

Enclosure 1: Template Language for Written Communication on Schedule and Resources Establishing Fixed Fee Cap

{This enclosure contains the template language regarding fixed fee caps for use in the NRC written communication on schedule and resources for the requested activity (which may be the NRC acceptance letter or a subsequent communication). The written communication will also provide the NRC's schedule estimate using established business line practices.}

In accordance with 10 CFR 170.33, this communication establishes the fixed cap on service fees (fixed fee cap) for the NRC's review of the **[PROJECT NAME]** application. The fixed fee cap for the NRC's review of this requested activity is **[\$[X]]**. The NRC considered various factors when establishing this fixed fee cap, such as the quality and complexity of the application, technology type, and any pre-application engagement. The **[Professional Hourly Rate/Reduced Hourly Rate as established in 10 CFR 170.20(b)]** applies to this requested activity.

The fixed fee cap represents the maximum amount that the NRC may charge for service fees for this requested activity following acceptance of the complete application. The fixed fee cap will not be increased except in instances of applicant failure, as defined in 10 CFR 170.3. If applicant failure occurs, the NRC will notify **[APPLICANT]** in writing of the new fixed fee cap, which will be set at the lowest practicable amount determined by the NRC to account for the applicant failure and complete the review.

The NRC will track service fees against the fixed fee cap beginning on **[ACCEPTANCE DATE: XX/XX/XXXX]**, which is the date a complete application was accepted for review by the NRC for this requested activity.

[INSERT THIS PARAGRAPH IF PORTIONS OF THE APPLICATION HAVE BEEN REVIEWED PRIOR TO ACCEPTANCE OF A COMPLETE APPLICATION: Because portions of the application were submitted in advance of the acceptance of a complete application, the NRC staff expended resources reviewing portions of the application. These portions include **[Briefly describe the portions of the application reviewed]**. The resources expended on the review of these portions prior to acceptance of the complete application are not counted toward but are considered when establishing the fixed fee cap. The established fixed fee cap is for the remaining portions of the NRC's review beginning on **[ACCEPTANCE DATE: XX/XX/XXXX].]**

Disputes associated with a fixed fee cap must be submitted in accordance with 10 CFR 15.31 and 170.33(f) and NRC Form 529 procedures.