



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

JUN 1 1981



Grady Stumbo, M.D., Secretary
Department of Human Resources
Capitol Annex
Frankfort, KY 40621

Dear Dr. Stumbo:

This confirms the discussion Mr. Lubenau and Mr. Woodruff held with Dr. Allen and Mr. Smith following our recent review of the state radiation control program. The review covered the principal administrative and technical aspects of the Department's program. This included an examination of the program's funding and personnel resources; an examination of emergency response capability for agreement materials; and the status of the State's radiation control regulations. There was also a review of selected licensing, inspection and enforcement activities. In addition, there were field accompaniments of State inspectors during this review.

Our review used as a reference, the NRC "Guide for Evaluation of State Radiation Control Programs," Revision 3, dated February, 1980. The Guide was published in the Federal Register as a proposed NRC policy statement on October 3, 1980 and public comments solicited. The Guide provides 37 Indicators for evaluating Agreement State program areas. Guidance as their relative importance to an Agreement State program is provided by categorizing the Indicators into three categories. When serious problems are found in program areas for which Indicators are in Categories I or II, we will need additional information in the form of responses to our letters to you and the radiation control program director before we can offer staff opinions on the adequacy and compatibility of the program.

In this review, we found that 70 licensees are overdue for inspections. This represents 25% of the radioactive materials licensees in Kentucky and includes 22 licensees in the three highest inspection priorities. Status of the inspection program is a Category I indicator. We believe that the inspection backlog is related, in part, to the professional staffing level for radioactive materials which is currently 0.7 person-year per 100 licensees, well below our recommended guideline of 1.0 to 1.5 person-years per 100 licenses. (We do not include in these figures the additional staff efforts expended on complex licensed activities such as the radioactive waste disposal site at Maxey Flats.) We noted that

8106080586

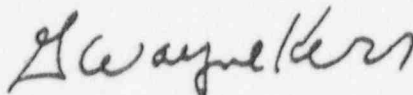
there is a vacant position in the radioactive materials program. Filling this position is needed to restore the capability to maintain the inspection schedule. Other program obligations will also draw upon staff resources, in particular, updating of Kentucky's Administrative Radiation Regulations, which we recommend be done.

On a related matter, we are concerned about the salary levels for the professional staff. In December, 1980, Kentucky's average salary for professional staff (excluding the program director) ranked 27th of the 28 Agreement State agencies. (Enclosure 1) The median (14th) average salary was \$19,758. There has been significant turnover in the Radiation Control Branch in the last two years. We were pleased to learn of a recent upgrading of salaries. We believe they should be closely monitored to insure that the salaries will be sufficiently competitive to attract qualified persons and to retain them so as to minimize staff turnover.

During our review, we learned that Kentucky is contemplating revising its fee schedules. Currently, 12 Agreement States, including Kentucky charge fees (Enclosure 2). When coupled with the NRC license and inspection fees, over two-thirds of the licensees in the United States are subject to and pay fees. Rhode Island, the newest Agreement State, has adopted a fee schedule identical to NRC's. We fully support the concept of charging fees to provide an improved fiscal base for a radiation control program and we recommend Kentucky upgrade its fee system. A copy of NRC's fee schedules is enclosed (Enclosure 3).

I appreciate the courtesies extended to Mr. Lubenau and Mr. Woodruff by your staff. I would appreciate your review of our recommendations and receiving your specific plans to improve the agreement materials program in the areas indicated above. A letter to Mr. Hughes regarding the technical aspects of the program review is enclosed for your information. I am enclosing a copy of this letter for placement in the State Public Document Room and other wise be made available for public review (Enclosure 4).

Sincerely,



G. Wayne Kerr, Director
Office of State Programs

Enclosures:
As stated

cc: D.T. Allen, MD, MPH, w/encl.
J. Smith w/encl.
R. W. Young, MD, w/encl.
D. Hughes
NRC Public Document Room, w/encl.
State Public Document Room. w/encl.

MEDIAN AGREEMENT STATE STAFF SALARIES

1.	28,108
2.	27,077
3.	23,991
4.	23,966
5.	23,577
6.	22,186
7.	21,492
8.	21,245
9.	21,151
10.	21,108
11.	20,925
12.	20,252
13.	20,250
14.	19,758
15.	19,276
16.	18,824
17.	18,275
18.	18,251
19.	18,093
20.	18,066
21.	17,122
22.	17,011
23.	16,998
24.	16,537
25.	16,471
26.	16,350
27. Kentucky	16,305

AGREEMENT STATE LICENSE FEE SCHEDULES

Agreement State License/Inspection Fees in Effect January, 1980 in:

Washington	(U Mills only)
Arizona	(U Mills only) None yet (but working on it)
Florida	Less than NRC (Draft will increase substantially)
Oregon	Less than NRC
Colorado	Very close to NRC
Mississippi	Less than NRC
Rhode Island	Identical to NRC
New York City	Nominal charge
South Carolina	Less than NRC
New Hampshire	Less than NRC structured differently
California	Set up differently, but less than NRC
Kentucky	New (February 1980) less than NRC (minimal)

UNITED STATES NUCLEAR REGULATORY COMMISSION
RULES and REGULATIONS

TITLE 10, CHAPTER 1, CODE OF FEDERAL REGULATIONS—ENERGY

**PART
170**

**FEES FOR FACILITIES AND MATERIALS LICENSES
AND OTHER REGULATORY SERVICES
UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED***

GENERAL PROVISIONS

- Sec.
170.1 Purpose.
170.2 Scope.
170.3 Definitions.
170.4 Interpretations.
170.5 Communications.
170.11 Exemptions.
170.12 Payment of fees.

SCHEDULE OF FEES

- 170.21 Schedule of fees for production and utilization facilities.
170.31 Schedule of fees for materials licenses.

ENFORCEMENT

- 170.41 Failure by licensee to pay annual fee.

AUTHORITY: The provisions of this Part 170 issued under sec. 501, 65 Stat. 290; 31 U.S.C. 483a; sec. 161, 68 Stat. 948; 42 U.S.C. 2201, Sec. 201(f), Pub. L. 93-438, 88 Stat. 1243; 42 U.S.C. 5841.

GENERAL PROVISIONS

§ 170.1 Purpose.

The regulations in this part set out fees charged for licensing services rendered by the Nuclear Regulatory 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 permits, licenses, or approvals exempted in § 170.11, the regulations in this part apply to a person who is an applicant for, or holder of, a specific byproduct material license issued pursuant to Parts 30 and 32-35 of this chapter, a specific source material license issued pursuant to Part 40 of this chapter, a specific special nuclear material license issued pursuant to Part 70 of this chapter, a specific approval of spent fuel casks and shipping containers issued pursuant to Part 71 of this chapter, a specific request for approval of sealed sources

and devices containing byproduct material, source material, or special nuclear material, or a production or utilization facility construction permit and operating license issued pursuant to Part 50 of this chapter, to routine safety and safeguards inspections of a licensed person, to a person who applies for approval of a reference standardized design of a nuclear steam supply system or balance of plant, for review of a facility site prior to the submission of an application for a construction permit, for review of a standardized spent fuel facility design, and for a special project review which the Commission completes or makes whether or not in conjunction with a license application on file or which may be filed.

§ 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;

(ii) facilities in which the only special nuclear materials contained in the irradiated material to be processed are uranium enriched in the isotope U²³⁵ and plutonium produced by the irradiation, if the material processed contains not more than 10⁻⁶ grams of plutonium per gram of U²³⁵ and has fission product activity not in excess of 0.25 millicurie of fission products per gram of U²³⁵; and

(iii) facilities in which processing is conducted pursuant to a license issued under Parts 30 and 70 of this chapter, or equivalent regulations of an Agreement State, for the receipt, possession, use, and transfer of irradiated special nuclear material, which authorizes the processing of the irradiated material on a batch basis for the separation of selected fis-

*Amended 43 FR 7210.

33 FR 1587 38 FR 30251 33 FR 10923 40 FR 8774-

(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.

(1) "Source material" means:

(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:

(2) any material artificially enriched by any of the foregoing, but does not include source material.

(1) "Manufacturing license" means a license pursuant to Appendix M of Part 50 of this chapter to manufacture a nuclear power reactor(s) to be operated at sites not identified in the license application.

(m) "Testing facility" 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:

- (1) A thermal power level in excess of 10 megawatts; or
- (2) A thermal power level in excess of 1 megawatt, if the reactor is to contain:
 - (i) A circulating loop through the core in which the applicant proposes to conduct fuel experiments; or
 - (ii) A liquid fuel loading; or
 - (iii) An experimental facility in the core in excess of 16 square inches in cross-section.

(n) "Utilization facility" means any nuclear reactor other than one designed or used primarily for the formation of plutonium or U^{235} and any other equipment or device determined by rule of the Commission to be a utilization facility within the purview of subsection 11cc of the Act.

(c) [Deleted 43 FR 7210.]

(p) "Human use" means the internal or external administration of byproduct, source, or special nuclear material, or the radiation therefrom, to human beings.

(q) "Nuclear Steam Supply System" consists of the reactor core, reactor coolant system, and related auxiliary systems including the emergency core cooling system; decay heat removal system; and chemical volume and control system.

(r) "Balance of plant" consists of the remaining systems, components, and structures that comprise a complete nuclear power plant and are not included in the nuclear steam supply system.

(s) "Special projects" means those projects submitted to the Commission for review and for which specific fees are not prescribed in this chapter. Examples of special projects include, but are not limited to, topical reports, early site reviews, waste solidification facilities, fuel reprocessing facilities, and amendment or renewal of standardized reference design approvals.

(t) "Routine inspection" means an inspection performed at frequencies or during a certain period of time prescribed by the Commission for purposes of reviewing a licensee's authorized activities to assure that they are being conducted in accordance with regulatory or statutory requirements and that associated facilities and equipment are being operated in a safe manner.

(u) "Duplicate unit" means one of a limited number of the same kind of units which are to be constructed within a limited time span and subject to review at the same time by the staff.

(v) "Replicate unit" means a unit based on the reuse of a plant design, previously reviewed and approved for construction by the same utility or by another utility as part of another construction permit application.

(a) "Reference systems concept" means a concept that involves the review of an entire facility design or major fraction of a facility design outside of the context of a license application. The standard design would be referenced in subsequent license applications.

(x) "Advanced reactor" means any nuclear reactor concept other than light water reactors and high temperature gas cooled reactors.

§ 170.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

170.5 Communication

All communications concerning the regulations in this part should be addressed to the Executive Director for Operation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Communications may be delivered in person at the Commission's offices at 1717 H Street NW, Washington, DC or at 7920 Norfolk Ave., Bethesda, MD

§ 170.11 Exemptions.

(a) No application fees, license fees, amendment fees, renewal fees, approval fees, or inspection fees shall be required for:

- (1) A license authorizing the export only of a production or utilization facility.
- (2) A license authorizing the export only or import only of byproduct material, source material or special nuclear material.
- (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.
- (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, or for byproduct material, source material, or special nuclear material to be used for teaching, training, or medical purposes, or in connection with a facility, other than a power reactor, used for teaching, training, or medical purposes.

(5) A construction permit or license applied for by, or issued to, a Government agency, except for a utilization facility designed to produce electrical or heat energy pursuant to section 103 or 104b of the Atomic Energy Act of 1954, as amended.

- (6) [Deleted 38 FR 18443.]

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES

(8) A license authorizing the use of source material as shielding only in devices and containers, provided, however, that all other licensed byproduct material, source material, or special nuclear material in the device or container will be subject to the fees prescribed in § 170.31.

(9) A license for possession and use of byproduct material, source material, or special nuclear material applied for by, or issued to, an agency of a State or any political subdivision thereof, except for licenses which authorize distribution of byproduct material, source material, or special nuclear material, or products containing byproduct material, source material, or special nuclear material, or licenses authorizing services to any person other than an agency or political subdivision of the State.

(10) Activities of the Commission undertaken, pursuant to Part 75 of this chapter, solely for the purpose of implementation of the US/IAEA Safeguards Agreement.

(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) [Deleted 43 FR 7210.]

§ 170.12 Payment of fees.

(a) **Application Fees.** Each application for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application will be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received may be returned to the applicant. All application fees will be charged irrespective of the Commission's disposition of the application or a withdrawal of the application.

(b) **License Fees.** Fees for construction permits, operating licenses, manufacturing licenses, and materials licenses, are payable upon notification by the Commission when the review of the project is completed.

(c) **Amendment Fees.** The appropriate amendment fee shall accompany the application for amendment when filed with the Commission. Where applicable, the applicant shall provide a

proposed determination of the amendment class and state the basis therefor as part of the amendment request and shall remit the fee corresponding to this determination with the application for amendment. The Commission will examine the amendment fee and will, where applicable, refund any overcharges or bill the applicant for the additional amendment fee.

(d) **Renewal Fees.** The appropriate renewal fee shall accompany the renewal application when filed with the Commission.

(e) **Approval Fees.** Fees for spent fuel cask and shipping container approvals, standardized spent fuel facility design approvals, and construction approvals are payable upon notification by the Commission when the review of the project is completed. Fees for facility reference standardized design approvals will be paid in five (5) installments based on payment of 20 percent of the approval fee (see footnote 3 § 170.21) as each of the first five (5) units of the approved design

are referenced in an application(s) filed by a utility or utilities.

(f) **Special Project Fees.** Fees for special projects are payable upon notification by the Commission when the review of the project is completed.

(g) **Inspection Fees.** Inspection fees are payable upon notification by the Commission.

(h) **Method of Payment.** Fee payments shall be by check, draft, or money order made payable to the U.S. Nuclear Regulatory Commission.

§ 170.21 Schedule of fees for production and utilization facilities, review of reference standardized designs, and special projects.

(a) Applicants for construction permits, manufacturing licenses, operating licenses, and approvals of reference standardized facilities designs, shall pay the fees set forth in the table below.

(b) Applicants for special project reviews shall pay fees as separately determined by the Commission.

SCHEDULE OF FACILITY FEES

Facility categories	Types of fees	Fee
A. Power reactors:		
1. Custom ¹	Application—Construction permit	\$ 125,000
	Construction permit—First unit	944,000
	Construction permit—Concurrent unit ²	174,000
	Operating license—First unit	1,024,500
2. Standardized design—duplicate unit ³	Operating license—Concurrent unit ²	302,800
	Application—Construction permit	125,000
	Construction permit—First unit	944,000
	Construction permit—Concurrent unit ²	174,000
3. Standardized design—replicate unit ³	Construction permit—First identical unit additional sites ⁴	757,100
	Operating license—First unit	1,024,500
	Operating license—Concurrent unit ²	300,200
	Operating license—First identical unit additional sites ⁴	712,000
4. Standardized design—Reference systems concept ⁵	Application—Construction permit	125,000
	Construction permit—First unit	853,600
	Construction permit—Concurrent unit ²	162,500
	Construction permit—First identical unit additional sites ⁴	725,900
a. Utility referencing a standardized nuclear steam supply system and custom balance of plant for both CP and OL stages	Operating license—First unit	934,100
	Operating license—Concurrent unit ²	292,100
	Operating license—First identical unit additional sites ⁴	869,200
	Operating license—Concurrent unit ²	125,000
b. Utility referencing a standardized nuclear steam supply system and standardized balance of plant for both the CP and OL stages	Application—Construction permit	125,000
	Construction permit—First unit	721,800
	Construction permit—Concurrent unit ²	182,500
	Construction permit—First identical unit additional sites ⁴	725,900
5. Manufacturing license concept ⁶	Operating license—First unit	829,100
	Operating license—Concurrent unit ²	292,100
	Operating license—First identical unit additional sites ⁴	869,200
	Operating license—Concurrent unit ²	125,000
a. Vendor—review of preliminary design	Application	125,000
	Manufacturing license	1,477,500
b. Vendor—review of final design	Final design amendment	448,100
c. Utility referencing a manufacturing license	Application—Construction permit	125,000
	Construction permit—First unit	730,000
	Construction permit—Concurrent unit ²	61,500
	Operating license—First unit	1,001,200
6. Advanced reactors ⁷	Operating license—Concurrent unit ²	221,000
	Operating license—Concurrent unit ²	125,000
	Application—Construction permit	1,781,000
	Construction permit	1,854,900
	Operating license	
B. Standard reference design review⁸		
1. Vendor—Standardized nuclear steam supply system		

(Continued)

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES...

(Continued)

SCHEDULE OF FACILITY FEES

Facility categories	Types of fees	Fee ¹
a. Review of preliminary reference design.	Application.....	\$0.000
	Approval.....	412.100
b. Review of final reference design.	Application.....	\$0.000
	Approval.....	483.400
2. Architect-engineer—Standardized balance of plant:		
a. Review of preliminary reference design.	Application.....	\$0.000
	Approval.....	412.100
b. Review of final reference design.	Application.....	\$0.000
	Approval.....	\$01.200
C. Test facility: ²	Application—Construction permit.....	\$,000
	Construction permit.....	\$7,200
	Operating license.....	100.300
D. Research reactor: ³	Application—Construction permit.....	\$,000
	Construction permit.....	\$4,900
	Operating license.....	\$5,000
E. Uranium enrichment plants: ⁴	Application—Construction permit.....	125.000
	Construction permit.....	388.400
	Operating license.....	457.200

F. Special projects and reviews⁵

¹ Where a partial fee for a power reactor operating license has been paid prior to the effective date of this amendment, the amount paid shall be deducted from the fee prescribed by this amendment and the difference will be due when the operating license for 100 per cent power is issued.

² Concurrent unit. A concurrent unit is defined as a power reactor of the same design, at a single power station that was subject to concurrent licensing review.

³ When review of the permit, license, approval, or amendment is complete, the expenditures for professional manpower and appropriate support services will be determined and the resultant fee assessed, but in no event will the fee exceed that shown in the schedule of facility fees. When one application for a preliminary design approval or final design approval contains more than one design, the additional approvals are subject to a maximum fee which is the sum of the application fee and approval fee.

⁴ Charge will be separately determined by the Commission taking into account the professional manpower required to conduct the review multiplied by the applicable cost per man-year, plus any appropriate support services costs incurred. Where a fee has been paid for a facility early site review, the charge will be deducted from the fee for a construction permit issued for that site. A separate charge will not be assessed for a site review where the person requesting the review has an application for a construction permit on file for the same site, except where the application is withdrawn by the applicant or denied by the Commission. The maximum fee for review of a topical report shall not exceed \$20,000.

§ 170.22 Schedule of fees for facility license amendments.

SCHEDULE OF AMENDMENT FEES FOR REACTOR FACILITY PERMITS, LICENSES, AND OTHER APPROVALS REQUIRED BY THE LICENSE OR COMMISSION REGULATIONS

Class of Amendment ¹	Fee ²	
	Power reactors	Test and research reactors
CLASS I: Amendments that are a duplicate of an amendment for a second essentially identical unit at the same site, where both proposed amendments are received, processed, and issued at the same time.....	\$400	
CLASS II: Amendments that are pro forma, administrative in nature, or have no safety or environmental significance.....	1,300	\$400
CLASS III: Amendments, exemptions, or required approvals that involve a single environmental, safety, or other issue, have acceptability for the issue clearly identified by an NRC position, or are deemed not to involve a significant hazards consideration.....	4,000	1,000
CLASS IV: Amendments, exemptions, or required approvals that involve a complex issue or more than one environmental, safety, or other issue, or several changes of the class III type incorporated into the proposed amendment, or involve a significant hazards consideration, or require an extensive environmental impact appraisal, or result from dismantling or license termination orders.....	12,300	8,000
CLASS V: Amendments, exemptions, or required approvals that require evaluation of several complex issues, or involve review by the ACRS, or require an environmental impact statement.....	25,800	12,000
CLASS VI: Amendments, exemptions, or required approvals that require evaluation of a new Safety Analysis Report and rewrite of the facility license (including technical specifications), such as may be required for a license renewal.....	45,900	20,000

¹ At the time the application is filed, the licensee or applicant shall provide a proposed determination of amendment class and state the basis therefor as part of the amendment or modification request and shall remit the fee corresponding to this determination. The Commission will evaluate the proposed amendment class determination and inform the licensee or applicant if reclassification is required. Reclassification that changes the class of amendment will result in the refund of over-charges to the licensee or applicant or billing the licensee or applicant for additional fees.

² License amendments or approvals resulting from Commission Orders issued pursuant to 10 CFR 2.204, and amendments resulting in an initial increase in power to 100 percent of the initial design power level are not subject to these fees, except as provided in footnote 1 to § 170.21. Class I, II, or III amendments which result from a written Commission request for the application may be exempt from fees when the amendment is to simplify or clarify license or technical specifications, the amendment has only minor safety significance, and is issued for the convenience of the Commission.

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES

§ 170.23 Schedule of fees for routine health, safety and environmental inspections of facilities.

SCHEDULE OF FACILITY ROUTINE HEALTH, SAFETY AND ENVIRONMENTAL INSPECTION FEES¹

Category	Fee ²	Maximum frequency ³
(1) Power reactor:		
First unit	\$75,700 per year	Continuous.
Additional units at same site ⁴	\$80,400 per year	Do.
(2) Test reactor	\$4,500 per inspection	2 per year.
(3) Research reactor	\$4,200 per inspection	1 every 2 years.
(4) Other production or utilization facility ⁵	\$42,100 per year	Continuous.
(5) Production or utilization facility licensed for non-session but not operation	\$850 per year	1 per year.

¹ Routine inspections are safety, environmental, and health physics inspections performed at specified frequencies for purposes of reviewing a licensed program 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.

² The frequency shown in the schedule is the maximum number of routine inspections for which a fee will be assessed.

³ A reduced fee will be charged when the inspection of an additional unit at the same site is conducted concurrently with the first unit.

⁴ Fee is applicable for a fuel reprocessing facility and for a uranium enrichment facility.

§ 170.24 Schedule of fees for routine safeguards inspections of facilities

SCHEDULE OF FACILITY ROUTINE SAFEGUARDS INSPECTION FEES

Category	Fee	Maximum frequency ¹
(1) Power reactor:		
First unit	\$11,800 per year	2 per year.
Additional unit at same site ²	\$9,500 per year	Do.
(2) Test reactor (fuel of high strategic importance)	\$6,500 per inspection	1 per year.
(3) Research reactor (fuel of moderate strategic importance)	\$1,200 per inspection	1 every 2 years.
(4) Other production or utilization facility ³	\$34,700 per year	2 per year.

¹ The frequency shown in the schedule is the maximum number of safeguards inspections for which a fee will be assessed. Power reactors and other production and utilization facilities will be assessed the yearly inspection fee shown in the above table.

² A reduced fee will be charged when the inspection of additional unit(s) at the same site is conducted concurrently with the first unit.

³ Fee is applicable for a fuel reprocessing facility and for a uranium enrichment facility.

§ 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
I. Special nuclear material: ²		
A. Licenses for possession and use of 5 kg or more of contained uranium-235 in uranium enriched to 20 pct or more, or 2 kg or more of uranium-233, for fuel processing and fabrication:	Application	\$14,000
	New license	122,600
	Renewal	78,800
	Amendment: ³	
	Major—Safety and environmental	34,800
	Major—Safeguards	2,300
	Minor—Safety and environmental	1,400
	Minor—Safeguards	2,500
	Administrative	150
B. Licenses for possession and use of 5 kg or more of contained uranium-235 in uranium enriched to less than 20 pct, for fuel processing and fabrication:	Application	15,000
	New license	112,800
	Renewal	71,900
	Amendment: ³	
	Major—Safety and environmental	34,800
	Major—Safeguards	6,900
	Minor—Safety and environmental	1,400
	Minor—Safeguards	2,500
	Administrative	150
C. Licenses for possession and use of 2 kg or more of plutonium for fuel processing and fabrication:	Application for construction approval	50,000
	Construction approval	480,300
	License fee	241,600
	Renewal	170,800
	Amendment: ³	
	Major—Safety and environmental	75,000
	Major—Safeguards	13,800
	Minor—Safety and environmental	1,400
	Minor—Safeguards	6,200
	Administrative	150

See footnotes at end of table.

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES...

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—Continued

Category of materials licenses	Type of fee ¹	Fee
D. Licenses for possession and use of 5 kg or more of contained uranium 235 in unsealed form, or 2 kg or more of uranium 233 in unsealed form for activities other than fuel processing and fabrication. ²	Application.....	3,000
	New license.....	31,800
	Renewal.....	18,000
	Amendment:	
	Safety and environmental.....	1,400
	Safeguards.....	2,800
E. Licenses for possession and use of quantities of plutonium of 2 kg or more in unsealed form for activities other than fuel processing and fabrication. ²	Application.....	6,000
	New license.....	58,300
	Renewal.....	38,100
	Amendment:	
	Safety and environmental.....	1,400
	Safeguards.....	6,900
F. Licenses for possession and use of 200 g but less than 2 kg of plutonium in unsealed form. ²	Application.....	5,000
	New license.....	42,100
	Renewal.....	29,800
	Amendment:	
	Safety and environmental.....	1,400
	Safeguards.....	4,800
G. Licenses for possession and use of 350 g but less than 5 kg of contained uranium 235 in unsealed form, or 200 g but less than 2 kg of uranium 233 in unsealed form. ²	Application.....	2,000
	New license.....	18,800
	Renewal.....	11,100
	Amendment:	
	Safety and environmental.....	1,400
	Safeguards.....	2,800
H. Licenses for receipt and storage of spent fuel. ² (1) License application for a storage facility of custom design requiring a full design review:	Application.....	135,000
	New license.....	290,000
	Renewal.....	32,000
	Amendment: ³	
	Major—Safety and environmental.....	88,500
	Major—Safeguards.....	6,200
(a) Storage facility to be located at a new site.	Minor—Safety and environmental.....	3,500
	Minor—Safeguards.....	3,500
	Administrative.....	150
	Application.....	25,000
	New license.....	209,300
	Renewal.....	32,000
(b) Storage facility to be located at the site of an existing nuclear facility. ²	Amendment: ³	
	Major—Safety and environmental.....	88,500
	Major—Safeguards.....	6,200
	Minor—Safety and environmental.....	3,500
	Minor—Safeguards.....	3,500
	Administrative.....	150
(2) License application for a storage facility which references an approved standardized design:	Application.....	25,000
	New license.....	236,600
	Renewal.....	32,000
	Amendment: ³	
	Major—Safety and environmental.....	88,500
	Major—Safeguards.....	6,200
(a) Storage facility to be located at a new site.	Minor—Safety and environmental.....	3,500
	Minor—Safeguards.....	3,500
	Administrative.....	150
	Application.....	15,000
	New license.....	130,000
	Renewal.....	32,000
(b) Storage facility to be located at the site of an existing nuclear facility. ²	Amendment: ³	
	Major—Safety and environmental.....	88,500
	Major—Safeguards.....	6,200
	Minor—Safety and environmental.....	3,500
	Minor—Safeguards.....	3,500
	Administrative.....	150
(3) License application for a storage facility of duplicate design—design which is identical to a previously licensed detail design:	Application.....	15,000
	New license.....	159,200
	Renewal.....	32,000
	Amendment: ³	
	Major—Safety and environmental.....	88,500
	Major—Safeguards.....	6,200
(a) Storage facility to be located at a new site.	Minor—Safety and environmental.....	3,500
	Minor—Safeguards.....	3,500
	Administrative.....	150
	Application.....	10,000
	New license.....	73,500
	Renewal.....	32,000
(b) Storage facility to be located at the site of an existing nuclear facility. ²	Application.....	10,000
	New license.....	73,500
	Renewal.....	32,000
	Amendment: ³	
	Major—Safety and environmental.....	88,500
	Major—Safeguards.....	6,200

See footnotes at end of table.

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES...

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—C. (continued)

Category of materials licenses	Type of fee	Fee
	Amendment:	
	Major—Safety and environmental	\$8,500
	Major—Safeguards	4,200
	Minor—Safety and environmental	2,300
	Minor—Safeguards	3,500
	Administrative	150
I. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems.	Application—New license	110
	Renewal	110
	Amendment	40
J. 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 1G and special nuclear material for use in power generation which shall pay the fee in Category 10.	Application—New license	460
	Renewal	460
	Amendment	110
2. Source material:		
A. Licenses for possession and use of source material in milling operations, except in in situ leaching and heap-leaching operations.	Application	11,000
	New license	\$6,700
	Renewal	100,800
	Amendment:	
	Major—Safety and environmental	20,800
	Minor—Safety and environmental	3,500
	Administrative	150
B. Licenses for processing and recovery of source material in in situ leaching operations or heap-leaching operations.	Production scale activity:	
	Application	7,000
	New license	\$9,500
	Research and development scale activity:	
	Application	2,000
	New license	21,800
	Renewal	17,300
	Amendment:	
	Major—Safety and environmental	4,200
	Minor—Safety and environmental	780
	Administrative	150
C. Licenses for refining uranium mill concentrates to uranium hexafluoride.	Application	11,000
	New license	\$6,700
	Renewal	45,800
	Amendment:	
	Major—Safety and environmental	20,800
	Minor—Safety and environmental	3,500
	Administrative	150
D. All other source material licenses	Application—New license	140
	Renewal	70
	Amendment	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 for commercial distribution, except byproduct material for use in power generation which shall pay the fee in category 10.	Application—New license	460
	Renewal	460
	Amendment	110
B. Licenses issued pursuant to §32.72 of this chapter authorizing the processing or manufacture and distribution of radiopharmaceuticals containing byproduct material.	Application—New license	190
	Renewal	150
	Amendment	40
C. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations performed in shielded radiography installation(s) or permanently designated area(s) at the address(es) listed in the license.	Application—New license	190
	Renewal	150
	Amendment	40
D. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations performed in a shielded radiography installation(s) and at multiple temporary locations at the address(es) shown in the licenses or at temporary jobsites of the licensee in the field.	Application—New license	460
	Renewal	460
	Amendment	110
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	190
	Renewal	150
	Amendment	40
F. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes.	Application—New license	460
	Renewal	460
	Amendment	110

See footnotes at end of table.

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES...

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—Continued

Category of materials licenses	Type of fee ¹	Fee
G. Licenses issued pursuant to Subpart B of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons generally licensed under Parts 31 or 35 of this chapter, except specific licenses authorizing redistribution of items which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons generally licensed under Parts 31 or 35 of this chapter.	Application—New license.....	\$50
	Renewal.....	\$70
	Amendment.....	230
H. Licenses issued pursuant to Subpart A of Part 32 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, except: (1) §§ 32.11 and 32.18 of this chapter, (2) specific licenses authorizing redistribution of items and quantities which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons exempt from the licensing requirements of Part 30 of this chapter, and (3) specific licenses which authorize distribution of timepieces, hands, and dials.	Application—New license.....	\$50
	Renewal.....	\$70
	Amendment.....	230
I. Licenses issued pursuant to § 32.18 of this chapter to distribute quantities of byproduct material to persons exempt from the licensing requirements of Part 30 of this chapter.	Application—New license.....	190
	Renewal.....	150
	Amendment.....	40
J. Licenses issued pursuant to § 32.14 of this chapter to distribute timepieces, hands, and dials containing hydrogen 3 or promethium 147 to persons exempt from the licensing requirements of Part 30 of this chapter.	Application—New license.....	190
	Renewal.....	150
	Amendment.....	40
K. Licenses for possession and use of byproduct material for research and development, except those licenses covered by categories 3A or 3B, and licenses covered by categories 7B or 7C authorizing medical research.	Application—New license.....	190
	Renewal.....	150
	Amendment.....	40
L. All other specific byproduct material licenses, except those in categories 4A through 10A. ¹	Application—New license.....	110
	Renewal.....	110
	Amendment.....	40
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.	Application.....	32,000
	New license ²	291,100
	Renewal ²	98,500
	Amendment ²	
	Major—Safety and environmental ²	197,700
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging 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.....	1,100
	Renewal.....	\$70
	Amendment ²	
	Safety and environmental.....	\$70
	Administrative ²	150
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.	Application—New license.....	190
	Renewal.....	150
	Amendment.....	40
5. Well logging and well surveys and tracer studies: A. Licenses for possession and use of special nuclear material and/or byproduct material for well logging, well surveys, and tracer studies.	Application—New license.....	480
	Renewal.....	480
	Amendment.....	110
6. Nuclear laundry: A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material.	Application—New license.....	480
	Renewal.....	480
	Amendment.....	110

See footnotes at end of table.

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES...

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—Continued

Category of materials licenses	Type of fee	Fee
7. Human use of byproduct material, source material, 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.....	300
	Renewal.....	270
	Amendment.....	40
B. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter to medical institutions, or two or more physicians on a single license, for human use of byproduct material, source material, or special nuclear material, except licenses in category 7A.	Application—New license.....	190
	Renewal.....	150
	Amendment.....	40
C. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter to an individual physician for human use of byproduct material, source material, or special nuclear material, except licenses in category 7A.	Application—New license.....	190
	Renewal.....	150
	Amendment.....	40
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.....	190
	Renewal.....	150
	Amendment.....	40
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—Evaluation.....	870
B. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except: (1) Reactor fuel, (2) sealed sources distributed to general licensees or persons exempt from the requirements for a license pursuant to Parts 30, 40, and 70 of this chapter, and (3) power sources covered by category 10.	do.....	110
10. Power source: A. Licenses for the manufacture and distribution of encapsulated byproduct material or special nuclear material wherein the decay energy of said material is used as a source of power, except reactor fuel.	Application—New license.....	1,900
	Renewal.....	440
	Amendment.....	440
11. Transportation of radioactive material:		
A. Evaluation of spent fuel cask for greater than 30 kW decay heat.	Application.....	8,000
	Approval.....	75,100
	Amendments:	
	Major.....	6,900
	Minor.....	3,500
	Administrative.....	150
	Renewal.....	150
B. Evaluation of spent fuel cask for less than 30 kW decay heat; air shipping package for plutonium; high-level waste casks and packages containing radioactive material greater than 2,000 times the type A quantity.	Application.....	7,000
	Approval.....	62,100
	Amendments:	
	Major.....	5,500
	Minor.....	2,800
	Administrative.....	150
	Renewal.....	150
C. Evaluation of fissile packages containing greater than type A quantities of radioactive material; packages containing radioactive material less than 2,000 times the type A quantity.	Application.....	1,000
	Approval.....	12,800
	Amendments:	
	Major.....	3,500
	Minor.....	890
	Administrative.....	150
	Renewal.....	150
D. Evaluation of fissile packages containing less than type A quantities of radioactive material; packages containing radioactive material less than 700 times the type A quantity.	Application.....	760
	Approval.....	6,700
	Amendments:	
	Major.....	1,400
	Minor.....	350
	Administrative.....	150
	Renewal.....	150
E. Evaluation of packages containing radioactive material less than 20 times the type A quantity.	Application.....	300
	Approval.....	1,200
	Amendments:	
	Major.....	350
	Minor.....	150
	Renewal.....	150

See footnotes at end of table.

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES...

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—Continued

Category of materials licenses	Type of fee ¹	Fee
12. Review of standardized spent fuel facility design. ²	Application.....	12,000
13. Special projects ³	Approval.....	107,200

¹ Types 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:

(a) Application fees. Applications for materials licenses and approvals shall be accompanied by the prescribed application fee for each category, except that applications for licenses covering more than one fee category of special nuclear material (excluding category 1H) to be used at the same location, shall be accompanied by the prescribed application fee for the highest fee category. Where a license or approval has expired, the full application fee for each category shall be due, except for licenses covering more than one fee category of special nuclear material (excluding category 1H) for use at the same location, in which case the application fee for the highest category would apply.

(b) License/approval fees. New licenses and approvals issued in fee categories 1A through 1H, 2A, 2B, 2C, 4A, 11A through 11E, and category 12, shall pay the license or approval fee for each category, as determined by the Commission when the review of the application or project is completed (see footnote 4), except that a license covering more than one fee category of special nuclear material in categories 1A through 1H shall pay a license fee for the highest fee category assigned to the license.

(c) Renewal fees. Applications for renewal of materials licenses and approvals shall be accompanied by the prescribed fee for each category, except that applications for renewal covering more than one fee category of special nuclear material (excluding category 1H) to be used at the same location, shall be accompanied by the prescribed renewal fee for the highest fee category. When the review of an application for renewal is complete for licenses in fee categories 1A through 1H, 2A, 2B, 2C, and 4A, the Commission will examine the renewal fee in accordance with footnote 4, and will refund any overcharges of the renewal fee, if applicable.

(d) Amendment fees. Applications for amendments shall be accompanied by the prescribed amendment fee(s). At the time an application for amendment is filed for licenses and approvals in fee categories 1A through 1H, 2A, 2B, 2C, 4A, 11A, 11B, 11C, 11D, and 11E, the licensee or applicant shall provide an initial determination of the amendment class and state the basis therefor as part of the amendment or approval request, and shall remit the fee corresponding to that determination; however, when review of the amendment or approval is complete, the Commission will examine the amendment fee in accordance with footnote 4, if applicable, and will refund any overcharges to the licensee or applicant, or bill the licensee or applicant for the additional amendment fee. Amendments which result from written NRC requests may be exempted from these fees at the discretion of the Commission when the amendment is issued for the convenience of the NRC.

An application for amendment to a license or approval classified in more than one fee category shall be accompanied by the prescribed amendment fee for the category affected by the amendment, unless the amendment is applicable to two or more fee categories, in which case the amendment fee for the highest fee category would apply. 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 category shall be accompanied by the prescribed application fee for the new category, except for applications for amendments increasing the scope of a licensed program from fee categories 1F to 1E, 1G to 1D, 3C to 3D, and 7C to 7B, in which cases the amendment fee for the higher fee category would apply. An application for amendment reducing the scope of a licensee's program shall pay the amendment fee of the fee category assigned to the license at the time the application is filed. Applications to terminate licenses shall not be subject to fees.

² Licensees paying fees under categories 1A through 1H are not subject to fees under categories 1I and 1J for sealed sources authorized in the same 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 1I only.

³ A major amendment is defined as one requiring evaluation of many aspects of licensed activities where the proposed action could present a potential risk to the public's health and safety. A minor amendment is defined as one where safety, environmental, or safeguards considerations may be easily resolved. An administrative amendment is defined as an amendment that is pro forma, routine in nature, or has no safety, environmental, or safeguards significance.

When the review of an application is complete, the expenditures for professional manpower and appropriate support services will be determined and the resultant fee assessed, but in no event will the fee exceed that shown in the schedule of fees for materials licenses and other regulatory services. All administrative amendments are based on fixed charges.

Fees would be applicable only in those instances where a site safety and environmental review has been performed and documented by the Commission for the site at which the storage facility is to be located.

Fee is applicable to a license authorizing either production scale activity or research and development scale activity.

⁴ A type A quantity is defined in § 71.4(c) of 10 CFR Part 71.

Charge will be separately determined by the Commission taking into account the professional manpower required to conduct the review multiplied by the applicable cost per man-year, plus any appropriate support services costs incurred.

§ 170.32 Schedule of fees for health and safety, and safeguards inspections for materials licenses.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES

Category of materials licenses	Type of fee ¹	Fee ²	Maximum frequency ³
1. Special nuclear material:			
A. Licenses for possession and use of five (5) kg or more of contained uranium 235 in uranium enriched to 20 per cent or more, or two (2) kg or more of uranium 233, for fuel processing and fabrication.	Health and safety.....	\$5,300	3 per year.
	Safeguards.....	10,300	Do.
B. Licenses for possession and use of five (5) kg or more of contained uranium 235 in uranium enriched to	Health and safety.....	\$300	Do.
	Safeguards.....	10,300	1 per year.

See footnote at end of table.

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES...

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES—Continued

Category of materials licenses	Type of fee ¹	Fee ²	Maximum frequency ³
less than 20 pct. for fuel processing and fabrication.			
C. Licenses for possession and use of two (2) kg or more of plutonium for fuel processing and fabrication.	Health and safety.....	4,600	4 per year.
	Safeguards.....	11,700	3 per year.
D. Licenses for possession and use of five (5) kg or more of contained uranium 235 in unsealed form, or two (2) kg or more of uranium 233 in unsealed form for activities other than fuel processing and fabrication.	Health and safety.....	4,900	1 per year.
	Safeguards.....	7,800	2 per year.
E. Licenses for possession and use of quantities of plutonium of two (2) kg or more in unsealed form for activities other than fuel processing and fabrication.	Health and safety.....	780	1 per year.
	Safeguards.....	5,400	2 per year.
F. Licenses for possession and use of 200 g but less than two (2) kg of plutonium in unsealed form.	Health and safety.....	780	1 per year.
	Safeguards.....	2,300	Do.
G. Licenses for possession and use of 350 g but less than five (5) kg of contained uranium 235 in unsealed form, or 200 g but less than two (2) kg of uranium 233 in unsealed form.	Health and safety.....	780	1 every 2 years.
	Safeguards.....	4,000	1 per year.
H. Licenses for receipt and storage of spent fuel:			
(1) License application for a storage facility of custom design requiring a full design review:			
(a) Storage facility to be located at a new site.	Health and safety.....	780	Do.
	Safeguards.....	2,900	2 per year.
(b) Storage facility to be located at the site of an existing nuclear facility.	Health and safety.....	780	1 per year.
	Safeguards.....	2,900	2 per year.
(2) License application for a storage facility which references an approved standardized design:			
(a) Storage facility to be located at a new site.	Health and safety.....	780	1 per year.
	Safeguards.....	2,900	2 per year.
(b) Storage facility to be located at the site of an existing nuclear facility.	Health and safety.....	780	1 per year.
	Safeguards.....	2,900	2 per year.
(3) License application for a storage facility of duplicate design—design which is identical to a previously licensed detail design:			
(a) Storage facility to be located at a new site.	Health and safety.....	780	1 per year.
	Safeguards.....	2,900	2 per year.
(b) Storage facility to be located at the site of an existing nuclear facility.	Health and safety.....	780	1 per year.
	Safeguards.....	2,900	2 per year.
I. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems.	Health and safety.....	330	1 every 5 years.
J. 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 10 and special nuclear material for use in power generation which shall pay the fee in category 10.	.....do.....	780	1 per year.
2. Source material:			
A. Licenses for possession and use of source material in milling operations, except in in-situ leaching and heap-leaching operations.	.....do.....	1,800	Do.
B. Licenses for processing and recovery of source material in in-situ leaching operations or heap-leaching operations.	.....do.....	1,800	Do.
C. Licenses for refining uranium mill concentrates to uranium hexafluoride.	.....do.....	1,800	Do.
D. All other source material licenses...	.....do.....	460	1 every 2 years.
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 for commercial distribution, except byproduct material for use in power generation which shall pay the fee in Category 10.	Health & Safety.....	1,600	1 per year.
	Large program.....	780	Do.
	Small program.....		
B. Licenses issued pursuant to § 32.72 of this chapter authorizing the processing or manufacture and distri-	Health & Safety.....	650	1 every 3 years.

See footnote at end of table.

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES...

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES—Continued

Category of materials licenses	Type of fee ¹	Fee ²	Maximum frequency ³
button of radio-pharmaceuticals containing byproduct material.			
C. Licenses for byproduct material issued pursuant to part 34 of this chapter for industrial radiography operations performed in a shielded radiography installation(s) or permanently designated area(s) at the address(es) listed in the license.	.....do.....	730	1 per year.
D. Licenses for byproduct material issued pursuant to part 34 of this chapter for industrial radiography operations performed in a shielded radiograph installation(s) and at multiple temporary locations at the address(es) shown in the license or at temporary jobsites of the licensee in the field.	.....do.....	980	Do.
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 unshielded).	.....do.....	390	1 every 5 years.
F. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes.	Health and safety.....	390	1 every 3 years.
G. Licenses issued pursuant to Subpart B of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons generally licensed under parts 31 or 35 of this chapter, except specific licenses authorizing redistribution of items which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons generally licensed under parts 31 or 35 of this chapter.	.....do.....	390	Do.
H. Licenses issued pursuant to Subpart A of part 32 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, except (1) §§ 32.11 and 32.18 of this chapter, (2) specific licenses authorizing redistribution of items and quantities which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons exempt from the licensing requirements of part 30 of this chapter, and (3) specific licenses which authorize distribution of timepieces, hands and dials.	.....do.....	390	Do.
I. Licenses issued pursuant to § 32.18 of this chapter to distribute quantities of byproduct material to persons exempt from the licensing requirements of part 30 of this chapter.	.....do.....	390	Do.
J. Licenses issued pursuant to § 32.14 of this chapter to distribute timepieces, hands and dials containing hydrogen 3 or promethium 147 to persons exempt from the licensing requirements of part 30 of this chapter.	.....do.....	390	Do.
K. Licenses for possession and use of byproduct material for research and development, except those licenses covered by categories 3A or 3B, and licenses covered by categories 7B or 7C authorizing medical research.	.....do.....	390	Do.
L. All other specific byproduct material licenses, except those in categories 4A through 10A.	.....do.....	390	1 every 5 years.
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.	.....do.....	980	1 per year.
B. Licenses specifically authorizing the receipt of waste byproduct ma-	Health & Safety.....	650	1 every 3 years.

See footnotes at end of table.

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES...

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES—Continued

Category of materials licenses	Type of fee ¹	Fee ²	Maximum frequency ³
terial, source material, or special nuclear material, from other persons for the purpose of packaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.			
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.	.....do.....	\$50	Do.
5. Well logging and well surveys and tracer studies:			
A. Licenses for possession and use of special nuclear material and/or byproduct material for well logging, well surveys, and tracer studies.	.....do.....	\$20	Do.
6. Nuclear laundries:			
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material.	.....do.....	\$90	Do.
7. Human use of byproduct material, source material, 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.	.....do.....	400	1 every 2 years.
B. Licenses issued pursuant to parts 30, 40, and 70 of this chapter to medical institutions, or two or more physicians on a single license, for human use of byproduct material, source material, or special nuclear material, except licenses in category 7A.	.....do.....	400	1 every 3 years.
C. Licenses issued pursuant to parts 30, 40, and 70 of this chapter to an individual physician for human use of byproduct material, source material, or special nuclear material, except licenses in category 7A.	.....do.....	330	Do.
8. Civil defense:			
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	.....do.....	700	1 every 10 years.
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.	Not applicable.....		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 distributed to general licensees or persons exempt from the requirements for a license pursuant to parts 30, 40, and 70 of this chapter, and (3) power sources covered by category 10.	Not applicable.....		No inspections conducted.
10. Power sources:			
A. Licenses for the manufacture and distribution of encapsulated byproduct material or special nuclear material wherein the decay energy of said material is used as a source of power, except reactor fuel.	Health and safety.....	780	1 per year.
11. Transportation of radioactive material:			
A. Evaluation of spent fuel cask for greater than 20 kW decay heat.	Not applicable.....		No inspections conducted.
B. Evaluation of spent fuel cask for less than 20 kW decay heat; air shipping package for plutonium; high-level waste casks; and packages containing radioactive material.	.....do.....		Do.

43 FR 7210

See footnotes at end of table.

PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES...

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES—Continued

Category of materials licenses	Type of fee ¹	Fee ²	Maximum frequency ³
greater than 2,000 times the type A quantity.			
C. Evaluation of fissile packages containing greater than type A quantities of radioactive material; packages containing radioactive material less than 2,000 times the type A quantity.	.....do.....		Do.
D. Evaluation of fissile packages containing less than type A quantities of radioactive material; packages containing radioactive material less than 200 times the type A quantity.	.....do.....		Do.
E. Evaluation of packages containing radioactive material less than 20 times the type A quantity.	.....do.....		Do.
12. Review of standardized spent fuel facility design.	.....do.....		Do.

¹Types of Fees—Separate charges as shown in this schedule will be assessed for each routine inspection which is performed.

²Inspection fees are due upon receipt of notice from the Commission. The inspection fee for licenses covering more than one fee category will be charged only for the highest fee category assigned the license. If the inspection of the entire license is done at the same time. Where 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.

³The frequency shown in the schedule is the maximum number of each type of inspection for which a fee will be assessed.

⁴Where a licensee 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.

⁵For inspection purposes, large and small programs in Category 3A are defined as follows: *Large Programs*—Those licensees handling or processing loose or unsealed material for the manufacture of tagged compounds or products such as sealed sources and distribution of same to others. *Small Programs*—Those licensees who are processors of "finished products," such as previously tagged compounds and sealed sources for introduction into products or repackaging for sale to others.

§ 170.41 Failure by applicant or licensee to pay prescribed fees.

In any case where the Commission finds that an applicant or a licensee has failed to pay a prescribed fee required in this part, the Commission will not process any application and may suspend or revoke any license or approval involved or may issue an 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, 70, and 71 of this chapter, and of the Act.