

U. S. ATOMIC ENERGY COMMISSION
BYPRODUCT MATERIAL LICENSELicense No. 31-00461-10
Page 1 of 2 Pages
Amendment No. 14

Pursuant to the Atomic Energy Act of 1954 and Title 10, Code of Federal Regulations, Chapter 1, Part 30, Licensing of Byproduct Material, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, own, possess, transfer and import byproduct material listed below; and to use such byproduct material for the purpose(s) and at the place(s) designated below. This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, and is subject to all applicable rules, regulations, and orders of the Atomic Energy Commission now or hereafter in effect and to any conditions specified below.

Licensee		
1. Name Eastman Kodak Company	In accordance with application dated March 18, 1968	
2. Address Rochester, New York 14650	3. License number 31-00461-10 is amended in its entirety to read as follows:	
	4. Expiration date April 30, 1973	
	5. Reference No:	
6. Byproduct material (element and mass number)	7. Chemical and/or physical form	8. Maximum amount of radioactivity which licensee may possess at any one time
A. Hydrogen 3	A. Sealed, tritium- activated luminous sources (New England Nuclear NEP-1)	A. Not to exceed 1 millicurie each. Total not to exceed 300 sources

9. Authorized use

A. To be used as luminescent light sources for darkroom markers.

CONDITIONS

10. Byproduct material may only be used at Eastman Kodak Company Processing Laboratories throughout the United States except in agreement States as defined in Section 30.4(c) of Title 10, Code of Federal Regulations, Part 30.
11. The licensee shall comply with the provisions of Title 10, Part 20, Code of Federal Regulations, Chapter 1, "Standards for Protection Against Radiation."

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Supplementary Sheet

License Number 31-00461-10

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12. Byproduct material shall be used by, or under the supervision of, individuals designated by the licensee's Radiation Protection Committee.
13. Except as specifically provided otherwise by this license, the licensee shall possess and use byproduct material described in Items 6, 7, and 8 of this license in accordance with statements, representations, and procedures contained in application dated March 18, 1968.

Date APR 9 1968

For the U. S. Atomic Energy Commission

Original Signed by
Robert E. Brinkman
by Isotopes Branch

Division of Materials Licensing
Washington, D. C. 20545

Rules and Regulations

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Exemptions and Payment of Fees

On March 16, 1971, the Atomic Energy Commission published in the *FEDERAL REGISTER* (36 F.R. 4978) a notice of rule making which amended § 170.12(c) of 10 CFR Part 170 to extend the due date for payment of license fees to sixty (60) days after the effective date of the amendments to Part 170 published on January 6, 1971. The notice also provided that under certain circumstances the applicable fee would be waived, or would be assessed in an amount applicable to the license as amended.

Since the Commission has continued to receive a number of applications for licensing actions which, if granted, would affect liability for or the amount of license fees, the Commission has amended § 170.12(c) to extend the license fee due date for the fee period February 5, 1971–February 5, 1972, to October 15, 1971. If an application is filed on or before October 15, 1971, to cancel a license, the Commission will waive the applicable fee upon cancellation of the license. If an application is filed on or before October 15, 1971, to amend a license and the Commission acts favorably upon the application, the fee will be assessed in the amount applicable to the license as amended.

Section 170.41 of Part 170 provides that where the Commission finds that a licensee has failed to pay the applicable annual fee, the Commission may suspend or revoke the license or may issue such

order with respect to licensed activities as the Commission determines to be appropriate or necessary in order to carry out the provisions of its regulations in Parts 30, 40, 50, 70, and 170, and of the Atomic Energy Act, as amended.

Paragraph 170.11(b) provides that "the Commission may, upon application by an interested person or upon its own initiative, grant such exemptions from the requirements of this part as it determines are authorized by law and are otherwise in the public interest." This section has been amended to set forth examples of licensed activities that would be favorably considered by the Commission for exemption from license fees.

Because these amendments relate solely to clarification and minor procedural matters the Commission has found that good cause exists for omitting notice of proposed rule making and public procedure thereon as unnecessary. Since the amendment relieves from restrictions under regulation currently in effect it will become effective without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 551 and 552 of title V of the United States Code, the following amendments of Title 10 Chapter I, Code of Federal Regulations, Part 170, are published as a document subject to codification to be effective upon publication in the *FEDERAL REGISTER* (9-10-71):

1. Paragraph (b) of § 170.11 is amended to read as follows:

§ 170.11 Exemptions.

(b) (1) The Commission may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of this part as it determines are authorized by law and are otherwise in the public interest. (2) Applications for exemption under this paragraph may include activities such as but not limited to, the use of licensed materials for educational or noncommercial public displays or scientific collections. (3) The Commission may consider waiver of fee for any licensee who possessed licensed material on February 5, 1971, if an application is filed on or before October 15, 1971, to dispose of the licensed material or items containing licensed material by February 5, 1972. Such an application shall describe the licensed material then on hand. If a waiver is granted pursuant to this subparagraph, the Commission will amend the license to prohibit the acquisition of additional radioactive material in the interim.

2. Paragraph (c) of § 170.12 is amended to read as follows:

§ 170.12 Payment of fees.

Annual fees. All licenses outstanding on February 5, 1971, are subject to payment of the annual fees prescribed by this Part 170, as amended, on or before October 15, 1971, and annually on February 5 thereafter: *Provided, however* That, in the case of licenses which have been subject to license fees prior to February 5, 1971, the next annual fee will be payable one (1) year from the due date of the last fee payment and annually thereafter.

(Sec 501, 65 Stat 396, 31 USC 483a)

Dated at Washington, D.C., this 7th day of September 1971.

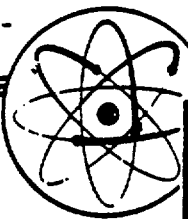
For the Atomic Energy Commission.

F. I. HOBBS,
Acting Secretary
of the Commission

[FR Doc 71-13391 Filed 9-9-71; 8:54 am]

UNITED STATES ATOMIC ENERGY COMMISSION

RULES and REGULATIONS • TITLE 10 - ATOMIC ENERGY



PART 170

FEEES FOR FACILITIES AND MATERIALS LICENSES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

GENERAL PROVISIONS

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GENERAL PROVISIONS

§ 170.1 Purpose.

The regulations in this part set out fees charged for licensing services rendered by the Atomic Energy Commission, as authorized under Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290; 31 U.S.C. 483a) and provisions regarding their payment.

§ 170.2 Scope.

Except for persons who apply for or hold the licenses exempted in § 170.11, the regulations in this part apply to each person who is an applicant for, or holder of, a specific license for byproduct material issued pursuant to Parts 30 and 32-35 of this chapter, for source material issued pursuant to Part 40 of this chapter, for special nuclear material issued pursuant to Part 70 of this chapter, or for a production or utilization facility issued pursuant to Part 50 of this chapter.

§ 170.3 Definitions.

As used in this part:

(a) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(b) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

(c) "Materials license" means a byproduct material license issued pursuant to Part 30 of this chapter, or a source material license issued pursuant to Part 40 of this chapter, or a special nuclear material license issued pursuant to Part 70 of this chapter.

(d) "Nuclear reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

(e) "Other production or utilization facility" means a facility other than a nuclear reactor licensed by the Commission under the authority of section 103 or 104 of the Atomic Energy Act of 1954, as amended (the Act), and pursuant to the provisions of Part 50 of this chapter.

(f) "Power reactor" means a nuclear reactor designed to produce electrical or heat energy licensed by the Commission under the authority of section 103 or subsection 104b of the Act and pursuant to the provisions of §§ 50.21(b) or 50.22 of this chapter.

(g) "Production facility" means:

- (1) Any nuclear reactor designed or used primarily for the formation of plutonium or uranium-233; or
- (2) Any facility designed or used for the separation of the isotopes of uranium or the isotopes of plutonium, except laboratory scale facilities designed or used for experimental or analytical purposes only; or

(3) Any facility designed or used for the processing of irradiated materials containing special nuclear material, except (i) laboratory scale facilities designed or used for experimental or analytical purposes, and (ii) facilities in which the only special nuclear materials contained in the irradiated material to be processed are uranium enriched in the isotope U²³³ and plutonium produced by the irradiation, if the material processed contains not more than 10⁻⁶ grams of plutonium per gram of U²³³ and has fission product activity not in excess of 0.25 millicurie of fission products per gram of U²³³.

(h) "Research reactor" means a nuclear reactor licensed by the Commission under the authority of subsection 104c of the Act and pursuant to the provisions of § 50.21(c) of this chapter for operation at a thermal power level of 10 megawatts or less, and which is not a testing facility as defined by paragraph (m) of this section.

(i) "Sealed source" means any byproduct material that is encased in a capsule designed to prevent leakage or escape of the byproduct material.

(j) "Source material" means:

- (1) Uranium or thorium, or any combination thereof, in any physical or chemical form; or
- (2) Ores which contain by weight one-twentieth of one percent (0.05%) or more of (i) uranium, (ii) thorium, or (iii) any combination thereof. Source material does not include special nuclear material.

(k) "Special nuclear material" means:

- (1) Plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material but does not include source material; or
- (2) any material artificially enriched by any of the foregoing, but does not include source material.

March 16, 1971

PART 170 - FEES FOR FACILITIES AND MATERIALS ETC.

§ 170.21 Schedule of fees for production and utilization facilities.

Applicants for construction permits or operating licenses for production or utilization facilities and holders of construction permits or operating licenses

for production or utilization facilities shall pay the fees set forth below: *Provided, however, That annual fees shall not be paid by holders of licenses which authorize the possession but not operation of production or utilization facilities:*

SCHEDULE OF FEES

Facility (thermal megawatt values refer to the maximum capacity stated in the permit or license) ¹	Application fee for construction permit	Construction permit fee ²	Operating license fee ³	Annual fee after issuance of operating license
(1) Power reactor ⁴	\$25,000	\$45/Mw(t)	\$50,000+ \$65/Mw(t)	\$2/Mw(t) (\$2,000 minimum)
(2) Testing facility	800	3,000	4,500	2,500
(3) Research reactor	500	2,000	3,000	1,500
(4) Other production or utilization facility	8,000	15,000	20,000	10,000

¹ Amendments reducing capacity shall not entitle the applicant to a partial refund of any fee; applications for amendments increasing capacity to a higher fee category will not be accepted for filing unless accompanied by the prescribed fee less the amount already paid.

² Thermal megawatts.

³ When construction permits are issued for two or more power reactors of the same design at a single power station that were subject to concurrent licensing review, the construction permit fee of \$45/Mw(t) will be charged only for the first reactor.

⁴ When operating licenses are issued for two or more power reactors of the same design at a single power station that were subject to concurrent licensing review, the operating license fee will be \$50,000+\$65/Mw(t) for the first reactor and \$30,000+\$32.5/Mw(t) for each additional reactor.

⁵ For construction permits and operating licenses for power reactors with a capacity in excess of 3,000 Mw(t) the fee will be computed on a maximum power level of 3,000 Mw(t).

§ 170.31 Schedule of fees for materials licenses.

Applicants for materials licenses and holders of materials licenses shall pay the following fees:

SCHEDULE OF MATERIALS LICENSE FEES

Category of materials licenses ¹	Application fee ²	Annual fee
1. Special nuclear material:		
A. Licenses for quantities greater than 350 grams of contained uranium-235, uranium-233 and plutonium, except for licenses authorizing possession and use of special nuclear material in sealed sources as defined in Part 70 of this chapter and licenses for storage only.	\$1.60 per gram (maximum fee \$8,000).	\$1.60 per gram (maximum fee \$8,000).
B. Licenses for quantities greater than 350 grams of contained uranium-235, uranium-233 and plutonium, for storage only, except for licenses authorizing storage only of special nuclear material in sealed sources as defined in Part 70 of this chapter.	\$500	\$500
C. All other specific special nuclear material licenses.	\$40	\$40
2. Source material:		
A. Licenses for source material in quantities greater than 50 kilograms, except licenses for storage only.	\$1.45 per kilogram (maximum fee \$800).	\$1.45 per kilogram (maximum fee \$800).
B. All other specific source material licenses.	\$40	\$40
3. Byproduct material:		
A. Licenses 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 or quantities of byproduct material for commercial distribution.	\$500	\$500
B. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography.	\$150	\$150
C. Licenses for possession and use of byproduct material in quantities of 10,000 curies or more in sealed sources for irradiation of materials.	\$375	\$375
D. Licenses issued pursuant to Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons generally licensed under Part 31 or 35 of this chapter.	\$500	\$500
E. Licenses issued pursuant to Part 32, except § 32.11, of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons exempt from the licensing requirements of Part 30 of this chapter.	\$500	\$500
4. Waste Disposal:		
A. Waste disposal 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 waste disposal licensee.	\$500	\$500
5. All other licenses:		
A. All other specific materials licenses other than licenses in Categories 1A through 4A.	\$40	\$40

¹ Amendments reducing the scope of a licensee's program shall not entitle the licensee to a partial refund of any fee; applications for amendments increasing the scope of a program to a higher fee category will not be accepted for filing unless accompanied by the prescribed fee less the amount already paid.

² Applications for materials licenses covering more than one fee category shall be accompanied by the prescribed fee for each category.

ENFORCEMENT

§ 170.41 Failure by licensee to pay annual fees.

In any case where the Commission finds that a licensee has failed to pay the applicable annual fee required in this part, the Commission may suspend or revoke the license or may issue such order with respect to licensed activities as the Commission determines to be appropriate or necessary in order to carry out the provisions of this part, Parts 30, 40, 50, and 70 of this chapter and of the Act.

33 FR 11587

36 FR 145