200	\$20,800	None	\$150	\$9,500
Safeguards	30,900	\$26,900	\$99,200	None	\$150	\$41,700
<u>> 5 Kg U-235 for fuel</u>						
<u>fabrication (< 20%)</u>						
Safety	\$15,900	\$2,200	\$15,600	None	\$150	\$9,100
Safeguards	\$10,300	\$2,800	\$19,700	None	\$150	\$35,800
<u>> 2 Kg Pu for fuel</u>						
<u>fabrication</u>						
Safety	\$18,400	\$4,300	\$16,900	None	\$150	\$9,100
Safeguards	\$35,100	\$5,600	\$53,600	None	\$150	\$27,600
<u>> 5 Kg U-235 or > 2 Kg U-233</u>						
<u>other than fuel fabrication</u>						
Safety	\$4,900	150	\$1,300	None	\$150	\$6,500
Safeguards	\$15,200	\$15,500	\$19,900	None	\$150	\$9,400
<u>> 2 Kg Pu for activities</u>						
<u>other than fuel fabrication</u>						
Safety	\$780			None		
Safeguards	\$10,800			None		

1/ No individual licensees in this category

SUMMARY OF CHANGE IN MATERIALS INSPECTION FEES AND COSTS BASED ON TOTAL ANNUAL ASSESSMENT

Category	Routine Inspections		Non Routine (All Other) Inspections			
	Current 3/78 Schedule	Range of FY 1981 Costs		Current 3/78 Schedule	Range of FY 1981 Costs	
		From	To		From	To
1. A. <u>Special Nuclear Material (Cont'd)</u>						
<u>200 grams to < 2 Kg of Pu</u>						
Safety	\$780		<u>1/</u>	None		<u>1/</u>
Safeguards	\$2,300			None		
<u>350 to < 5 Pu of U-235 or</u> <u>200 g to < 2 Kg U-233</u>						
Safety	\$780	\$1,800	\$3,600	None	\$850	\$1,700
Safeguards	\$4,000	\$26,600	\$43,600	None	\$6,700	\$11,000
B. <u>Receipt & storage of</u> <u>spent fuel</u>						
Safety	\$780	\$1,800	\$3,600	None	\$850	\$1,700
Safeguards	\$5,800	\$8,900	\$12,900	None	\$150	\$3,200
2. A. <u>Source Material</u>						
<u>Uranium Milling</u>						
Safety	\$1,800	\$1,800	\$2,300	None	\$850	\$1,000
<u>In-situ leaching or</u> <u>heap-leaching operation</u>						
Safety	\$1,800	\$150	\$1,000	None	\$150	\$1,000
<u>Refining mill concentrates</u> <u>to UF6</u>						
Safety	\$1,800	\$1,800	\$2,300	None	\$850	\$1,000

1/ No individual licensees in this category

SUMMARY OF CHANGE IN MATERIALS INSPECTION FEES AND COSTS BASED ON TOTAL ANNUAL ASSESSMENT

Category	Routine Inspections		Non Routine (All Other) Inspections			
	Current 3/78 Schedule	Range of FY 1981 Costs		Current 3/78 Schedule	Range of FY 1981 Costs	
		From	To		From	To
2.A. Source Material (Cont'd)						
<u>Ion exchange and ore- buying stations</u>						
Safety	\$460	\$650	\$1,300	None	\$150	\$650
4. A. <u>Waste Disposal</u>						
<u>Burial</u>						
Safety	\$980	\$300	\$400	None	\$150	\$200

Materials Licenses

Section 170.31 is being revised to eliminate the present ceiling on fees for source, byproduct and special nuclear material licenses currently in fee categories 1A through 1H, 2A, 2B, 2C, and 4A, transportation package approvals in fee categories 11A through 11E, and approvals of standardized spent fuel facility design in fee category 12. Fees for these licenses and approvals will be based on the actual costs to conduct the review. The following table compares the March 23, 1978 schedule of licensing fees with the current range of costs for these licenses. This table is included for illustrative purposes only so that licensees who are currently subject to fees based on actual costs may use the table as a guide to determine what they might expect to pay for new licenses, approvals, amendments and renewals under the proposed schedule. Since fees will be based on actual costs, the final costs could be less or more than the fee ranges shown in the table.

In the proposed schedule, licenses for special nuclear material, source material, and transportation package approvals have been combined into fewer categories to simplify the fee schedule. Special nuclear materials licenses currently in fee categories 1A through 1G have been combined into fee category 1.A; licenses in fee category 1H become 1B; fee category 1I becomes 1C and fee category 1J becomes category 1D in the proposed schedule. Source material licenses currently in fee categories 2A, 2B and 2C have been combined into revised fee category 2A, a new category (2B) has been established for source material used as shielding, and all other source material licenses would fall in fee category 2C. Fee categories 11A through 11E for spent fuel casks, packages, and containers have been consolidated into fee category 10. In addition, fee category

4A is being revised to include fees for applications for licenses authorizing contingency storage of low level radioactive wastes at the site of nuclear reactors.

In addition to the revision of fees for licenses in fee categories 1A, 1B, 2A, 4A, and 10, fees for all other Parts 30, 40, and 70 byproduct material licenses, source material licenses, and special nuclear material licenses have been revised. Additional license fee categories have been added to the schedule to more clearly define the different types of licenses for fee purposes, and to bring more equitability to the fee charges for different types of licensed programs. For example, applications for certain broad industrial and medical licensed programs take considerable more time to review because of a significant increase in the NRC's review requirements. Accordingly, the fee categories for some licenses, such as the current fee categories for licenses authorizing the manufacturing and processing of items containing byproduct material (3A) and research and development programs utilizing byproduct material (3K) have each been split into separate fee categories in order to account for the differences in review time. On the other hand, where the review time for licenses in multiple fee categories is approximately the same, such as for radiography licenses in the current fee categories 3C and 3D, the multiple categories were combined into a single category (30) in the proposed rule.

For certain new fee categories where an insufficient number of applications have been reviewed to establish a meaningful average review time, it is necessary to have the fee based on the actual cost expended to

review the applications. For example, the proposed rule establishes new fee categories for licenses authorizing the receipt of waste byproduct, source, or special nuclear materials for treatment by incineration (fee category 4D). Because this is a relatively new licenseable activity for which a minimal number of applications have been filed and where no data has been developed to determine how much review time is required to process the applications, fees for these licenses will be based on the actual costs expended for the review of the applications. Likewise, a new fee category (5B) has been established for licenses authorizing the use of byproduct material in field flooding tracer studies. Licenses authorizing field flooding tracer studies are currently covered by the existing fee category for well logging operations (5A); however, because field flooding tracer studies will now be licensed as a distinct and separate activity and because of the uniqueness of this type of application, the fee assessed for fee category 5B will be determined based on actual cost.

SUMMARY OF MATERIALS FEES AND COSTS

Licensing Actions

Category	New Applications				Renewals				Amendments				
	Current 3/78 Schedule	Range of FY 1981 Costs		Current 3/78 Schedule	Range of FY 1981 Costs		Current 3/78 Schedule	Range of FY 1981 Costs		Current 3/78 Schedule	Range of FY 1981 Costs		
		From	To		From	To		From	To		From	To	
I. A. <u>Special Nuclear Material</u>													
> 5 Kg U-235 or 2 Kg U-233 <u>for fuel fabrication (> 20%)</u>	\$136,600	\$460,000	\$825,000	\$76,800	\$99,000	\$313,000	\$150	\$34,600	\$250	\$150	\$34,600	\$250	\$170,000
> 5 Kg U-235 for fuel <u>fabrication (< 20%)</u>	\$124,800	\$363,000	\$616,000	\$71,900	\$94,000	\$261,000	\$150	\$34,600	\$250	\$150	\$34,600	\$250	\$147,000
> 2 Kg Pu for fuel fabrication	\$771,900	\$876,000	\$1,444,000	\$170,800	\$201,000	\$461,000	\$150	\$75,000	\$271	\$150	\$75,000	\$271	\$222,000
> 5 Kg U-235 or > 2 Kg U-233 <u>other than fuel fabrication</u>	\$34,600	\$152,000	\$408,000	\$18,000	\$47,000	\$114,000	\$150	\$2,800	\$250	\$150	\$2,800	\$250	\$121,000
> 2 Kg Pu for activities other <u>than fuel fabrication</u>	\$62,300	\$465,000	\$1,083,000	\$38,100	\$89,000	\$280,000	\$150	\$6,900	\$250	\$150	\$6,900	\$250	\$170,000
200 grams to < 2 Kg of Pu	\$47,100	\$152,000	\$408,000	\$29,800	\$47,600	\$114,000	\$150	\$4,800	\$250	\$150	\$4,800	\$250	\$120,000
350 to < 5 Pu of U-235 or <u>200 g to < 2 Kg U-233</u>	\$20,800	\$31,000	\$288,000	\$11,100	\$11,000	\$104,000	\$150	\$2,000	\$250	\$150	\$2,000	\$250	\$68,000
I. B. <u>Receipt & Storage of Spent Fuel</u>													
<u>New Site</u>	\$325,000	\$354,000	\$609,000	32,000	No Estimate		\$150	\$88,500	\$250	\$150	\$88,500	\$250	\$159,000
<u>Existing Site</u>	\$234,300	\$204,000	\$419,000	32,000	No Estimate		\$150	\$88,500	\$250	\$150	\$88,500	\$250	\$159,000

SUMMARY OF MATERIALS FEES AND COSTS (continued)

Licensing Actions

Category	New Applications			Renewals			Amendments			
	Current 3/78 Schedule	Range of FY 1981 Costs		Current 3/78 Schedule	Range of FY 1981 Costs		Current 3/78 Schedule	Range of FY 1981 Costs		
		From	To		From	To	From	To	From	
<u>2.A. Source Material</u>										
Uranium Milling	\$107,700	\$208,000	\$343,000	\$100,800	\$79,000	\$128,000	\$150	\$20,800	\$300	\$54,000
In-situ leaching or heap leaching operation (Production Scale) (R & D Scale)	\$66,500 \$23,800	\$191,000 \$23,000	\$258,000 \$91,000	\$17,300 \$17,300	\$22,000 \$6,000	\$91,000 \$40,000	\$150 \$150	\$4,200 \$4,200	\$300 \$300	\$43,000 \$22,000
Refining mill concentrates to mill	\$107,700	\$259,000	\$407,000	\$45,800	\$82,000	\$209,000	\$150	\$20,800	\$350	\$122,000
Ion exchange and ore-buying stations	\$140	\$12,000	\$54,000	\$70	\$3,000	\$22,000	\$40	-	\$300	\$11,000
<u>4.A. Waste Disposal</u>										
Burial low level waste storage at power reactor sites	\$323,100 1/	\$52,000 \$41,000	\$818,000 \$102,000	\$98,500 1/	\$29,000 \$25,000	\$409,000 \$56,000	\$150 1/	\$197,700 1/	\$150 \$350	\$152,000 \$56,000

1/ Special project based on Actual costs. No Ranges because new review area.

SUMMARY OF MATERIALS FEES AND COSTS (Continued)

Licensing Actions

Category	New Applications			Renewals			Amendments		
	Current 3/78 Schedule	Range of FY 1981 Costs		Current 3/78 Schedule	Range of FY 1981 Costs		Current 3/78 Schedule	Range of FY 1981 Costs	
		From	To		From	To	From	To	From
10. <u>Transportation</u>									
<u>Evaluation of spent fuel cask</u>	\$83,100	\$46,000	\$164,000	\$150	\$500	\$1,400	\$150	\$6,900	\$500
<u>Evaluation of high level casks and packages</u>	\$69,200	\$41,000	\$143,000	\$150	\$500	\$1,400	\$150	\$5,500	\$500
<u>Evaluation of fissile packages containing greater than type A quantities</u>	\$13,800	\$12,000	\$65,000	\$150	\$250	\$900	\$150	\$3,500	\$250
<u>Evaluation of fissile packages containing less than type A quantities</u>	\$6,900	\$6,000	\$43,000	\$150	\$250	\$1,000	\$150	\$1,400	\$250
<u>Evaluation of packages containing less than 20 times the type A quantity</u>	\$1,400	\$3,000	\$27,000	\$150	\$250	\$1,000	\$150	\$350	\$250

Professional Rate

The rates for the professional staff in 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 Atomic Safety and Licensing Appeal Panel have been revised and are based on the actual costs for Fiscal Year 1981 as shown in the tables below and shown in proposed new §170.20. These rates will be reviewed and adjusted annually as necessary to take into consideration increased costs to the Commission.

(Tables 23-28 to follow)

Fee Collection

It is proposed that the NRC billing procedure be revised whereby applicants would pay review and licensing costs as the review progresses for those applications where fees are determined based on the actual costs expended for the review. Under the revised procedure, charges will be assessed against all applicable applications currently on file with the Commission and pending review for permits, licenses, approvals, or special projects, except applications for renewals, amendments, and other required approvals for which fees have already been paid in accordance with the March 23, 1978 fee schedule ^{and} special project applications filed prior to March 23, 1978. Accordingly, for those applications currently on file where fees are determined based on the actual review costs, the actual professional staff hours expended for the review of the application through the effective date of the proposed rule will be determined and the billing for that time period will be based on the professional rate

Office of Nuclear Reactor Regulation (NRR)
Average Cost Per Professional Staff-Year Computation
FY 1981 Actual Costs

	Costs	Staff
Personnel Compensation Costs	\$27,201,000	700
Personnel Benefits	2,540,000	
Administrative Support Costs	11,927,000	
Travel & Transportation of Persons	<u>1,046,000</u>	—
Subtotal	\$42,714,000	700
Less Consultants	<u>(174,000)</u>	—
Subtotal	\$42,540,000	700
Proportionate Share of PDA/PTS ¹	<u>9,443,129</u>	—
Total Costs	<u>\$51,983,129</u>	<u>700²</u>
Average Cost/Staff-Year to maintain a professional employee	$\$51,983,129 \div 465^2 = \$111,792$	
Average Cost/Staff-Hour to maintain a professional employee	$\$111,792 \div 1,800^3 = \62	

¹PDA - Program Direction and Administration
PTS - Program Technical Support

²Of the 700 total, 465 have been identified as professional staff-years

³1,800 staff-hours = 1 productive staff-year

Office of Inspection and Enforcement (IE)
Average Cost Per Professional Staff-Year Computation
FY 1981 Actual Costs

	Costs	Staff
Personnel Compensation Costs	\$31,058,000	873
Personnel Benefits	2,900,000	
Administrative Support Costs	6,837,000	
Travel & Transportation of Persons	<u>3,895,000</u>	—
Subtotal	\$44,690,000	873
Less Consultants	<u>(-)</u>	—
Subtotal	\$44,690,000	873
Proportionate Share of PDA/PTS ¹	<u>8,327,225</u>	—
Total Costs	<u><u>\$53,017,225</u></u>	<u><u>873²</u></u>
Average Cost/Staff-Year to Maintain a Professional Employee	$\$53,017,225 \div 559^2 = \$94,843$	
Average Cost/Staff-Hour to Maintain a Professional Employee	$\$94,843 \div 1,800^3 = \53	

¹PDA - Program Direction and Administration
PTS - Program Technical Support

²Of the 873 total, 559 have been identified as professional staff-years

³1,800 staff-hours = 1 productive staff-year

Office of Nuclear Material Safety and Safeguards (NMSS)
Average Cost Per Professional Staff-Year Computation
FY 1981 Actual Costs

	Costs	Staff
Personnel Compensation Costs	\$10,539,000	293
Personnel Benefits	985,000	
Administrative Support Costs	6,191,000	
Travel & Transportation of Persons	<u>409,000</u>	<u>—</u>
Subtotal	\$18,124,000	293
Less Consultants	<u>(130,000)</u>	<u>—</u>
Subtotal	\$17,994,000	293
Proportionate Share of PDA/PTS ¹	<u>3,910,612</u>	<u>—</u>
Total Costs	<u>\$21,904,612</u>	<u>293²</u>
Average Cost/Staff-Year to Maintain a Professional Employee	$\$21,904,612 \div 209^2 = \$104,807$	
Average Cost/Staff-Hour to Maintain a Professional Employee	$\$104,807 \div 1,800^3 = \58	

¹PDA - Program Direction and Administration
PTS - Program Technical Support

²Of the 293 total, 209 have been identified as professional staff-years

³1,800 staff-hours - 1 productive staff-year

Advisory Committee on Reactor Safeguards (ACRS)
Average Cost Per Professional Staff-Year Computation
FY 1981 Actual Costs

	Costs	Staff
Personnel Compensation Costs	\$1,738,000	36
Personnel Benefits	162,000	
Administrative Support Costs	563,000	
Travel & Transportation of Persons	342,000	
Program Support	<u>87,000</u>	—
Subtotal	\$2,892,000	36
Less Consultants	<u>(-)</u>	—
Subtotal	\$2,892,000	36
Proportionate Share of PDA/PTS ¹	<u>341,129</u>	—
Total Costs	<u><u>\$3,233,129</u></u>	<u>36²</u>
Average Cost/Staff-Year to Maintain a Professional Employee	$\$3,233,129 \div 29^2 = \$111,487$	
Average Cost/Staff-Hour to Maintain a Professional Employee	$\$111,487 \div 1,800^3 = \62	

¹PDA - Program Direction and Administration
PTS - Program Technical Support

²Of the 36 total, 29 have been identified as professional staff-years

³1,800 staff-hours = 1 productive staff-year

Atomic Safety and Licensing Board Panel (ASLBP)
Average Cost Per Professional Staff-Year Computation
FY 1981 Actual Costs

	Costs	Staff
Personnel Compensation Costs	\$1,661,000	37
Personnel Benefits	155,000	
Administrative Support Costs	541,000	
Travel & Transportation of Persons	275,000	
Program Support	<u>255,000</u>	<u>10</u>
Subtotal	\$2,887,000	47
Less Consultants	<u>(-)</u>	—
Subtotal	\$2,887,000	47
Proportionate Share of PDA/PTS ¹	<u>657,480</u>	—
Total Costs	<u><u>\$3,544,480</u></u>	<u><u>47²</u></u>
Average Cost/Staff-Year to Maintain a Professional Employee	$\$3,544,480 \div 32^2 = \$110,765$	
Average Cost/Staff-Hour to Maintain a Professional Employee	$\$110,765 \div 1,800^3 = \62	

¹PDA - Program Direction and Administration
PTS - Program Technical Support

²Of the 47 total, 32 have been identified as professional staff-years

³1,800 staff-hours = 1 productive staff-year

Atomic Safety and Licensing Appeal Panel (ASLAP)
Average Cost Per Professional Staff-Year Computation
FY 1981 Actual Costs

	Costs	Staff
Personnel Compensation Costs	\$615,000	15
Personnel Benefits	57,000	
Administrative Support Costs	215,000	
Travel & Transportation of Persons	<u>16,000</u>	—
Subtotal	\$903,000	15
Less Consultants	<u>(-)</u>	—
Subtotal	\$903,000	15
Proportionate Share of PDA/PTS ¹	<u>228,757</u>	—
Total Costs	<u><u>\$1,131,757</u></u>	<u><u>15²</u></u>
Average Cost/Staff-Year to Maintain a Professional Employee	$\$1,131,757 \div 9.56^2 = \$118,385$	
Average Cost/Staff-Hour to Maintain a Professional Employee	$\$118,385 \div 1,800^3 = \66	

¹PDA - Program Direction and Administration
PTS - Program Technical Support

²Of the 15 total, 9.56 have been identified as professional staff-years

³1,800 staff-hours = 1 productive staff-year

established in the March 23, 1978 fee schedule. The first itemized billing under this procedure will occur at the time the proposed rule becomes effective and every six months thereafter or when review of the application is completed, whichever is earlier. Any professional staff-hours and contractual services costs expended in the review of applications filed on or after the effective date of the proposed rule will be assessed at the rate shown in the proposed schedule. For applications filed on or after the effective date of the proposed rule which are subject to the revised billing procedure, itemized bills will be sent to applicants at six-month intervals for all accumulated costs on each application. The revised billing procedure will enable applicants to pay for work as it is being done and it will also bring greater reliability to any collection forecasts made by the Commission. In no event, however, will the fee assessed exceed the actual costs of reviewing an application. Fees for applications not subject to actual-cost charges will remain payable at the time the applications are filed with the Commission.

The Commission will bill inspection fees at the end of each calendar quarter for all inspections initiated on or after the effective date of this rule where inspection fees are determined based on the actual costs expended for the inspections. Inspection fees for licenses not subject to actual-cost computations will continue to be due upon notification 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 the licensing and inspection of nuclear power plants, other production or utilization facilities, and vendors of nuclear power steam supply systems and balance of nuclear power plants. The proposed rule also affects materials facilities engaged in uranium and plutonium fuel fabrication, uranium milling, leaching and refining operations, source material ore-buying and ion exchange activities, burial and storage of low level radioactive waste, spent fuel cask and package approvals, and other users of critical quantities of special nuclear materials as well as users of byproduct material. 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. In addition, even if any of the materials licensees could be considered a small business, the number of licensees affected could not be expected to be "substantial" under 5 U.S.C. 605(b).

In the event any affected licensee considers itself a small business under the terms of the Regulatory Flexibility Act, the NRC would appreciate comments on how the regulations could be modified to take into account the differing needs of small entities. Specifically, they should discuss:

(a) the size of their business and how the proposed regulations would result in a significant economic burden upon them as compared to larger organizations in the same business community;

(b) how the proposed regulations could be modified to take into account their differing needs or capabilities;

(c) the benefits that would accrue, or the detriments that would be avoided, if the proposed regulations were modified as suggested by the commenter;

(d) how the proposed regulations, as modified, would more closely equalize the impact of NRC regulations or create more equal access to the benefits of Federal programs as opposed to providing special advantages to any individuals or groups.

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 continues to read as follows:

Authority: Sec. 501, 65 Stat. 290 (31 U.S.C. 483a); Sec. 301, Pub. L. 92-314, 86 Stat. 222 (42 U.S.C. 2201w); Sec. 201(f), Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841).

2. In the Table of Contents

(a) add 170.20 to read Average cost per professional staff year/hour to be used in calculating fees.

(b) change the heading for 170.21 to read Schedule of fees for production and utilization facilities, review of reference standardized design approvals, special projects and inspections.

(c) delete §170.22, 170.23, and 170.24.

3. Section 170.2 is amended to delete the word "routine" before the phrase "safety and safeguards inspections..." and 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:

(a) an applicant for or holder of a specific byproduct material license issued pursuant to Parts 30 and 32 through 35 of this Chapter,

(b) an applicant for or holder of a specific source material license issued pursuant to Part 40 of this Chapter,

(c) an applicant for or holder of a specific special nuclear material license issued pursuant to Part 70 of this Chapter,

(d) an applicant for or holder of a specific approval of spent fuel casks and shipping containers issued pursuant to Part 71 of this Chapter,

(e) an applicant for or holder of a specific license to possess power reactor spent fuel and other radioactive materials associated with spent fuel storage, in an independent spent fuel storage installation, issued pursuant to Part 72 of this Chapter.

(f) an applicant for or holder of a specific approval of sealed sources and devices containing byproduct material, source material, or special nuclear material,

(g) an applicant for or holder of a production or utilization facility construction permit or operating license issued pursuant to Part 50 of this Chapter,

(h) required to have examinations and tests performed to qualify or requalify individuals as Part 55 reactor operators,

(i) required to have routine and non-routine safety and safeguards inspections of activities licensed pursuant to the requirements of this Chapter,

(j) applying for or is holder of an approval of a reference standardized design of a nuclear steam supply system or balance of plant,

(k) applying for or already has applied for review of a facility site prior to the submission of an application for a construction permit,

(l) applying for or already has applied for review of a standardized spent fuel facility design,

(m) applying for or has applied for since March 23, 1978 review of an item under the category of special projects in this Chapter which the Commission completes or makes whether or not in conjunction with a license application on file or which may be filed.

4. Paragraph (t) is being revised and new paragraphs (y) and (z) are added to §170.3 to read as follows:

§170.3 Definitions.

(t) Routine inspections are inspections ^{performed} ~~performed~~ on a continuing basis to evaluate the licensee's activities within the context of his ultimate responsibility for public protection. Nonroutine inspections

would include reactive inspections, investigations, incident/accident response, performance appraisal and enforcement inspections, emergency preparedness safety evaluation reviews, and systematic assessment of license performance.

(y) "Application" means any request for a permit, license, approval, exemption, certificate, other permission or for any other service, filed with the Commission.

(z) The phrase "review is completed" as used in this Part means that the review has been brought to an end, whether by reason of issuance of a permit, license, approval, certificate; exemption, or other form of permission, or whether the application is denied, withdrawn, suspended or action on the application is postponed by the applicant.

5. For clarifying purposes, paragraphs (3) and (4) of Section 170.11(a) are amended to read as follows:

§170.11 Exemptions.

(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, except for licenses authorizing storage of low-level radioactive waste at nuclear reactor sites.

(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, except human use, or for byproduct material, source material, or special nuclear material to be used for teaching, training or medical purposes, except human use, or in connection with a facility, other than a power reactor, used for teaching, training, or medical purposes, except human use.

6. In §170.12 paragraph (i) is deleted and paragraphs (b), (c), (d), (e), and (f) are amended to read as follows:

§170.12 Payment of fees.

(b) License Fees. Fees for review of applications for permits, licenses, and facility reference standardized design approvals are payable upon notification by the Commission. Each applications where the review charges are based on actual costs and the application has been pending with the Commission for six months or longer, the first bill for accumulated costs will be sent at the time this rule becomes effective and will include all of the applicable review time and contractual costs expended. Thereafter, each applicant will be billed at six-month intervals or when the review is completed, whichever is earlier. Each bill will identify the applications and the costs related to each.

(c) Amendment Fees and Other Required Approvals. All applications for amendments and other required approvals subject to fees based on the actual cost of the review shall be accompanied by an application fee of \$150. Fees for amendments to permits and licenses and other required approvals which are subject to actual cost reviews are payable upon notification by the Commission. Each applicant will be billed at six-month

intervals for all accumulated costs for each application the applicant has on file for review by the Commission, and each six-month period thereafter or when review is completed, whichever is earlier. Each bill will identify the applications and costs related to each. Amendment fees for materials licenses and approvals not subject to actual cost reviews are payable at the time the application is filed. Applications for license amendments and other approvals which are on file with the Commission and pending review at the time the proposed rate change becomes effective and which were subject to fees under the March 23, 1978 schedule will not be assessed fees under the proposed schedule.

(d) Renewal Fees. All applications for renewals subject to fees based on the actual cost of the review shall be accompanied by an application fee of \$150. Fees for renewal of permits and licenses and other required approvals are payable upon notification by the Commission. Each applicant will be billed at six-month intervals for all accumulated costs on each application that the applicant has on file for review by the Commission, and each six-month period thereafter or when the review is completed, whichever is earlier. Each bill will identify the applications and the costs related to each. 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 casks, packages, and shipping container approvals, and spent fuel storage facility design approvals, construction approvals for plutonium fuel processing and fabrication plants, and facility reference standardized design approvals shall be accompanied by an application fee of \$150, except that the application

fee for facility reference standardized design approvals shall be accompanied by an application fee of \$50,000. Fees for these applications which are subject to actual cost reviews are payable upon notification by the Commission. For applications where the review charges are based on actual costs and the application has been pending with the Commission for six months or longer, the first bill for accumulated costs will be sent at the time this rule becomes effective and will include all of the applicable review time and contractual costs expended. Thereafter, each applicant will be billed at six-month intervals or when review is completed, whichever is earlier. Each bill will identify the applications and the costs related to each.

(f) Special Project Fees. All applications for special projects shall be accompanied by an application fee of \$150. Fees for special projects are payable upon notification by the Commission. For applications where the review charges are based on actual costs and the application has been pending with the Commission for six months or longer, the first bill for accumulated costs will be sent at the time this rule becomes effective and will include all of the applicable review time and contractual costs expended. Thereafter, each applicant will be billed at six-month intervals or when the review is completed, whichever is earlier. Each bill will identify the applications and the costs related to each. Those special projects that were not subject to fees prior to March 23, 1978 will continue to be exempt from fees.

7. Add a new §170.20 to read as follows:

§170.20 Average cost per professional staff-year/hour to be used in calculating fees in this Part that are based upon the actual costs of the review.

Fees for permits, licensees, amendments, renewals, or other required approvals under §§170.21 and 170.31

Office of Nuclear Reactor Regulation	\$62 per hour or \$111,792 per year
Office of Nuclear Material Safety and Safeguards	\$58 per hour or \$104,807 per year
Advisory Committee on Reactor Safeguards	\$62 per hour or \$111,487 per year
Atomic Safety and Licensing Board Panel	\$62 per hour or \$110,765 per year
Atomic Safety and Licensing Appeal Panel	\$66 per hour or \$118,385 per year
Fees for inspections under §170.32	
Office of Inspection and Enforcement	\$53 per hour or \$94,843 per year

8. §170.21 is amended to read as follows:

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

(a) Applicants for construction permits, manufacturing licenses, operating licenses and approvals of reference standardized facilities designs, reactor operators, and special projects shall pay the fees described in the table below.

(b) Deleted.

SCHEDULE OF FACILITY FEES

Facility Categories	Type of Fees	Fee ¹
A. Power Reactor	Application-Construction Permit....	\$125,000
	Construction Permit.....	Actual Cost ²
	License.....	Actual Cost ²

SCHEDULE OF FACILITY FEES (Continued)

Facility Categories	Type of Fees	Fee ¹
	Application for Amendment, Renewal, Other Approvals.....	\$150
	Amendment, Renewal, Other Approvals.....	Actual Cost ²
	Inspection ³	Actual Cost ²
B. Standard Design Review	Application.....	\$50,000
	Approvals.....	Actual Cost ²
	Application for Amendment, Renewal, Other Approvals.....	\$150
	Amendment, Renewal, Other Approvals.....	Actual Cost ²
C. Test Facility/Research Reactor	Application-Construction Permit....	\$5,000
	Construction Permit.....	Actual Cost ²
	License.....	Actual Cost ²
	Application for Amendment, Renewal, Other Approval.....	\$150
	Amendment, Renewal, Other Approvals.....	Actual Cost ²
	Inspection ³	Actual Cost ²
D. Manufacturing License	Application-Construction Permit....	\$125,000
	Construction Permit.....	Actual Cost ²
	License.....	Actual Cost ²
	Application for Amendment, Renewal, Other Approvals.....	\$150
D. Manufacturing License	<i>(move up)</i> Amendment, Renewal, Other Approvals.....	Actual Cost ²
	Inspection ³	Actual Cost ²
E. Uranium Enrichment Plant	Application-Construction Permit....	\$125,000
	Construction Permit.....	Actual Cost ²
	License.....	Actual Cost ²
	Application for Amendment, Renewal, Other Approvals.....	\$150
	Amendment, Renewal, Other Approvals.....	Actual Cost ²
	Inspection ³	Actual Cost ²

See footnotes at end of table.

SCHEDULE OF FACILITY FEES (Continued)

Facility Categories	Type of Fees	Fee ¹
F. Advanced Reactors	Application-Construction Permit....	\$125,000
	Construction Permit.....	Actual Cost ²
	License.....	Actual Cost ²
	Application for Amendment, Renewal, Other Approvals.....	\$150
	Amendment, Renewal, Other Approvals.....	Actual Cost ²
	Inspection ³	Actual Cost ²
G. Other production and utilization facility	Application-Construction Permit....	\$125,000
	Construction Permit.....	Actual Cost ²
	License.....	Actual Cost ²
	Application for Amendment, Renewal, Other Approvals.....	\$150
	Amendment, Renewal, Other Approvals.....	Actual Cost ²
	Inspection ³	Actual Cost ²
H. Production ^{or} utilization facility licensed for possession but not in operation	Inspection ³	Actual Cost ²
I. Part 55 Reviews	Requalification, Replacement, Reexamination of Reactor Operators.....	Actual Cost ²
J. Special Projects	Application.....	\$150
	Approval.....	Actual Cost ²

¹Fees will not be charged for orders issued by the Commission pursuant to Section 2.204 of Part 2 nor for amendments resulting specifically from such Commission orders. However, fees will be charged for approvals issued pursuant to a specific exemption provision of the Commission's regulations under Title 10 of the Code of Federal Regulations (e.g., Sections 50.12, 73.5, and any other such sections now or hereafter in effect) irrespective to whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form.

²Charge will be based on the expenditures for professional staff time and appropriate contractual support services. For those reviews currently on file and where fees are determined based on the actual cost expended for the review, the actual professional staff hours expended for the review of the application through the effective date of the proposed rule will be determined and billings for that time will be at the professional rates established for the March 23, 1978 rule. Any professional hours expended on or after the effective date of the proposed rule will be assessed at the FY 1981 rates shown in §170.20 of this Part.

(footnotes continued)

³Inspections covered by this schedule are both routine and nonroutine 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 Act of 1954, as amended, Commission regulations, and the terms and conditions of the license.

9. §170.22, §170.23, and §170.24 are deleted.

10. Section 170.31 is revised 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 ¹	Fee ²
1. Special nuclear material:		
A. Licenses for 200 grams or more of plutonium in unsealed form or 350 grams or more of contained U-235 in unsealed	Application.....	\$150
	License.....	Actual Cost ³
	Renewal.....	Actual Cost ³
	Amendment.....	Actual Cost ³
<i>move up</i> ↑ form or 200 grams or more of U-233 in unsealed form, including an application for construction approval of a plutonium fuel processing and fabrication plant. Included also are applications requesting decommissioning activities.		
B. Licenses for receipt and storage of spent fuel ⁴	Application.....	\$150
	License.....	Actual Cost ³
	Renewals.....	Actual Cost ³
	Amendment.....	Actual Cost ³

See footnotes at end of table.

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES
(Continued)

Category of Materials Licenses	Type of Fee ¹	Fee ²
C. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems. ⁴	Application-New license.....	\$230
	Renewal.....	\$120
	Amendment.....	\$60
D. 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 1A.	Application-New license.....	\$350
	Renewal.....	\$350
	Amendment.....	\$120
2. Source material:		
A. Licenses for source material in milling, in situ leaching, heap-leaching, refining uranium mill concentrates to uranium hexafluoride, ore-buying stations, ion exchange facilities and processing of ores containing source material for extraction of metals other than uranium or thorium. Included also are applications requesting decommissioning and restoration activities.	Application.....	\$150
	License.....	Actual Cost ³
	Renewal.....	Actual Cost ³
	Amendment.....	Actual Cost ³
B. Use of source material for shielding	Application-New License.....	\$60
	Renewal.....	\$60
	Amendment.....	\$60
C. All other source material licenses	Application-New license.....	\$350
	Renewal.....	\$230
	Amendment.....	\$120

See footnotes at end of table.

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES
(Continued)

Category of Materials Licenses	Type of Fee ¹	Fee ²
3. Byproduct Material:		
A. Licenses of broad scope 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 to specific licensees.	Application-New	
	license.....	\$1200
	Renewal.....	\$700
	Amendment.....	\$120
B. Other licenses for possession and use of byproduct material issued pursuant to Part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution to specific licensees.	Application-New	
	license.....	\$460
	Renewal.....	\$460
	Amendment.....	\$120
C. Licenses issued pursuant to §§32.72, 32.73, and/or 32.74 of Part 32 of this chapter authorizing the processing or manufacture and distribution of radiopharmaceuticals, generators, reagent kits and/or sources and devices containing byproduct material.	Application-New	
	license.....	\$1400
	Renewal.....	\$1400
	Amendment.....	\$230
D. Licenses issued pursuant to §§32.72, 32.73, and/or 32.74 of Part 32 of this chapter authorizing distribution of radiopharmaceuticals, generators, reagent kits and/or sources or devices not involving processing of byproduct material.	Application-New	
	license.....	\$700
	Renewal.....	\$700
	Amendment.....	\$120

See footnotes at end of table.

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES
(Continued)

Category of Materials Licenses	Type of Fee ¹	Fee ²
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.....	\$230
	Renewal.....	\$170
F. Licenses for possession and use of less than 10,000 curies of byproduct material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes.	Application-New	
	license.....	\$580
	Renewal.....	\$350
G. Licenses for possession and use of 10,000 curies or more of byproduct material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes.	Application-New	
	license.....	\$2300
	Renewal.....	\$930
H. Licenses issued pursuant to subpart A of Part 32 of this chapter to distribute items containing byproduct material which require device review to persons exempt from the licensing requirements of Part 30 of this chapter.	Application-New	
	license.....	\$580 ⁵
	Renewal.....	\$230 ⁵
I. Licenses issued pursuant to subpart A of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material which do not require device evaluation to persons exempt from the licensing requirements of Part 30 of this chapter.	Applicant-New	
	license.....	\$290
	Renewal.....	\$230
	Amendment.....	\$60

See footnotes at end of table.

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES
(Continued)

Category of Materials Licenses	Type of Fee ¹	Fee ²
J. Licenses issued pursuant to subpart B or Part 32 of this chapter to distribute items containing byproduct material which require sealed source and/or device review to persons generally licensed under Parts 31 or 35 of this chapter, except specific licenses authorizing redistribution of items which have been authorized for distribution to persons generally licensed under Parts 31 or 35 of this chapter.	Applicant-New	
	license.....	\$1200 ⁶
	Renewal.....	\$700 ⁶
	Amendment.....	\$230 ⁶
K. Licenses issued pursuant to subpart B of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct which do not require sealed source and/or device review to persons generally licensed under Parts 31 or 35 of this chapter.	Applicant-New	
	license.....	\$290
	Renewal.....	\$230
	Amendment.....	\$60
L. Licenses of broad scope for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for research and development which do not authorize commercial distribution.	Applicant-New	
	license.....	\$1200
	Renewal.....	\$700
	Amendment.....	\$120
M. Other licenses for possession and use of byproduct material issued pursuant to Part 30 of this chapter for research and development which do not authorize commercial distribution.	Applicant-New	
	license.....	\$700
	Renewal.....	\$460
	Amendment.....	\$120

See footnotes at end of table.

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES
(Continued)

Category of Materials Licenses	Type of Fee ¹	Fee ²
N. Licenses which authorize services for other licenses, except for leak testing and waste disposal pickup services.	Applicant-New license.....	\$930
	Renewal.....	\$930
	Amendment.....	\$120
O. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations.	Applicant-New license.....	\$700
	Renewal.....	\$700
	Amendment.....	\$230
P. All other specific byproduct material licenses, except those in the categories 4A through 9B.	Applicant-New license.....	\$230
	Renewal.....	\$230
	Amendment.....	\$60
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, and licenses authorizing contingency storage of low level radioactive waste at the site of nuclear power reactors.	Application.....	\$150
	License.....	Actual Cost ³
	Renewal.....	Actual Cost ³
	Amendment.....	Actual Cost ³
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging 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.....	\$1400
	Renewal.....	\$930
	Amendment.....	\$350
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons.	Application-New license.....	\$930
	Renewal.....	\$460
	Amendment.....	\$120

See footnotes at end of table.

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES
(Continued)

Category of Materials Licenses	Type of Fee ¹	Fee ²
The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.		
D. Licenses specifically authorizing the receipt of waste byproduct material, source material, and/or special nuclear material from other persons for treatment or disposal by incineration; packaging of residues resulting from incineration; and transfer of packages containing residues to another person authorized to receive or dispose of waste material.	Application.....	\$150
	License.....	Actual Cost ³
	Renewal.....	Actual Cost ³
	Amendment.....	Actual Cost ³
5. WELL LOGGING		
A. Licenses specifically authorizing use of byproduct material and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies.	Application-New license.....	\$700
	Renewal.....	\$700
	Amendment.....	\$170
B. Licenses specifically authorizing use of byproduct material for field flooding tracer studies.	Application.....	\$150
	License.....	Actual Cost ³
	Renewal.....	Actual Cost ³
	Amendment.....	Actual Cost ³
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.....	\$700
	Renewal.....	\$700
	Amendment.....	\$170

See footnotes at end of table.

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES
(Continued)

Category of Materials Licenses	Type of Fee ¹	Fee ²
7. HUMAN USE OF BYPRODUCT, SOURCE 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.....	\$580
	Renewal.....	\$350
	Amendment.....	\$230
B. Licenses of broad scope issued to medical institutions or two or more physicians pursuant to Parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.	Application-New license.....	\$1200
	Renewal.....	\$700
	Amendment.....	\$120
C. Other licenses issued pursuant to Parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.	Application-New license.....	\$580
	Renewal.....	\$580
	Amendment.....	\$230
8. CIVIL DEFENSE:		
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	Applicant-New license.....	\$290
	Renewal.....	\$230
	Amendment.....	\$60

See footnotes at end of table.

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES
(Continued)

Category of Materials Licenses	Type of Fee ¹	Fee ²
9. <u>DEVICE, PRODUCT OR SEALED SOURCE SAFETY EVALUATION</u>		
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-New license.....	\$1600
	Amendment.....	\$580
B. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material except: (1) reactor fuel, (2) sealed source(s) distributed to general licensees or persons exempt from the requirements for a license pursuant to Parts 30, 40, and 70 of this chapter.	Application-New license.....	\$350
	Amendment.....	\$120
10. Transportation of radioactive material:		
Evaluation of spent fuel casks, packages, and shipping containers.	Application.....	\$150
	Approval.....	Actual Cost ³
	Renewal.....	Actual Cost ³
	Amendment.....	Actual Cost ³
11. Review of standardized spent fuel facilities	Application.....	\$150
	Approval.....	Actual Cost ³
12. Special Projects	Application.....	\$150
	Approval.....	Actual Cost ³

¹Types 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. Where a license or approval has expired, the full application fee for each category shall be due.

(footnotes continued)

- (b) License/Approval Fees - New licenses and approvals issued in fee categories 1A, 1B, 2A, 4A, 10, 11, and 12, shall pay the license or approval fee upon notification by the Commission in accordance with Section 170.12(b).
- (c) Renewal Fees - Applications for renewal of materials licenses and approvals shall be accompanied by the prescribed renewal fee for each category, except that applications for renewal of licenses and approvals in fee categories 1A, 1B, 2A, 4A, 10, 11, and 12 shall be accompanied by an application fee of \$150, and the additional renewal fee shall be due upon notification by the Commission in accordance with the procedure specified in Section 170.12(d).
- (d) Amendment Fees - Applications for amendments shall be accompanied by the prescribed amendment fee for each category, except that applications for amendment of licenses in fee categories 1A, 1B, 2A, 4A, and ~~10A~~ shall be accompanied by an application fee of \$150 with the balance due upon notification by the Commission in accordance with Section 170.12(c)

²Fees will not be charged for orders issued by the Commission pursuant to Section 2.204 of Part 2 nor for amendments resulting specifically from such Commission orders. However, fees will be charged for approvals issued pursuant to a specific exemption provision of the Commission's regulations under Title 10 of the Code of Federal Regulations (e.g., Sections 30.11, 40.14, 70.14, and any other such sections now or hereafter in effect) irrespective to whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form.

³Charge will be based on the expenditures for professional staff time and appropriate contractual support services.

⁴Licensees paying fees under Categories 1A and 1B are not subject to fees under Categories 1C and 1D for sealed sources authorized in the same license except in those instances where an application deals only with the sealed sources authorized by the 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 1C only.

⁵In addition to the fee shown, applicant will be assessed an additional \$460 for each device review.

⁶In addition to the fee shown, an additional \$1600 will be assessed for each device/product review and \$350 for each sealed source review.

11. 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	Type of Inspection	Fee ¹
1. <u>Special Nuclear Material</u> :		
A. Licenses for 200 grams or more of plutonium in unsealed form or 350 grams or more of contained U-235 in unsealed form or 200 grams or more of U-233 in unsealed form, including an application for construction approval of a plutonium fuel processing and fabrication plant. Included also are applications requesting decommissioning activities.	Routine	Actual Cost ²
	Non-Routine	Actual Cost ²
B. Licenses for receipt and storage of spent fuel	Routine	Actual Cost ²
	Non-Routine	Actual Cost ²
C. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems.	Routine	\$210
	Non-Routine	\$640
D. 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 1A.	Routine	\$320
	Non-Routine	370
2. <u>Source Material</u> :		
A. Licenses for source material in milling, in-situ leaching, heap-leaching and refining uranium concentrates to uranium hexafluoride, ore-buying stations, ion exchange facilities, and	Routine	Actual Cost ²
	Non-Routine	Actual Cost ²

See footnotes at end of table.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES (Continued)

Category of Licenses	Type of Inspection	Fee ¹
processing of ores containing source material for extraction of metals other than uranium or thorium. Included also are applications requesting decommissioning and restoration activities.		
B. Use of source material for shielding	Routine	\$130
	Non-Routine	\$160
C. All other source material	Routine	\$370
	licences Non-Routine	\$690
	<i>more over</i>	
3. <u>Byproduct Material:</u>		
A. Licenses of broad scope for possession and use of by-product material issued pursuant to Part 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution to specific licensees.	Routine	\$ 950 ³
	Non-Routine	\$1,000 ³
B. Other licenses for possession and use of byproduct material issued pursuant to Part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution to specific licensees.	Routine	\$480 ³
	Non-Routine	\$900 ³
C. Licenses issued pursuant to §§32.72, 32.73 and/or 32.74 of Part 32 of this chapter authorizing the processing or manufacture and distribution of radiopharmaceuticals, generators, reagent kits and/or sources and devices containing byproduct material.	Routine	\$640
	Non-Routine	\$850
D. Licenses issued pursuant to §§32.72, 32.73 and/or 32.74	Routine	\$370
	Non-Routine	\$530

See footnotes at end of table.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES (Continued)

Category of Licenses	Type of Inspection	Fee ¹
of Part 32 of this chapter authorizing distribution of radiopharmaceuticals, generators, reagent kits and/or sources or devices not involving processing of byproduct material.	Routine	\$210
	Non-Routine	\$320
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).	Routine	\$210
	Non-Routine	\$320
F. Licenses for possession and use of less than 10,000 curies of byproduct material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes.	Routine	\$270
	Non-Routine	\$580
G. Licenses for possession and use of 10,000 curies or more of byproduct material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes.	Routine	\$480
	Non-Routine	\$640
H. Licenses issued pursuant to subpart A of Part 32 of this chapter to distribute items containing byproduct material which require device review to persons exempt from the licensing requirements of Part 30 of this chapter.	Routine	\$320
	Non-Routine	\$320
I. Licenses issued pursuant to subpart A of Part 32 of this chapter to distribute items	Routine	\$210
	Non-Routine	\$320

See footnotes at end of table.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES (Continued)

Category of Licenses	Type of Inspection	Fee
containing byproduct material or quantities of byproduct material which do not require device evaluation to persons exempt from the licensing requirements of Part 30 of this chapter.		
J. Licenses issued pursuant to subpart B of Part 32 of this chapter to distribute items containing byproduct material which require sealed source and/or device review to persons generally licensed under Parts 31 or 35 of this chapter, except specific licenses authorizing redistribution of items which have been authorized for distribution to persons generally licensed under Parts 31 or 35 of this chapter.	Routine Non-Routine	\$320 \$320
K. Licenses issued pursuant to subpart B of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct which do not require sealed source and/or device review to persons generally licensed under Parts 31 or 35 of this chapter.	Routine Non-Routine	\$320 \$320
L. Licenses of broad scope for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for research and development which do not authorize commercial distribution.	Routine Non-Routine	\$420 \$530
M. Other licenses for possession and use of byproduct material issued pursuant to Part 30 of	Routine Non-Routine	\$370 \$420

See footnotes at end of table.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES (Continued)

Category of Licenses	Type of Inspection	Fee ¹
this chapter for research and development which do not authorize commercial distribution.		
N. Licenses which authorize service for other licenses, except for leak testing and waste disposal pickup services.	Routine Non-Routine	\$320 \$320
O. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations.	Routine Non-Routine	\$ 530 ³ \$1,200 ³
P. All other specific byproduct material licenses, except those in the categories 4A through 9B.	Routine Non-Routine	\$530 ³ \$530 ³
4. <u>Waste Disposal:</u>		
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 and licenses authorizing contingency storage of low level radioactive wastes at the site of nuclear power reactors.	Routine Non-Routine	Actual Cost ¹ Actual Cost ¹
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will	Routine Non-Routine	\$1,000 \$ 740

See footnote at end of table.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES (Continued)

Category of Licenses	Type of Inspection	Fee ¹
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.	Routine Non-Routine	\$740 950
D. Licenses specifically authorizing the receipt of waste byproduct material, source material, and/or special nuclear material from other persons for treatment or disposal by incineration; packaging of residues resulting from incineration; and transfer of packages containing residues to another person authorized to receive or dispose of waste material.	Routine Non-Routine	\$740 \$900
5. <u>Well Logging:</u>		
A. Licenses specifically authorizing use of byproduct material and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies.	Routine Non-Routine	\$370 \$370
B. Licenses specifically authorizing use of byproduct material for field flooding tracer studies.	Routine Non-Routine	\$320 \$480

See footnote at end of table.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES (Continued)

Category of Licenses	Type of Inspection	Fee ¹
6. <u>Nuclear Laundries:</u>		
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material.	Routine	\$530
	Non-Routine	\$850
7. <u>Human Use Of Byproduct, Source or Special Nuclear Material:</u>		
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.	Routine	\$530
	Non-Routine	\$850
B. Licenses of broad scope issued to medical institutions or two or more physicians pursuant to Parts 30, 33, 35, 40 and 70 of this chapter authorizing research and development including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.	Routine	\$740
	Non-Routine	\$800
C. Other licenses issued pursuant to Parts 30, 35, 40 and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.	Routine	\$480
	Non-Routine	\$690

See footnote at end of table.

[7550-1]

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES (Continued)

Category of Licenses	Type of Inspection	Fee ¹
8. <u>Civil Defense:</u>		
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	Routine	\$320
	Non-Routine	\$320
9. <u>Device, Product or Sealed Source Safety Evaluation:</u>		
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.	Routine	No inspections conducted
	Non-Routine	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(s) distributed to general licensees or persons exempt from the requirements for a license pursuant to Parts 30, 40, and 70 of this chapter.	Routine	No inspections conducted
	Non-Routine	No inspections conducted
10. <u>Transportation of radioactive material:</u>		
Evaluation of spent fuel cask, package and shipping containers.		No inspections conducted
11. <u>Review of standardized spent fuel facilities:</u>		
		No inspections conducted

See footnotes at end of table.

[7510-1]

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES (Continued)

Category of Licenses	Type of Inspection	Fee ¹
12. <u>Special projects:</u>		No inspections conducted

¹Where a licensee holds more than one material 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, except in those instances where the inspection fees are covered by actual cost.

²Charge will be ~~separately determined by the Commission taking into account~~ *based on the expenditures for* the professional staff time required to conduct the inspection, ~~multiplied~~ *contractual* by the ~~applicable cost per staff-year~~, plus any appropriate ~~support services~~ costs incurred. *(FY 1981 rates shown in ~~the~~ ~~part~~ § 170.20 of this part)*

³Where 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.

Dated at Washington, D.C. this _____ day of _____, 1981.

For the Nuclear Regulatory Commission.

Samuel Chilk
Secretary of the Commission