

Enclosure 2: Template Language for Written Communication of a New Fixed Fee Cap Due to Applicant Failure

In accordance with 10 CFR 170.33(e), this communication establishes a new fixed fee cap for the NRC's review of the **[PROJECT NAME]** application because the NRC has determined that the criteria in 10 CFR 170.3 have been satisfied.

The NRC has determined that the following actions or inaction meet the criteria in 10 CFR 170.3: **[Briefly describe the specific actions/inactions and their impact, e.g., "Failure to provide timely responses to Requests for Additional Information (RAIs) issued on [DATE], resulting in a delay of [X] days and requiring additional NRC review resources."]**

As a result, the new fixed fee cap for the NRC's review of this requested activity is **[\$[X]]**, which represents the lowest practicable amount determined by the NRC in accordance with 10 CFR 170.33(e).

Following this communication, the NRC will track service fees against the new fixed fee cap. The starting point for the fixed fee cap for this requested activity will continue to be **[ACCEPTANCE DATE: XX/XX/XXX]**, which is the date a complete application was accepted for review by the NRC for this requested activity.

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.