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The Honorable David A. Stockman, Director
Office of Management and Budget
Washington, DC 20503

* Central Files provided copy of enclosure.

Dear Mr. Stockman:

The Commission is proposing to amend its regulations in 10 CFR Part 170 to revise the fees charged for facilities and materials inspections and review of applications for permits, licenses, amendments, renewals, topical reports and special projects. The revised schedule is designed to recover direct and indirect costs of providing special benefits to identifiable recipients of Commission services, and would more completely recover actual costs.

The proposed revision contains several modifications of the current fee schedules which were last revised on March 23, 1978. Fees for facility and major fuel cycle permits, licenses, amendments, and inspections would be based on actual costs with the ceiling eliminated.

All inspections would be subject to fees, except those investigations which result from unsubstantiated allegations. Currently only routine inspections are subject to fees.

A new area of fee assessment would be Part 55 applications for requalification and replacement examinations of reactor operators. Fees for these examinations would be based on actual cost and billed to the utility employing the operators.

Fees for small programs covered by materials licenses would continue to be on a fixed fee basis with Fiscal Year 1981 costs used for fee computation.

Costs excluded from recovery include those associated with research, generic licensing activities, standards development, export licensing, indemnification program, contested hearings, state and international programs, orders, and costs of such other activities which appear to provide an independent public benefit or where the beneficiary of the service is obscure.

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The revised fee schedules are set forth in the enclosed Notice of Proposed Rule Making which we are transmitting to the Federal Register. The Notice will allow 60 days for public comment after publication.

Sincerely,

/s/

Patricia G. Norry, Director
Office of Administration

Enclosure: As stated

WOM

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DATE ▶	10/27/82	1 / 82	11/1/82	11/31/82	1 / 82	1 / 82

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, and special projects (including topical and other reports). The revised schedule of fees will more completely recover costs incurred by the Commission in providing services to identifiable recipients.

DATES: Submit comments by . 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, 1717 H Street, NW.,
Washington, D.C., between 8:15 a.m. and 5:00 p.m. Copies of comments may
be examined and copied for a fee at the NRC's Public Document Room at
1717 H Street, NW., Washington, D.C.

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

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 using 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 the D.C. Court of Appeals 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 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, D.C.

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 NRC could properly assess a fee for the costs of providing routine inspections necessary to ensure 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.

Tables 1 through 5 describe the services of the offices which have been categorized as being eligible for cost recovery or as excluded from cost recovery. Only NRC services providing special benefits were included in the computation of fees.

Table 1 Office of Nuclear Reactor Regulation Items
For Fee Consideration

	Proposed Schedule	
	Included	Excluded
Safety, environmental, QA, antitrust and safe- guards activities relating to review of CPs and OLs	X	
Amendment review	X	
Topical and other report reviews	X	
Std. reference design review for NSSS and BOP	X	
Hot & cold exams for initial startup of OL	X	
Requalification and replacement exams for operator licenses	X	
Standards, codes & licensing guides		X
Research Coordination		X
Generic effort not specifically identified with an application		X
Indemnity Program		X
Commission Orders (no application from licensee)		X
Amendments and approvals resulting from Commission Orders		X

Table 2 Office of Nuclear Material Safety and Safeguards Items
For Fee Consideration

	Proposed Schedule	
	Included	Excluded
Safety, environmental, & safeguards activities relating to processing applications	X	
Amendment & renewal review	X	
Standards & licensing guides		X
Research Coordination		X
Generic effort not specifically identified with an application		X
State Agreements program effort		X

Table 3 Office of Inspection and Enforcement Items
for Fee Consideration

	Proposed Schedule	
	Included	Excluded
Routine health, safety, environmental, and safeguards inspections	X	
Quality assurance inspections during preconstruction, construction, and preoperational phases of facility licensing	X	
Non-routine inspections - incidents, investigations & enforcement	X	
Generic activities not relating to a specific license		X
Standards effort		X
Export-safeguards & Agreement State program		Y
Safety Reviews for OLs and reactor license amendments	X	

Table 4 Committees and Panels Items for Fee Consideration

	Proposed Schedule	
	Included	Excluded
<u>Advisory Committee on Reactor Safeguards</u>		
Safety issues relating to processing CPs and OLs	X	
Generic studies, research, and standards development activities		X
<u>Atomic Safety and Licensing Board Panel</u>		
Safety & environmental work on uncontested cases	X	
Safety & environmental work on contested cases		X
Generic work (rulemaking, show cause, special projects)		X
<u>Atomic Safety and Licensing Appeal Panel</u>		
Uncontested casework	X	
Contested casework		X

Table 5 Other Commission Offices

	Proposed Schedule	
	Included	Excluded
Office of Standards Development		X
Office of Nuclear Regulatory Research		X
Office of the Commissioners		X
Office of General Counsel		X
Office of Policy Evaluation		X
Offices of Inspector and Auditor, Congressional Affairs, Public Affairs, and Small & Disadvantaged Business Utilization and Civil Rights		X
Offices of State and International Programs		X
Offices of Secretary, Executive Director for Operations, Administration, Management and Program Analysis, Controller, and Executive Legal Director		
Those services supporting the licensing and inspection process.	X	

Fees for Construction Permits and Operating Licenses

Fees currently assessed for Part 50 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. Table 6 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 in reviewing applications prior to the effective date of this proposed regulation 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 shown in the new 10 CFR 170.20. 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. The proposed rule will require that all applications be accompanied by an application fee of \$150. 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. When actual costs exceed the application fee, the application fee will be subtracted from the review costs. In no event will the total review costs be less than the application fee. Table 6 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.

Table 6 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

Topical and Other Reports (Special Projects)

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 for those reports currently on file and subject to fees as well as for those reports filed after the effective date of this proposed rule. 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 costs expended for the review, but none will have an upper limit on charges. All requests for reviews are to be accompanied by an application fee of \$150 which will be subtracted from the total cost of the review, except that in no event will the total cost be less than the application fee. 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. Professional hours expended in reviewing applications prior to the effective date of this proposed regulation 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 rates shown in the new 10 CFR 170.20. The cost of most topical report reviews have been in the range of \$1,400 to \$58,000.

Reactor Operators

NRC examinations and tests to requalify and replace Part 55 reactor operators will be subject to fees based on the actual NRC professional staff hours required to administer the examinations and tests. Costs will be billed to the utility employing the operators. Annual costs for requalification and replacement examinations and tests 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.

Standard Reference Design Approvals

The schedule of fees for review of applications for preliminary and final standard reference design approvals of nuclear steam supply systems and balance of plants will be revised to require full cost recovery. The delayed payment 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 standard reference 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. Non-routine inspections would include reactive inspections, investigations, incident/accident response, performance appraisal inspections, enforcement activities, special emergency preparedness inspections, and systematic appraisal of licensee performance. Fees would be assessed for investigations only when the allegations are substantiated.

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. Each inspection conducted will be subject to fees.

For those licensees who hold licenses that are currently billed once a year for inspections (Part 50 power reactor licensees, other production and utilization facility licensees, and possession-only licensees) the licensees will be billed on a prorated basis for any partial year elapsed

(less than 365 days) under the March 23, 1978 fee schedule. That is, if 20 days have passed since the last billing year through the effective date of this proposed amendment the licensee would be billed 20/365 of the total fee as prescribed in the March 23, 1978 fee schedule. Thereafter, those licensees will be billed quarterly based on the rates shown in 10 CFR 170.20. 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.

Tables 7, 8 and 9 compare the inspection fees under the March 23, 1978 fee schedule with the fees in this proposed schedule.

Table 7 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	\$9,000	\$1,300	\$6,500	\$800	\$2,400	\$270	\$800

Table 8 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		

Table 9 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. Special Nuclear Material						
<u>> 5 Kg U-235 or 2 Kg U-233</u>						
<u>for fuel fabrication (>20%)</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		<u>1/</u>	None		<u>1/</u>
Safeguards	\$10,800			None		

1/ No individual licensees in this category

Table 9 (Continued)

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</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 g to < 5 Kg of U-235 or 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 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 heap-leaching operation</u>						
Safety	\$1,800	\$150	\$1,000	None	\$150	\$1,000
<u>Refining mill concentrates to UF₆</u>						
Safety	\$1,800	\$1,800	\$2,300	None	\$850	\$1,000

1/ No individual licensees in this category

Table 9 (continued)

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						
<u>Ion exchange and ore-</u> <u>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. Table 10 compares the March 23, 1978 schedule of licensing fees with the current range of costs for these licenses. This table is only included for illustrative purposes 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. Fees for applications for license amendments, renewals, and approvals under Category 11 which are on file with the Commission and pending review at the time the proposed rule becomes effective will be limited to the maximum fees prescribed in the March 23, 1978 schedule.

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 consolidated into fee category 1A; 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 consolidated into revised fee category 2A; a new category 2B has been established for licenses authorizing 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 10A. 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 10A, 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 equity to the fee charges for the 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 (3A and 3B and 3L and 3M, respectively) 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 in which an insufficient number of applications have been reviewed to establish a meaningful average review

Table 10 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	
		From	To		From	To	From	To	From	To
I.A. <u>Special Nuclear Material</u>										
> 5 Kg U-235 or 2 Kg U-233 for fuel fabrication (> 20%)	\$136,600	\$460,000	\$825,000	\$76,800	\$99,000	\$313,000	\$150	\$34,600	\$250	\$170,000
> 5 Kg U-235 for fuel fabrication (< 20%)	\$124,800	\$363,000	\$616,000	\$71,900	\$94,000	\$261,000	\$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	\$250	\$222,000
> 5 Kg U-235 or > 2 Kg U-233 other than fuel fabrication	\$34,600	\$152,000	\$408,000	\$18,000	\$47,000	\$114,000	\$150	\$2,800	\$250	\$121,000
> 2 Kg Pu for activities other than fuel fabrication	\$62,300	\$465,000	\$1,083,000	\$38,100	\$89,000	\$280,000	\$150	\$6,900	\$250	\$170,000
200 grams to < 2 Kg of Pu	\$47,100	\$152,000	\$408,000	\$29,800	\$47,000	\$114,000	\$150	\$4,800	\$250	\$120,000
350 g to < 5 Kg of U-235 or 200 g to < 2 Kg U-233	\$20,800	\$31,000	\$288,000	\$11,100	\$11,000	\$104,000	\$150	\$2,800	\$250	\$68,000
I.B. <u>Receipt & Storage of Spent Fuel</u>										
New Site	\$325,000	\$354,000	\$609,000	\$32,000	No Estimate	\$150	\$88,500	\$250	\$159,000	
Existing Site	\$234,300	\$204,000	\$419,000	\$32,000	No Estimate	\$150	\$88,500	\$250	\$159,000	

Table 10 (Continued)

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	To
2.A. Source Material										
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)	\$66,500	\$191,000	\$258,000	\$17,300	\$22,000	\$91,000	\$150	\$4,200	\$300	\$43,000
(R & D Scale)	\$23,800	\$23,000	\$91,000	\$17,300	\$6,000	\$40,000	\$150	\$4,200	\$300	\$22,000
Refining mill concentrates to UF6	\$107,700	\$259,000	\$407,000	\$45,800	\$82,000	\$209,000	\$150	\$20,800	\$350	\$112,000
Ion exchange and ore- buying stations	\$140	\$12,000	\$54,000	\$70	\$3,000	\$22,000	\$40	-	\$300	\$11,000
4.A. Waste Disposal										
Burial	\$323,100	\$52,000	\$818,000	\$98,500	\$29,000	\$409,000	\$150	\$197,700	\$150	\$152,000
low level waste storage at power reactor sites	<u>1/</u>	\$41,000	\$102,000	<u>1/</u>	\$25,000	\$56,000	<u>1/</u>	<u>1/</u>	\$350	\$56,000

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

Table 10 (Continued)

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	To	
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	\$43,000	
<u>Evaluation of high level casks and packages</u>	\$69,200	\$41,000	\$143,000	\$150	\$500	\$1,400	\$150	\$5,500	\$500	\$43,000	
<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	\$32,000	
<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	\$16,000	
<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	\$16,000	

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 Tables 11 through 16 and shown in proposed new \$170.20. These rates will be reviewed and adjusted annually as necessary to take into consideration increased or decreased costs to the Commission.

Table 11 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 ÷ 465 ² = \$111,792	
Average Cost/Staff-Hour to maintain a professional employee	\$111,792 ÷ 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

Table 12 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>	<u> </u>
Subtotal	\$44,690,000	873
Less Consultants	<u>(-)</u>	<u> </u>
Subtotal	\$44,690,000	873
Proportionate Share of PDA/PTS ¹	<u>8,327,225</u>	<u> </u>
Total Costs	<u>\$53,017,225</u>	<u>873²</u>
Average Cost/Staff-Year to Maintain a Professional Employee	\$53,017,225 ÷ 559 ² = \$94,843	
Average Cost/Staff-Hour to Maintain a Professional Employee	\$94,843 ÷ 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

Table 13 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 ÷ 209 ² = \$104,807	
Average Cost/Staff-Hour to Maintain a Professional Employee	\$104,807 ÷ 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

Table 14 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>	<u>—</u>
Subtotal	\$2,892,000	36
Less Consultants	<u>(-)</u>	<u>—</u>
Subtotal	\$2,892,000	36
Proportionate Share of PDA/PTS ¹	<u>341,129</u>	<u>—</u>
Total Costs	<u>\$3,233,129</u>	<u>36²</u>
Average Cost/Staff-Year to Maintain a Professional Employee	\$3,233,129 ÷ 29 ² = \$111,487	
Average Cost/Staff-Hour to Maintain a Professional Employee	\$111,487 ÷ 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

Table 15 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>\$3,544,480</u>	<u>47²</u>
Average Cost/Staff-Year to Maintain a Professional Employee	\$3,544,480 ÷ 32 ² = \$110,765	
Average Cost/Staff-Hour to Maintain a Professional Employee	\$110,765 ÷ 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

Table 16 Atomic Safety and Licensing Appeal Panel (ASLAP)
Average Cost Per Professional Staff-Year
Computation - FY 1981 Actual Costs

	Costs	Staff
Personnel Compensation Costs	\$515,000	15
Personnel Benefits	57,000	
Administrative Support Costs	215,000	
Travel & Transportation of Persons	16,000	
Subtotal	\$903,000	15
Less Consultants	(-)	
Subtotal	\$903,000	15
Proportionate Share of PDA/PTS ¹	228,757	
Total Costs	<u>\$1,131,757</u>	<u>15²</u>
Average Cost/Staff-Year to Maintain a Professional Employee	\$1,131,757 ÷ 9.56 ² = \$118,385	
Average Cost/Staff-Hour to Maintain a Professional Employee	\$118,385 ÷ 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

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 for which 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 established in the March 23, 1978 fee schedule. Subsequently, the professional rate assessed would be as shown in §170.20. 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 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 (10 CFR 170.20) plus any contractual services costs. For applications filed on or after the effective date of the proposed rule that are subject to the revised billing procedure and for Part 55 reviews, itemized bills will be sent to applicants at six-month intervals for all accumulated cost 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. Under this proposed rule, all applications that are assessed fees based on actual costs are to be accompanied by the application fee specified in this Part except for Part 55 reviews. In no event will the fee assessed exceed the actual costs of reviewing an application, except that under no circumstance will the applicant or licensee pay less than the application fee specified in this proposed rule. 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 licensees at the end of each calendar quarter for all inspections initiated on or after the effective date of this rule for which 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. The companies that own these businesses do not fall within 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. To the extent that this proposed rule affects all other users of by-product

materials, the proposed revision of the fee schedule is not expected to have a significant economic effect upon a substantial number of small entities among this group of licensees.

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; and

(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 STATEMENT

The proposed rule contains no new or amended requirements for record-keeping, reporting, plans, applications or any other types of information collection subject to the Paperwork Reduction Act of 1980 (Pub. L. 96-511, 44 U.S.C. 3501 et seq.).

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, the NRC is proposing to adopt the following amendments to 10 CFR Part 170.

LIST OF SUBJECT TERMS IN 10 CFR 170

Byproduct material, Nuclear materials, Nuclear power plants and reactors, penalty, source material, special nuclear material.

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 is revised 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, 88 Stat. 1242, as amended (42 U.S.C. 5841).

2. Section 170.2 is revised to read as follows:

§170.2 Scope.

Except for persons who apply for or hold the permits, licenses or approvals exempted in §170.11, the regulations in this part apply to a person who is--

(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 and 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 standard reference design for 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; or

(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.

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3. In §170.3, paragraph ^s(t) ~~is amended; paragraphs (u) and (v) are being deleted~~ and new paragraphs _n(y) and (z) are added

to read as follows:

§170.3 Definitions.

* * * * *

(t) "Inspections" include routine inspections performed to evaluate the licensee's activities within the context of the licensee's ultimate responsibility for public protection, and non-routine inspections such as reactive inspections, investigations, incident/accident response, performance appraisal inspections, enforcement activities special emergency preparedness inspections, and systematic appraisal of licensee performance.

(u) "Person" as used in this Part is the same definition found in Parts 30, 40, 50, and 70 of Title 10 of the Code of Federal Regulations.

(v) Part 55 Reviews are those services provided by the Commission to administer requalification and replacement examinations and tests for reactor operators licensed pursuant to 10 CFR Part 55 of the Commission's regulations and employed by Part 50 licensees.

* * * * *

(y) "Application" means any request for a permit, license, approval, exemption, certificate, other permission or for any other service, which is 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.

4. In §170.11, paragraphs (a) (3) and (4) are revised to read as follows:

§170.11 Exemptions.

(a) * * *

(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.

* * * * *

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11-1-82
492-7158

5. In §170.12, paragraphs (b), (c), (d), (e), (f), and (i), to read as follows:

are revised

§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 application for which 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 license amendments and other required approvals which are subject to fees based on the actual cost of the reviews 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.

(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. Applications for spent fuel casks, packages, and shipping container approvals, spent fuel storage facility design approvals, and construction approvals for plutonium fuel processing and fabrication plants shall be accompanied by an application fee of \$150. Applications for facility standard reference design approvals shall be accompanied by an application fee of \$50,000. Fees for 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 applications have 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.

(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 applications have 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.

* * * * *

(i) Part 55 Review Fees. Part 55 reviews are those services performed by the NRC for requalification and replacement examinations and tests for reactor operators licensed pursuant to 10 CFR Part 55. The costs for these services will be subject to fees based on actual NRC time spent in administering the examinations and tests which are generally given at the reactor site. The costs will be billed at six-month intervals to the licensee employing the operators.

6. A new §170.20 is added to read as follows:

§170.20 Average cost per professional staff-hour.

(a) Fees for permits, licenses, amendments, renewals, special projects, Part 55 requalification examination and replacement examination, or other required approvals under §§170.21 and 170.31 will be calculated based upon

the actual costs for the review using the following applicable professional staff rates:

- | | |
|---|---------------|
| (1) Office of Nuclear Reactor Regulation | \$62 per hour |
| (2) Office of Nuclear Material Safety
and Safeguards | \$58 per hour |
| (3) Advisory Committee on Reactor Safeguards | \$62 per hour |
| (4) Atomic Safety and Licensing Board Panel | \$62 per hour |
| (5) Atomic Safety and Licensing Appeal Panel | \$66 per hour |
| (b) Fees for inspections based on actual cost under §§170.21 and 170.32 | |

will be calculated using the following applicable professional staff rates:

- | | |
|--|---------------|
| (1) Office of Inspection and Enforcement | \$53 per hour |
|--|---------------|

7. Section 170.21 is revised to read as follows:

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

Applicants for construction permits, manufacturing licenses, operating licenses and approvals of facility standard reference designs, requalification and replacement examinations for reactor operators, and special projects and holders of construction permits, licenses and other approvals shall pay the fees described in the table below.

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
	Application for Amendment, Renewal, Other Approvals.....	\$150
	Amendment, Renewal, Other Approvals.....	Actual Cost ²
	Inspection ³	Actual Cost ²
B. Standard Reference 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
	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 utiliza- tion facility licensed for possession but not in operation	Inspection ³	Actual Cost ²
I. Part 55 Reviews	Requalification and Replacement, Examinations for Reactor Operators.....	Actual Cost ²
J. Special Projects	Application.....	\$150
	Approval.....	Actual Cost ²
	Amendment.....	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) regardless of 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 for which 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 this 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

(footnotes continued)

effective date of this rule will be assessed at the FY 1981 rates shown in §170.20 of this Part. These rates will be reviewed and adjusted annually as necessary to take into consideration increased or decreased costs to the Commission. In no event will the total review costs be less than the application fee.

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.

8. Section 170.22, 170.23, and 170.24 are removed.

9. 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 form or 200 grams or more of U-233 in unsealed form.	Application.....	\$150
	Construction approval.....	Actual Cost ³
	License.....	Actual Cost ³
	Renewal.....	Actual Cost ³
	Amendment.....	Actual Cost ³
B. Licenses for receipt and storage of spent fuel ⁴	Application.....	\$150
	License.....	Actual Cost ³
	Renewal.....	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 possession and use of source material in recovery operations such as in milling, in situ leaching, heap-leaching, refining uranium mill concentrates to uranium hexafluoride, ore-buying stations, ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, and licenses authorizing decommissioning, reclamation or restoration activities as well as licenses authorizing the possession and maintenance of a facility in a standby mode.	Application.....	\$150
	License.....	Actual Cost ³
	Renewal.....	Actual Cost ³
	Amendment.....	Actual Cost ³
B. Licenses for possession and use of source material for shielding.	Application-New License.....	\$60
	Renewal.....	\$60
	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
C. All other source material licenses.	Application-New license.....	\$350
	Renewal.....	\$230
	Amendment.....	\$120
3. Byproduct Material:		
A. Licenses of broad scope for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution 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.	Application-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 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.	Application-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 material which do not require sealed source and/or device review to persons generally licensed under Parts 31 or 35 of this chapter.	Application-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.	Application-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.	Application-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 licensees, except for leak testing and waste disposal pickup services.	Application-New license.....	\$930
	Renewal.....	\$930
	Amendment.....	\$120
O. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations.	Application-New license.....	\$700
	Renewal.....	\$700
	Amendment.....	\$230
P. All other specific byproduct material licenses, except those in categories 4A through 9B.	Application-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, source 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.	Application-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. 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-New license.....	\$1600
	Amendment.....	\$580
B. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material except: (1) reactor fuel and (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:		
A. 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
	Amendment.....	Actual Cost ³
12. Special Projects	Application.....	\$150
	Approval.....	Actual Cost ³
	Amendment.....	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:

(footnotes continued)

- (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.
- (b) License/Approval Fees - New licenses and approvals issued in fee categories 1A, 1B, 2A, 4A, 4D, 5B, 10A, 11, and 12 shall pay the license or approval fee upon notification by the Commission in accordance with §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, 4D, 5B, 10A, 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 procedures specified in §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, 4D, 5B, and 10A, 11, and 12 shall be accompanied by an application fee of \$150 with the balance due upon notification by the Commission in accordance with §170.12(c). An application for amendment to a materials license or approval that would place the license or approval in a higher fee category or add a new fee category shall be accompanied by the prescribed application fee for the new category, except for an application for amendment to increase the scope of a licensed program from fee category 7C to 7B, in which case the licensee shall pay the amendment fee for fee category 7B. An application for amendment to a license or approval that would reduce the scope of a licensee's program to a lower fee category shall pay the prescribed amendment fee for the lower fee category.

²Fees will not be charged for orders issued by the Commission pursuant to §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., §30.11, 40.14, 70.14, 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.

³Charge will be based on the expenditures for professional staff time and appropriate contractual support services. For those reviews currently on file and for which 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 this 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 this rule will be assessed at the FY 1981 rates shown in §170.20 of this Part. These rates will be reviewed and adjusted annually as necessary to take into consideration increased or decreased costs to the Commission. In no event will the total review costs be less than the application fee.

(footnotes continued)

⁴Licenseses 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, an applicant will be assessed an additional \$460 for each device review.

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

10. Section 170.32 is revised 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.	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

See footnotes at end of table.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES (Continued)

Category of Licenses	Type of Inspection	Fee ¹
2. <u>Source Material:</u>		
A. Licenses for possession and use of source material in recovery operations such as in milling, in-situ leaching, heap-leaching and refining uranium 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 including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations and licenses authorizing decommissioning, reclamation or restoration activities as well as licenses authorizing the possession and maintenance of a facility in a standby mode.	Routine	Actual Cost ²
	Non-Routine	Actual Cost ²
B. Licenses for possession and use of source material for shielding	Routine	\$130
	Non-Routine	\$160
C. All other source material licenses.	Routine	\$370
	Non-Routine	\$690
3. <u>Byproduct Material:</u>		
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.	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	Routine	\$480 ³
	Non-Routine	\$900 ³

See footnotes at end of table.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES (Continued)

Category of Licenses	Type of Inspection	Fee ¹
or manufacturing of items containing byproduct material for commercial distribution to specific licensees.		
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 Non-Routine	\$640 \$850
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.	Routine Non-Routine	\$370 \$530
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 Non-Routine	\$210 \$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 Non-Routine	\$270 \$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 Non-Routine	\$480 \$640

See footnotes at end of table.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES (Continued)

Category of Licenses	Type of Inspection	Fee ¹
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 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.	Routine	\$210
	Non-Routine	\$320
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	\$320
	Non-Routine	\$320
K. Licenses issued pursuant to subpart B of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material which do not require seal source and/or device review to persons generally licensed under Parts 31 or 35 of this chapter.	Routine	\$320
	Non-Routine	\$320

See footnotes at end of table.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES (Continued)

Category of Licenses	Type of Inspection	Fee ¹
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	\$420
	Non-Routine	\$530
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.	Routine	\$370
	Non-Routine	\$420
N. Licenses which authorize services for other licensees, except for leak testing and waste disposal pickup services.	Routine	\$320
	Non-Routine	\$320
O. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations.	Routine	\$ 530 ³
	Non-Routine	\$1,200 ³
P. All other specific byproduct material licenses, except those in categories 4A through 9B.	Routine	\$530 ³
	Non-Routine	\$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	Actual Cost ¹
	Non-Routine	Actual Cost ¹

See footnote at end of table.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES (Continued)

Category of Licenses	Type of Inspection	Fee ¹
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	\$420
	Non-Routine	\$530
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.	Routine	\$370
	Non-Routine	\$420
N. Licenses which authorize services for other licensees, except for leak testing and waste disposal pickup services.	Routine	\$320
	Non-Routine	\$320
O. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations.	Routine	\$ 530 ³
	Non-Routine	\$1,200 ³
P. All other specific byproduct material licenses, except those in categories 4A through 9B.	Routine	\$530 ³
	Non-Routine	\$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	Actual Cost ¹
	Non-Routine	Actual Cost ¹

See footnote at end of table.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES (Continued)

Category of Licenses	Type of Inspection	Fee 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 dispose of the material by transfer to another person authorized to receive or dispose of the material.	Routine	\$1,000
	Non-Routine	\$ 740
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	\$740
	Non-Routine	\$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	\$740
	Non-Routine	\$900
5. <u>Well Logging:</u>		
A. Licenses specifically authorizing use of byproduct material, source material, and/or special nuclear material for well logging, well surveys,	Routine	\$370
	Non-Routine	\$370

See footnote at end of table.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES (Continued)

Category of Licenses	Type of Inspection	Fee ¹
and tracer studies other than field flooding tracer studies.		
B. Licenses specifically authorizing use of byproduct material for field flooding tracer studies.	Routine	\$320
	Non-Routine	\$480
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,	Routine	\$480
	Non-Routine	\$690

See footnote at end of table.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES (Continued)

Category of Licenses	Type of Inspection	Fee ¹
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.		
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

See footnotes at end of table.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES (Continued)

Category of Licenses	Type of Inspection	Fee ¹
10. <u>Transportation of radioactive material:</u>		
A. Evaluation of spent fuel casks, packages, and shipping containers.		No inspections conducted
11. <u>Review of standardized spent fuel facilities:</u>		No inspections conducted
12. <u>Special projects:</u>		No inspections conducted

¹Where 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, except in those instances where the inspection fees are based on the actual cost to conduct the inspection.

²Charge will be based on the expenditures for the professional staff time required to conduct the inspection multiplied by the rates shown in §170.20 of this Part, plus any appropriate contractual support service costs incurred. These rates will be reviewed and adjusted annually as necessary to take into consideration increased or decreased costs to the Commission.

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