



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

June 22, 1984

MEMORANDUM FOR: S. Varga, Chief, Operating Reactors Branch No. 1, DL
D. Vassallo, Chief, Operating Reactors Branch No. 2, DL
J. Miller, Chief, Operating Reactors Branch No. 3, DL
J. Stolz, Chief, Operating Reactors Branch No. 4, DL
D. Crutchfield, Chief, Operating Reactors Branch No. 5, DL
B. Youngblood, Chief, Licensing Branch No. 1, DL
A. Schwencer, Chief, Licensing Branch No. 2, DL
G. Knighton, Chief, Licensing Branch No. 3, DL
E. Adensam, Chief, Licensing Branch No. 4, DL
C. Thomas, Chief, Standardization & Special Projects Branch, DL
B. Snyder, Program Director, Three Mile Island Program Office, NRR
G. L. Madsen, Chief, Reactor Projects Branch 1, DRS&P, Region IV

FROM: William O. Miller, Chief, License Fee Management Branch, ADM

SUBJECT: REVISED PART 170 ON FEES

On June 20, 1984, the revised Part 170 became effective. Attached is a copy of the rule with a May 24, 1984 notice that went to all CP holders, licensees, prospective licensees, and vendors, as well as branch chiefs and above in NRR, IE, NMSS, Regional Offices, and others. The May 24 notice highlights major changes to Part 170. We are in the process of drafting procedures for offices to review and provide their comments, but they are not yet finalized. Therefore, this memorandum is to provide some interim guidance for you and your staff to use in completing fee issues for old and new applications for license amendments and other approvals. The interim guidance is attached as Enclosure 2.

If there are questions regarding the enclosure, feel free to call Reba Diggs on extension 27225.

William O. Miller
William O. Miller, Chief
License Fee Management Branch
Office of Administration

Enclosures:

1. Revised Part 170 w/notice of 5/24/84
2. Interim Procedures

cc: See next page.

cc: w/Enclosures:
 All DL Licensing Assistants
 J. Leonard, DL
 Lars Solander, NRR/PRAB
 M. Garver, NRR/PRAB
 C. Harwood, NRR/PRAB
 W. Manion, RM/A
 M. Rodriguez, RM/A
 T. Poindexter, TMIPO
 P. Wagner, RIV
 E. Haycraft, RIV

DISTRIBUTION w/Enclosure 2 only:

License Fee File
 W. O. Miller, LFMB
 C. J. Holloway, LFMB
 R. M. Diggs, LFMB (2)
 L. Tremper, LFMB
 LFMB R/F

OFFICE	LFMB:ADM	LFMB:ADM	LFMB:ADM				
URNAME	RMDiggs/rf	CJHolloway	WOMiller				
DATE	6/22/84	6/22/84	6/22/84				

Interim Guidance on Fees For Reactor License Amendments And Other Approvals

June 20, 1984

What follows is considered interim guidance inasmuch as formal procedures are in the process of being completed for review and comments. The finalized procedures will be issued at a later date.

1. Applications For License Amendments Filed or Postmarked before June 20, 1984:

Applications for license amendments filed or postmarked before June 20, 1984, should continue to be processed in the same manner as they have been in the past using the fee determination forms and old procedures. Fees will be assessed in accordance with the old Part 170.22. Envelopes for those applications received between June 20, 1984 and July 6, 1984 are being retained with the License Fee Management Branch's (LFMB) copy of the application for verification of postmark dates because LFMB will consider the postmark date as the filing date of the application.

2. Applications For License Amendments Postmarked on or after June 20, 1984:

- a. For these applications, do not use the old fee determination form. Instead, provide a copy of the TAC form as specified below. All applications filed on or after June 20, 1984, are to be accompanied by an application fee of \$150. If not received, the LFMB staff will request it. In order to be aware of all applications received and whether there are some without the \$150 fee, the LFMB needs to receive a copy of all of the TAC forms for applications for license amendments and other approvals. A copy of all forms should be provided to the LFMB when they are initially prepared. The "AV" field should be checked to specify that the application fee was or was not received. When the \$150 application fee is not received with the application, it is requested that a copy of the letter portion only of the application be provided to the LFMB with the copy of the TAC form. When action is totally completed on the application, the LFMB should be provided another copy of the TAC form with a notation of the amendment number or other action and date that completes the review of that application. This includes those applications withdrawn by licensees. A copy of the withdrawal letter should also be provided.
- b. Under the revised rule, licensees will be billed at six-month intervals as the review progresses on amendment applications. At six month intervals, NRR/PRAB will provide the LFMB the professional

staff hours and contractual costs for each application. The LFMB will subsequently inform the Division of Accounting and Finance (DAF) how much to bill the licensee for on each application. The \$150 application fee will be credited to the licensee's bill. However, if the application is withdrawn before any review commences, the rule provides for NRC's retention of the \$150. If an application is withdrawn after review has started on it, the licensee will be billed for total costs of review, but never less than \$150.

- c. 10 CFR 50.12 approvals are no longer exempt from fees; therefore, all of these requests should be accompanied by the \$150 application fee, and the review staff should provide TAC forms for them in the same manner as discussed in item 2.a above.
- d. Orders issued pursuant to 2.204 and amendments specifically resulting from orders are still exempt from fees and a form is being prepared to handle such applications.

3. Topical and Other Reports:

Topical and other reports, as well as revisions and amendments to approved reports, that are submitted for review and are postmarked on or after June 20, 1984, are to be accompanied by a \$150 application fee. TAC forms should be provided to the LFMB in the manner discussed in 2.a above for these requests. The LFMB will receive (from NRR/PRAB) the professional staff hours and contractual costs and bill, as review progresses, at six-month intervals.

For those reports and revisions to accepted reports filed on or after March 23, 1978, that are still pending NRC review as of June 20, 1984, NRR/PRAB will be providing the staff hours and contractual costs for the LFMB to inform DAF to bill the vendor/licensees for review through June 23, 1984. Although the rule is effective June 20, the time is reported on a weekly basis so June 23 is being used as the closing date for the first bill. Thereafter, vendors and licensees will be billed at six-month intervals. Topicals are limited to \$20,000, but other reports are on actual cost.