

MAR 24 1986

License: 49-19553-01 93017874

Rocky Mountain Material Testing, Inc.  
ATTN: Ruth A. Bess  
P. O. Box 6077  
520 G. Street  
Rock Springs, Wyoming 82901

Gentlemen:

SUBJECT: NOTICE OF VIOLATION

This refers to the telephone discussion between Mr. R. L. Keaton of this office and Ms. Ruth Bess of your organization on February 24, 1986. The subject of the discussion was the fact that NRC records show that the Materials License identified above has expired and no renewal application has been filed in accordance with Section 30.37 of Title 10, Code of Federal Regulations, Part 30.

Possession of licensed material without a valid specific NRC license is a violation of Section 30.3, 10 CFR Part 30. Section 30.3 states:

Except for persons exempt as provided in this part and Part 150 of this chapter, no persons shall manufacture, produce, transfer, receive, acquire, own, possess, use, import, or export byproduct material except as authorized in a specific or general license issued pursuant to the regulations in this chapter.

This Notice of Violation is sent to you under the provisions of Section 2.201 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. Section 2.201 requires you to submit to this office, within 30 days of your receipt of this notice, a written statement or explanation in reply including: (1) corrective steps which have been taken by you, and (2) corrective steps which will be taken to avoid this happening in the future.

From our discussion, we understand that you desire to renew your license. To renew your license, you must immediately submit the enclosed NRC Form 313, "Application for Byproduct Materials License," to this office, U.S. Nuclear Regulatory Commission, Region IV, Nuclear Materials Safety Section, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011.

Since your present license has expired, your application for renewal will be processed as a request for a new license. Accordingly, you must determine if your program is subject to a license fee as required by Section 170.31 of 10 CFR Part 170 and, if one is required, submit the appropriate fee along with the application.

RIV:NMSS  
RKeaton/cg  
3/20/86

C:NMSS  
RJEverett  
3/20/86

C:R/SMB  
REHATT  
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We also learned from our discussion that the radioactive materials in your possession are in secure storage. These radioactive materials must remain in secure storage and the purchase of additional byproduct material is unauthorized until such time as you acquire a valid license. Include a statement in reply to this Notice of Violation confirming that you have taken this action and describe the controls that will be exercised over the stored material until such time that you obtain a valid license.

The response directed by this Notice is not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

We request that you give prompt attention to these matters. Should you have any questions regarding them, we would be pleased to discuss them with you.

Sincerely,

Original Signed by: 

R. E. BANGART

R. E. Hall, Chief  
Radiological and Safeguards  
Programs Branch

Enclosures:

1. NRC Form 313
2. 10 CFR Part 170

cc:

Wyoming Radiation Control Program Director

bcc:

DMB - Original (IE-07)

RMartin

RBangart

DWeiss, LFMB (AR-2015)

Inspector

RIVfiles

NMSS

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**

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**ENFORCEMENT**

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

**170.51 Right to review and  
appeal of prescribed fees**

Authority: 31 U.S.C. 9701, 96 Stat. 1051, 84 Stat. 301, Pub. L. 92-314, 86 Stat. 222 (42 U.S.C. 2201w), sec. 201, 86 Stat. 1242, as amended (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—

- (a) An applicant for or holder of a specific byproduct material license issued pursuant to Parts 30 and 32 through 35 of this chapter.
- (b) An applicant for or holder of a specific source material license issued pursuant to Part 40 of this chapter.
- (c) An applicant for or holder of a specific special nuclear material license issued pursuant to Part 70 of this

chapter.

(d) An applicant for or holder of specific approval of spent fuel casks and shipping containers issued pursuant to Part 71 of this chapter.

(e) An applicant for or holder of a specific license to possess power reactor spent fuel and other radioactive materials associated with spent fuel storage in an independent spent fuel storage installation issued pursuant to Part 72 of this chapter.

(f) An applicant for or holder of a specific approval of sealed sources and devices containing byproduct material, source material, or special nuclear material.

(g) An applicant for or holder of a production or utilization facility construction permit, operating license, or manufacturing license issued pursuant to Part 50 of this chapter.

(h) Required to have examinations and tests performed to qualify or requalify individuals as Part 55 reactor operators.

(i) Required to have routine and non-routine safety and safeguards inspections of activities licensed pursuant to the requirements of this chapter.

(j) Applying for or is holder of an approval of a standard reference design for a nuclear steam supply system of balance of plant.

(k) Applying for or already has applied for review of a facility site prior to the submission of an application for a construction permit.

(l) Applying for or already has applied for review of a standardized spent fuel facility design; or

(m) Applying for or has applied for since March 23, 1978, review of an item under the category of special projects in this chapter that the Commission completes or makes whether or not in conjunction with a license application on file or that may be filed.

(n) An applicant for or holder of a license, approval, determination, or other authorization issued by the Commission pursuant to 10 CFR Part 61

**§ 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, or a license for the storage of spent fuel issued pursuant to Part 72 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

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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  $U^{235}$  and plutonium produced by the irradiation, if the material processed contains not more than  $10^{-6}$  grams of plutonium per gram of  $U^{235}$  and has fission product activity not in excess of 0.25 millicurie of fission products per gram of  $U^{235}$ ; 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 fission products and limits the process batch to not more than 100 grams of uranium enriched in the isotope  $U^{235}$  and not more than 15 grams of any other special nuclear material.

(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  $U^{233}$  or in the isotope  $U^{235}$ , 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.

(l) "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  $U^{233}$  and any other equipment or device determined by rule of the Commission to be a utilization facility within the purview of subsection 110c of the Act.

(o) [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 requests submitted to the Commission for review for which fees are not otherwise specified in this chapter. Examples of special projects include, but are not limited to, topical and other report reviews, early site reviews, waste solidification facilities, route approvals for shipment of radioactive materials, and services provided to certify licensee, vendor, or other private industry personnel as instructors for Part 55 reactor operators.

(t) "Inspections" means—

(1) Routine inspections designed to evaluate the licensee's activities within the context of the licensee having primary responsibility for protection of the public and environment

(2) Non-routine inspections in response or reaction to an incident, allegation, followup to inspection deficiencies or inspections to determine implementation of safety issues. A non-routine or reactive inspection has the same purpose as the routine inspection.

(u) "Person" as used in this part has the same meaning as found in Parts 30,

40, 50, and 70 of Title 10 of the Code of Federal Regulations

(v) "Part 55 Reviews" as used in this Part means those services provided by the Commission to administer requalification and replacement examinations and tests for reactor operators licensed pursuant to 10 CFR Part 55 of the Commission's regulations and employed by Part 50 licensees. These services also include related items such as the preparation, review and grading of the examinations and tests.

(w) "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.

(y) "Application" means any request filed with the Commission for a permit, license, approval, exemption, certificate, other permission, or for any other service.

(z) The phrase "review is completed" as used in this Part means that the review has been brought to an end, whether by reason of issuance of a permit, license, approval, certificate, exemption, or other form of permission, or whether the application is denied, withdrawn, suspended, or action on the application is postponed by the applicant.

## § 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 Communications.

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 on or at 7920 Norfolk Ave., Bethesda, MD.

## § 170.11 Exemptions.

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

33 FR 11587

(1) A license authorizing the export only of a production or utilization facility.

(2) A license authorizing the export only of import only of byproduct material, source material or special nuclear material.

36 FR 18173

(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 that authorizes 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, except for licenses authorizing storage of low-level radioactive waste at nuclear reactor sites.

(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, except human use, or for byproduct material, source material, or special nuclear material to be used for teaching, training, or medical purposes, except human use, or in connection with a facility, other than a power reactor, used for teaching, training, or medical purposes, except human use.

37 FR 24028

(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 104h of the Atomic Energy Act of 1954, as amended.

(6) [Deleted 38 FR 18443.]

(7) [Deleted 38 FR 18443.]

36 FR 145

(8) A license authorizing the use 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.

43 FR 7210

(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.

45 FR 50105

(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.

36 FR 18173

(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.]

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.

37 FR 24028

(b) *License fees.* Fees for review of applications for permits, licenses, and facility standard reference design approvals are payable upon notification by the Commission. For each application on which the review charges are based on full costs and the application has been pending with the Commission for six months or longer, the first bill for accumulated costs will be sent at the time this rule becomes effective and will include all of the applicable review time and contractual costs expended. Thereafter, each applicant will be billed at six-month intervals or when the review is completed, whichever is earlier. Each bill will identify the applications and the costs related to each.

49 FR 21293

(c) *Amendment fees and other required approvals.* All applications for license amendments, other required approvals and requests for dismantling, decommissioning and termination of licensed activities that are subject to fees based on the full cost of the review must be accompanied by an application fee of \$150. Fees for amendments, other required approvals and request for dismantling, decommissioning and terminating of licensed activities that are subject to full cost reviews are

payable upon notification by the Commission. Each applicant will be billed at six-month intervals for all accumulated costs for each application the applicant has on file for review by the Commission, and each six-month period thereafter or when review is completed, whichever is earlier. Each bill will identify the applications and costs related to each. Amendment fees for materials licenses and approvals not subject to full cost reviews are payable at the time the application is filed.

(d) *Renewal fees.* All applications for renewals subject to fees based on the full cost of the review must be accompanied by an application fee of \$150. Fees for renewal of permits, licenses and other required approvals subject to full cost reviews are payable upon notification by the Commission.

Each applicant will be billed at six-month intervals for all accumulated costs on each application that the applicant has on file for review by the Commission, and each six-month period thereafter or when the review is completed, whichever is earlier. Each bill will identify the applications and the costs related to each. Renewal fees for materials licenses and approvals not subject to full cost reviews are payable at the time the application is filed.

(e) *Approval fees.* Applications for spent fuel casks, packages, and shipping container approvals, spent fuel storage facility design approvals, and construction approvals for plutonium fuel processing and fabrication plants must be accompanied by an application fee of \$150. Applications for facility standard reference design approvals must be accompanied by an application fee of \$50,000. Fees for applications that are subject to full cost reviews are payable upon notification by the Commission. For each application for which the review charges are based on full costs and the application has been pending with the Commission for six months or longer, the first bill for accumulated costs will be sent at the time this rule becomes effective and will include all of the applicable review time and contractual costs expended. Thereafter, each applicant will be billed at six-month intervals or when the review is completed, whichever is earlier. Each bill will identify the applications and the costs related to each.

(f) *Special project fees.* All applications for special projects must be accompanied by an application fee of \$150. Fees for special projects are payable upon notification by the Commission. For each application for which the review charges are based on full costs and the application has been pending with the Commission for six months or longer the first bill for accumulated costs will be sent at the

49 FR 21293

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time this rule becomes effective and will include all of the applicable review time and contractual costs expended. Thereafter, each applicant will be billed at six month intervals or when the review is completed, whichever is earlier. Each bill will identify the applications and the costs related to each. For certification of a licensee, vendor, or other private industry personnel as instructors for Part 55 reactor operators, there is no application fee. The licensee, vendor, or other recipients of the services will be billed at six month intervals for full costs.

(g) *Inspection fees.* Inspection fees are payable upon notification by the Commission. Inspection costs will include preparation time, time on site and documentation time and any associated contractual service costs but will exclude the time involved by the Enforcement staff. Office of Inspection and Enforcement, in the processing and issuance of a notice of violation or civil penalty.

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

(i) *Part 55 review fees.* The costs for Part 55 review services will be subject to fees based on NRC time spent in administering the examinations and tests that are generally given at the reactor site and any related contractual costs. The costs also include related items such as preparing, reviewing, and grading of the examinations and tests. The costs will be billed at six-month intervals to the licensee employing the operators.

## § 170.20 Average cost per professional staff-hour.

(a) Fees for permits, licenses, amendments, renewals, special projects, Part 55 requalification and replacement examinations and tests, or other required approvals under §§ 170.21 and 170.31 will be calculated based upon the following applicable professional staff rates:

- (1) Office of Nuclear Reactor Regulation—\$62 per hour.
- (2) Office of Nuclear Material Safety and Safeguards—\$58 per hour.
- (3) Advisory Committee on Reactor Safeguards—\$62 per hour.
- (4) Atomic Safety and Licensing Board Panel—\$62 per hour.
- (5) Atomic Safety and Licensing Appeal Panel—\$66 per hour.

(b) Fees for inspections based on full cost under §§ 170.21 and 170.32 will be calculated using the following applicable professional staff rates:

(1) Office of Inspection and Enforcement and NRC Regional Offices—\$53 per hour.

## § 170.21 Schedule of fees for production and utilization facilities, review of standard reference design approvals, special projects, and inspections.

Applicants for construction permits, manufacturing licenses, operating licenses, approvals of facility standard reference designs, requalification and replacement examinations for reactor operators, and special projects and holders of construction permits, licenses, and other approvals shall pay the following fees.

### SCHEDULE OF FACILITY FEES

(See footnotes at end of table.)

Facility categories and type of fees	Fees
<b>A. Power Reactors</b>	
Application—Construction Permit	\$125,000
Construction Permit	Full cost*
Operating License	\$3,077,400
Application for Amendment, Renewal, Other Approvals	\$150
Amendment, Renewal, Other Approvals	\$164,600
Renewal: Dismantling/Decommissioning and Termination	Full cost*
Inspections <sup>1</sup>	
1. Routine	\$300,000
2. Non-Routine	Full cost*
<b>B. Standard Reference Design Review</b>	
Application—Preliminary	\$50,000
Application—Final	\$50,000
Approvals	
1. Preliminary	\$1,427,100
2. Final	\$1,427,100
Application for Amendment, Renewal, Other Approvals	\$150
Amendment, Renewal, Other Approvals	Full cost*
<b>C. Test Facility/Research Reactor/Critical Facility</b>	
Application—Construction Permit	\$5,000
Construction Permit	Full cost*
Operating License	Full cost*
Application for Amendment, Renewal, Other Approvals	\$150
Amendment, Renewal, Other Approvals	\$42,100
Renewal: Dismantling/Decommissioning and Termination	Full cost*
Inspections <sup>1</sup>	
1. Routine	\$3,200
2. Non-Routine	Full cost*
<b>D. Manufacturing License</b>	
Application	\$125,000
Manufacturing License	
Preliminary Design Approval	\$3,252,300
Final Design Approval	Full cost*
Application for Amendment, Renewal, Other Approvals	\$150
Amendment, Renewal, Other Approvals	Full cost*
Inspections <sup>1</sup>	
1. Routine	Full cost*
2. Non-Routine	Full cost*
<b>E. Uranium Enrichment Plant</b>	
Application—Construction Permit	\$125,000
Construction Permit	Full cost*
Operating License	Full cost*
Application for Amendment, Renewal, Other Approvals	\$150
Amendment, Renewal, Other Approvals	Full cost*
Inspections <sup>1</sup>	
1. Routine	Full cost*
2. Non-Routine	Full cost*
<b>F. Advanced Reactors</b>	
Application—Construction Permit	\$125,000
Construction Permit	Full cost*
Operating License	Full cost*
Application for Amendment, Renewal, Other Approvals	\$150
Amendment, Renewal, Other Approvals	Full cost*
Inspections <sup>1</sup>	
1. Routine	Full cost*
2. Non-Routine	Full cost*

### SCHEDULE OF FACILITY FEES—Continued

(See footnotes at end of table.)

Facility categories and type of fees	Fees
<b>G. Other Production and Utilization Facility</b>	
Application—Construction Permit	\$125,000
Construction Permit	Full cost*
Operating License	Full cost*
Application for Amendment, Renewal, Other Approvals	\$150
Amendment, Renewal, Other Approvals	Full cost*
Inspections <sup>1</sup>	
1. Routine	Full cost*
2. Non-Routine	Full cost*
<b>H. Production or Utilization Facility permanently closed down</b>	
Inspections <sup>1</sup>	
1. Routine	Full cost*
2. Non-Routine	Full cost*
<b>I. Part 55 Reviews</b>	
Requalification and Replacement Examinations for Reactor Operators	\$147,600*
<b>J. Special Projects</b>	
Application	\$150
Approvals	
1. Topical Reports	\$20,000
2. Amendments, Revisions, and Supplements to Topical Reports	\$20,000
3. Licensee, Vendor, and Other Private Industry Personnel Certification as Instructors for Part 55 Reactor Operators	Full cost*
4. All Other Reports, Special Projects, and Amendments under those specified above in 1, 2, and 3	Full cost*

\* Fees will not be charged for orders issued by the Commission pursuant to § 2.204 of Part 2 of this chapter nor for any orders resulting specifically from such Commission orders. Fees will be charged for approvals issued pursuant to a specific exemption provision of the Commission's regulations under Title 10 of the Code of Federal Regulations (e.g., §§ 50.12, 73.5, and any other such sections) or hereafter in effect regardless of whether the approval is in the form of a license amendment, order of approval, safety evaluation report or other form. Fees for licenses in this schedule that are initially issued for less than full power are based on review through the issuance of a full power license (generally full power is considered 100% of the facility's full rated power). Thus, if a licensee received a low power license or a temporary license for less than full power and subsequently receives full power authority (by way of license amendment or otherwise), the total costs for the license will be determined through that period when authority is granted for full power operation. The ceiling provided in Facility Category A is based on 100% power authorization. If a situation arises in which the Commission determines that full operating power for a particular facility should be less than 100% of full rated power, the total costs for the license will be at that divided lower operating power level and not at the 100% capacity.

\* The charge will not exceed the amount specified, wherever applicable, be less than the application fee. The charges will be based on the expenditures for professional staff time and appropriate contractual support services. For those reviews currently on file and for which fees are determined based on the full cost expended for the review, the professional staff hours expended for the review of the application up to the effective date of this rule will be determined and billings for that time will be at the professional rates established for the March 23, 1978 rule. Any professional hours expended on or after the effective date of this rule will be assessed at the FY 1981 rates shown in § 170.20 of the Part. These rates and any billings or fees or charges will be reviewed and adjusted as necessary to take into consideration increased or decreased costs to the Commission. Applicants, licensees, and others will be given credit for that application and on subsequent bills, if necessary, until the full amount of the limited application fee has been credited. In the event a review covers a combination of licensing actions in a one-step licensing process such as a combined construction permit and operating license review (interim, temporary, or other), the fees charged will be the total of the costs for the licensing action.

\* The amount shown represents the maximum that may be charged for each licensed unit during a one-year period. Inspections covered by this schedule are both routine and non-routine safety and safeguards inspections performed by NRC for the purposes of reviewing a licensed program, but exclude investigations performed by the NRC, Office of Investigations. These inspections are performed throughout the full term of the license to ensure 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. Non-routine inspections that result from third party allegations will not be subject to fees.

\* No billings are provided because these fees have not been a level review area to the extent that the Commission has a basis to determine an upper limit, or in the case of non-routine inspections no billings are provided because the level of effort to conduct the inspection is determined on the basis of the safety significance and threat to the public health and safety. Fees assessed will be determined based on professional staff time required to complete the review or conduct the inspection multiplied by the rates shown in § 170.20 of this part, to which any appropriate contractual support services cost incurred will be added.

\* The amount shown represents the maximum that may be charged for each plant site during a one-year period. The charges will be based on the expenditures for professional staff time and appropriate contractual support services.

# PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES

170.22 through 170.24  
[Removed 49 FR 21293]

## § 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 and type of fee	Fee
<b>1. Special nuclear material</b>	
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 <sup>1</sup>	
Application	\$150
License	Full cost
Renewal	\$140,600
Amendment	\$170,200
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 <sup>2</sup>	
Application	\$150
License	Full cost
Renewal	\$140,600
Amendment	\$138,000
C. Licenses for possession and use of 2 kg or more of plutonium for fuel processing and fabrication <sup>1</sup>	
Application	\$150
Construction approval and license	Full cost
Renewal	Full cost
Amendment	Full cost
D. Licenses for possession and use of 5 kg or more of contained uranium 235 in unenriched form or 2 kg or more of uranium 233 in unenriched form for activities other than fuel processing and fabrication <sup>3</sup>	
Application	\$150
License	Full cost
Renewal	\$52,200
Amendment	\$63,600
E. Licenses for possession and use of quantities of plutonium of 2 kg or more in unenriched form for activities other than fuel processing and fabrication <sup>4</sup>	
Application	\$150
License	Full cost
Renewal	\$52,200
Amendment	\$46,400
F. Licenses for possession and use of 200 g but less than 2 kg of plutonium in unenriched form <sup>5</sup>	
Application	\$150
License	Full cost
Renewal	\$52,200
Amendment	\$46,400
G. Licenses for possession and use of 350 g but less than 5 kg of contained uranium 235 in unenriched form or 200 g but less than 2 kg of uranium 233 in unenriched form <sup>6</sup>	
Application	\$150
License	Full cost
Renewal	\$20,300
Amendment	\$40,600
H. Licenses for receipt and storage of spent fuel at an independent spent fuel storage installation (ISFSI) <sup>7</sup>	
1. License for receipt and storage of spent fuel where the ISFSI is to be located at a new site	
Application	\$150
License	Full cost
Renewal	Full cost
Amendment	Full cost
2. License for receipt and storage of spent fuel where the ISFSI is to be located at the site of an existing nuclear facility <sup>8</sup>	
Application	\$150
License	\$405,200
Renewal	Full cost
Amendment	Full cost

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

Category of materials licenses and type of fee	Fee
I. Applications to terminate fee Category 170.31 1A through 1H licenses and to authorize decommissioning, decontamination, remediation or site restoration activities as well as to license authorizing possession only <sup>9</sup>	
Application	\$150
License	Full cost
Renewal	Full cost
Amendment	Full cost
J. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems <sup>10</sup>	
Application-New license	\$230
Renewal	\$120
Amendment	\$60
K. 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 this chapter for which the licensee shall pay the same rate as that for Category 1G	
Application-New license	\$350
Renewal	\$350
Amendment	\$120
<b>2. Source material</b>	
A. Licenses for possession and use of source material and byproduct waste material from milling operations, except in in-situ leaching and heap-leaching operations, ore-buying stations, on-exchange facilities and the processing of ores containing source material for extraction of metals <sup>11</sup>	
Application	\$150
License	\$341,000
Renewal	\$105,100
Amendment	\$44,000
B. Licenses for processing and recovery of source material in in-situ leaching operations or heap-leaching operations and possession of byproduct waste material from in-situ or heap leach operations <sup>12</sup>	
Production scale activity except heap leach	
Application	\$150
License	\$258,500
Renewal	\$73,500
Amendment	\$43,000
In-situ research and development scale activity and heap leaching operations	
Application	\$150
License	\$54,200
Renewal	\$31,100
Amendment	\$22,000
C. Licenses for refining uranium mill concentrates to uranium hexafluoride <sup>13</sup>	
Application	\$150
License	Full cost
Renewal	\$140,600
Amendment	\$103,200
D. Licenses for possession and use of source material in ore buying stations, on-exchange facilities and the processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations <sup>14</sup>	
Application	\$150
License	Full cost
Renewal	\$22,000
Amendment	\$11,000
E. Applications to terminate fee Category 170.31 2A through 2D licenses and to authorize decommissioning, decontamination, remediation or site restoration activities or the possession and maintenance of a facility in a standby mode <sup>15</sup>	
Application	\$150

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

Category of materials licenses and type of fee	Fee
Licenses	Full cost
Amendment	Full cost
Renewal	Full cost
F. Licenses for possession and use of source material for shielding except as provided for in § 170.11(a)(8)	
Application-New license	\$60
Renewal	\$60
Amendment	\$60
G. All other source material licenses	
Application-New license	\$350
Renewal	\$120
Amendment	\$120
<b>3. Byproduct material</b>	
A. Licenses of broad scope 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 to licensees	
Application-New license	\$1,200
Renewal	\$100
Amendment	\$120
B. Other licenses for possession and use of byproduct material issued pursuant to Part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution to licensees	
Application-New licensees	\$460
Renewal	\$460
Amendment	\$120
C. Licenses issued pursuant to §§ 32.72, 32.73, and/or 32.74 of Part 32 of this chapter authorizing the processing or manufacture and distribution of radioactive materials, generators, reagent kits and/or sources and devices containing byproduct material	
Application-New license	\$1,400
Renewal	\$1,400
Amendment	\$230
D. Licenses and approvals issued pursuant to §§ 32.72, 32.73, and/or 32.74 of Part 32 of this chapter authorizing distribution of radioactive materials, generators, reagent kits and/or sources or devices not involving processing of byproduct material	
Application-New license	\$700
Renewal	\$700
Amendment	\$120
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units)	
Application-New license	\$230
Renewal	\$170
Amendment	\$120
F. Licenses for possession and use of less than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes	
Application-New license	\$580
Renewal	\$350
Amendment	\$230
G. Licenses for possession and use of 10,000 curies or more of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes	
Application-New license	\$2,300
Renewal	\$830
Amendment	\$230

# PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES

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

Category of materials licenses and type of fee	Fee
H. Licenses issued pursuant to Subpart A of Part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of Part 30 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution exempt from the licensing requirements of Part 30 of this chapter.	
Application—New license	\$580
Renewal	\$200
Amendment	\$120
I. Licenses issued pursuant to Subpart A of Part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of Part 30 of this chapter, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of Part 30 of this chapter.	
Application—New license	\$290
Renewal	\$200
Amendment	\$60
J. Licenses issued pursuant to Subpart B of Part 32 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under Parts 31 or 35 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under Parts 31 or 35 of this chapter.	
Application—New license	\$1,200
Renewal	\$700
Amendment	\$230
K. Licenses issued pursuant to Subpart B of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require sealed source and/or device review to persons generally licensed under Part 31 or 35 of this chapter, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under Parts 31 or 35 of this chapter.	
Application—New license	\$290
Renewal	\$200
Amendment	\$60
L. License of broad scope for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution.	
Application—New license	\$1,200
Renewal	\$700
Amendment	\$120
M. Other licenses for possession and use of byproduct material issued pursuant to Part 30 of this chapter for research and development that do not authorize commercial distribution.	
Application—New license	\$700
Renewal	\$460
Amendment	\$120
N. Licenses that authorize services for other licensees, except for well logging and waste disposal pickup services.	
Application—New license	\$930
Renewal	\$930
Amendment	\$120

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

Category of materials licenses and type of fee	Fee
O. Licenses for possession and use of byproduct material issued pursuant to Part 34 of this chapter for industrial radioactivity operations.	
Application—New license	\$700
Renewal	\$700
Amendment	\$230
P. All other specific byproduct material licenses, except those in categories 4A through 5D.	
Application—New license	\$700
Renewal	\$120
Amendment	\$60
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 burial by the licensee, or a licensee authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors, or licenses for treatment or disposal by incineration, packaging, or residues resulting from incineration and transfer of packages to another person authorized to receive or dispose of waste material.	
Application	\$150
License	\$603,700
Renewal	\$265,600
Amendment	\$45,400
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging 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	\$1,400
Renewal	\$930
Amendment	\$350
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	\$930
Renewal	\$460
Amendment	\$120
5. Well logging	
A. Licenses specifically authorizing use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies, other than field flooding tracer studies.	
Application—New license	\$700
Renewal	\$700
Amendment	\$170
B. Licenses specifically authorizing use of byproduct material for field flooding tracer studies.	
Application	\$150
License	Full cost <sup>1</sup>
Renewal	Full cost <sup>1</sup>
Amendment	Full cost <sup>1</sup>
6. Nuclear burnhires	
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material.	
Application—New license	\$700
Renewal	\$700
Amendment	\$170
7. Human use of byproduct, source, or special nuclear material	

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

Category of materials licenses and type of fee	Fee
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	\$580
Renewal	\$160
Amendment	\$230
B. Licenses of broad scope issued to medical institutions or two or more physicians pursuant to Parts 30, 35, 40, and 70 of this chapter authorizing research and development including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.	
Application—New license	\$1,200
Renewal	\$700
Amendment	\$120
C. Other licenses issued pursuant to Parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.	
Application—New license	\$580
Renewal	\$160
Amendment	\$120
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	\$790
Renewal	\$290
Amendment	\$60
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 for commercial distribution.	
Application—each device	\$1,600
Amendment—each device	\$180
B. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of and for use by a single applicant, except reactor fuel devices.	
Application—each device	\$970
Amendment—each device	\$290
C. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel for commercial distribution.	
Application—each source	\$150
Amendment—each source	\$120
D. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of and for use by a single applicant, except reactor fuel.	
Application—each source	\$175
Amendment—each source	\$60

# SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—Con- tinued

Category of materials licenses and type of fee	Fee <sup>1</sup>
10. Transportation of radioactive materials	
A. Evaluation of spent fuel casks equal to or greater than 20 kW decay heat	
Application	\$150
Approval	\$164,000 <sup>2</sup>
Renewal	\$1,400 <sup>3</sup>
Amendment	\$43,000 <sup>4</sup>
B. Evaluation of spent fuel casks for less than 20 kW decay heat, air shipping package, for plutonium, high-level waste casks and packages containing radioactive materials equal to or greater than 2,000 times the type A quantity <sup>5</sup>	
Application	\$150
Approval	\$143,000 <sup>2</sup>
Renewal	\$1,400 <sup>3</sup>
Amendment	\$43,000 <sup>4</sup>
C. Evaluation of fissile packages containing greater than type A quantities of radioactive material or packages containing radioactive material less than 2,000 times the type A quantity <sup>5</sup>	
Application	\$150
Approval	\$65,000 <sup>2</sup>
Renewal	\$900 <sup>3</sup>
Amendment	\$32,000 <sup>4</sup>
D. Evaluation of fissile packages containing less than type A quantities of radioactive material or packages containing radioactive material less than 200 times the type A quantity <sup>5</sup>	
Application	\$150
Approval	\$43,000 <sup>2</sup>
Renewal	\$900 <sup>3</sup>
Amendment	\$16,000 <sup>4</sup>
E. Evaluation of packages containing radioactive material less than 20 times the type A quantity <sup>5</sup>	
Application	\$150
Approval	\$27,000 <sup>2</sup>
Renewal	\$900 <sup>3</sup>
Amendment	\$16,000 <sup>4</sup>
F. Evaluation of Part 71 Quality Assurance Programs	
Application	\$150
Approval	Full Cost <sup>6</sup>
Renewal	Full Cost <sup>6</sup>
Amendment	Full Cost <sup>6</sup>
11. Review of standardized spent fuel facilities	
Application	\$150
Approval	Full Cost <sup>6</sup>
Amendment	Full Cost <sup>6</sup>
12. Special projects	
Application	\$150
Approval	
1. Topical Reports	\$20,000
2. Amendments, Revisions, and Supplements to topical reports	\$20,000
3. Transportation route approvals	Full Cost <sup>6</sup>
4. All other Reports, Special Projects and Amendments except those specified in 1, 2, and 3 above	Full Cost <sup>6</sup>

<sup>1</sup> 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 must 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) or source material will be used at the same location must be accompanied by the prescribed application fee for the highest fee category. When a license or approval has expired, the application fee for each category shall be due, except for licenses covering more than one fee category of special nuclear material (excluding category 1H) or source material for use at the

same location in which case the application fee for the highest category applies.

(b) License approval fees—If new licenses and approvals issued in fee categories 1A through 1H, 2A through 2H, 4A, 5B, 10A through 10F, 11 and 12, the applicant shall pay the license or approval fee for each category. If approved by the Commission in accordance with § 170.12(b), an applicant (i) except that a license covering more than one fee category of special nuclear material in categories 1A through 1H or source material in fee categories 2A through 2H must pay a license fee for the highest fee category assigned to the license.

(c) Renewal fees—Applications for renewal of materials licenses and approvals must be accompanied by the prescribed renewal fee for each category, except that applications for renewal of licenses and approvals in fee categories 1A through 1H, 2A through 2H, 4A, 5B, 10A through 10F, 11 and 12 must be accompanied by an application fee of \$150 and the additional renewal fee shall be due upon notification by the Commission in accordance with the procedures specified in § 170.12(d).

(d) Amendment fees—Applications for amendments to a license or approval shall be accompanied by the prescribed amendment fee for a category, unless the amendment is alternative to two or more categories in which case the amendment fee for the highest fee category would apply, except that applications for amendment of licenses in fee Categories 1A through 1H, 2A through 2H, 4A, 5B, 10A through 10F, 11 and 12 must be accompanied by an application fee of \$150 with the fee due upon notification by the Commission in accordance with § 170.12(d). An application for amendment to a material license or approval that would place the licensee or approver in a higher fee category or add a new fee category must be accompanied by the prescribed application fee for the new category, except for an application for amendment that merely changes the scope of a licensee's program in fee categories 1A through 1H, 2A through 2H, and 10A through 10F in which case the licensee shall pay the application fee of \$150 and the license or approval fee for the higher fee category shall be due upon completion of the licensing review.

An application for amendment to a license or approval that would reduce the scope of a licensee's program to a lower fee category must be accompanied by the prescribed amendment fee for the lower fee category, except in fee Categories 1A through 1H, 2A through 2H, and 10A through 10F in which case the licensee shall pay an application fee of \$150 and the license or approval fee for the lower fee category shall be due upon completion of the licensing review. Applications to terminate licenses authorizing the materials programs when no dismantling or decontamination procedure is required shall not be subject to fees.

<sup>2</sup> Fees will not be charged for orders issued by the Commission pursuant to § 204 of Part 2 nor for amendments resulting specifically from such Commission orders. However, fees will be charged for approvals issued pursuant to a specific exemption provision of the Commission's regulations under Title 10 of the Code of Federal Regulations (e.g., § 20.11, 40.14, 70.14, 73.5 and any other such sections) or hereafter in effect regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form. In addition to the fee shown, an applicant may be assessed an additional fee for special source and device evaluations as shown in Categories 4B through 9D.

<sup>3</sup> The amounts shown for new licenses, renewals, amendments, approvals and special projects are the maximum fees that may be assessed for an application. Fees will be determined based on the professional staff time and special contract support services expended for review of the application. For those reviews currently on file and for which fees are determined based on the full cost, except that for the review of the application up to the effective date of this rule will be determined and billed for that time will be at the professional rates established for the March 23, 1981 rule. Any professional hours expended on or after the effective date of this rule will be assessed at the FY 1981 rates shown in § 170.20 of this part. These rates will be reviewed and adjusted annually as necessary to take into consideration increased or decreased costs to the Commission. If, however, the total review costs be less than the application fee.

<sup>4</sup> Fees would be applicable only in those instances when a site safety and environmental review had been performed and documented by the Commission for the site at which the storage facility is to be located.

<sup>5</sup> Licensees paying fees under Categories 1A through 1H are not subject to fees under Categories 1J and 1K for sealed sources authorized in the same license, except in those instances in which an application deals only with the sealed sources authorized by the 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 gaging devices will pay the appropriate application or renewal fee for fee Category 12 only.

<sup>6</sup> A type A quantity is defined in § 71.4(a) of 10 CFR (Part 71).

# PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES

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

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES

Category of licensee	Type of inspection <sup>1</sup>	Fee <sup>2</sup>	Maximum frequency <sup>3</sup>
<b>1. Special nuclear material</b>			
A. Licensees for possession and use of five (5) kg or more of contained uranium 235 in uranium enriched to 20 pct. or more, or two (2) kg or more of uranium 233, for fuel processing and fabrication	Routine Nonroutine	\$120,000 <sup>4</sup> Full cost <sup>5</sup>	Per year
B. Licensees for possession and use of five (5) kg or more of contained uranium 235 in uranium enriched to less than 20 pct. for fuel processing and fabrication	Routine Nonroutine	\$35,300 <sup>4</sup> Full cost <sup>5</sup>	Do
C. Licensees for possession and use of two (2) kg or more of plutonium for fuel processing and fabrication	Routine Nonroutine	\$70,500 <sup>4</sup> Full cost <sup>5</sup>	Do
D. Licensees 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	Routine Nonroutine	\$21,200 <sup>4</sup> Full cost <sup>5</sup>	Do
E. Licensees 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	Routine Nonroutine	Full cost <sup>5</sup> Full cost <sup>5</sup>	Do
F. Licensees for possession and use of 200 g but less than two (2) kg of plutonium in unsealed form	Routine Nonroutine	Full cost <sup>5</sup> Full cost <sup>5</sup>	Do
G. Licensees 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	Routine Nonroutine	Full cost <sup>5</sup> Full cost <sup>5</sup>	Do
H. Licensees for receipt and storage of spent fuel at an independent spent fuel storage installation (ISFSI)	Routine Nonroutine	\$16,500 <sup>4</sup> Full cost <sup>5</sup>	Do
1. Licensees for receipt and storage of spent fuel where the ISFSI is to be located at a new site	Routine Nonroutine	\$16,500 <sup>4</sup> Full cost <sup>5</sup>	Do
2. Licensees for receipt and storage of spent fuel where the ISFSI is to be located at the site of an existing nuclear facility	Routine Nonroutine	Full cost <sup>5</sup> Full cost <sup>5</sup>	
I. Licensees authorizing decommissioning, decontamination, reclamation or site restoration activities as well as licensees authorizing possession only	Routine Nonroutine	Full cost <sup>5</sup> Full cost <sup>5</sup>	
J. Licensees for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems	Routine Nonroutine	\$210 \$640	1 per 7 years Per inspection
K. All other special nuclear material licenses except licensees authorizing special nuclear material in unsealed form in combination that would constitute a critical quantity as defined in § 150.11 of this chapter for which the licensee shall pay the same rate as that for category 1G.	Routine Nonroutine	\$320 \$370	1 per 2 years Per inspection
<b>2. Source material</b>			
A. Licensees for possession and use of source material and possession of byproduct waste material from mining operations, except in in-situ leaching and heap-leaching operations, ore-buying stations, ion-exchange facilities and the processing of ores containing source material for extraction of metals	Routine Nonroutine	\$2,300 Full cost <sup>5</sup>	1 per year
B. Licensees for possessing and recovery of source material in in-situ leaching operations or heap-leaching operations, and possession of byproduct waste material from in-situ or heap-leach operations	Routine Nonroutine	\$1,000 Full cost <sup>5</sup>	Do
C. Licensees for refining uranium mill concentrates to uranium hexafluoride	Routine Nonroutine	\$2,300 Full cost <sup>5</sup>	Do
D. Licensees for possession and use of source material in ore-buying stations, ion-exchange facilities and the processing of ores containing source material for extraction of metals other than uranium or thorium, including licensees authorizing the possession of byproduct waste material (tailings) from source material recovery operations	Routine Nonroutine	\$1,900 \$650	1 per year Per inspection
E. Licensees authorizing decommissioning, decontamination, reclamation or site restoration activities as well as licensees authorizing the possession and maintenance of a facility in a standby mode	Routine Nonroutine	Full cost <sup>5</sup> Full cost <sup>5</sup>	
F. Licensees for possession and use of source material for shielding, except as provided for in § 170.11(a)(8)	Routine Nonroutine	\$130 \$160	1 per 7 years Per inspection
G. All other source material licenses	Routine Nonroutine	\$370 \$630	1 per 7 years Per inspection
<b>3. Byproduct material</b>			
A. Licensees of broad scope 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 to licensees	Routine Nonroutine	\$950 <sup>4</sup> \$1,000 <sup>4</sup>	1 per year Per inspection
B. Other licensees for possession and use of byproduct material issued pursuant to Part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution to licensees	Routine Nonroutine	\$480 <sup>4</sup> \$900 <sup>4</sup>	1 per year Per inspection
C. Licensees issued pursuant to §§ 32.72, 32.73 and/or 32.74 of Part 32 of this chapter authorizing the processing or manufacturing and distribution of radiopharmaceuticals, generators, reagent kits and/or sources and devices containing byproduct material	Routine Nonroutine	\$640 \$650	1 per 2 years Per inspection
D. Licensees and approvals issued pursuant to §§ 32.72, 32.73 and/or 32.74 of Part 32 of this chapter authorizing distribution of radiopharmaceuticals, generators, reagent kits and/or sources or devices not involving processing of byproduct material	Routine Nonroutine	\$370 \$530	1 per 2 years Per inspection
E. Licensees for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units)	Routine Nonroutine	\$210 \$320	1 per 3 years Per inspection

# PART 170 • FEES FOR FACILITIES AND MATERIALS LICENSES

## SCHEDULE OF MATERIALS LICENSE INSPECTION FEES—Continued

Category of license	Type of inspection	Fee	Maximum frequency
B. Licenses of broad scope issued to medical institutions or two or more physicians pursuant to Parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.	Routine	\$740	1 per 2 years
	Non-routine	\$800	Per inspection
C. Other licenses issued pursuant to Parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.	Routine	\$440	1 per 3 years
	Non-routine	\$500	Per inspection
E. Civil defense licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	Routine	\$320	1 per 1 years
	Non-routine	\$320	Per inspection
9. Device, product, or sealed source safety evaluation. Safety evaluation of devices, products or sealed sources containing byproduct, source, or special nuclear material, except reactor fuel.	No inspections conducted		
10. Transportation of radioactive material. Evaluation of spent fuel casks, packages, and shipping containers.	00		
11. Review of standardized spent fuel receipts.	00		
12. Special projects.	00		

Types of inspections—Separate charges as shown in this schedule will be assessed for each routine and nonroutine inspection which is performed, except those investigations conducted by the Office of Investigations. Non-routine inspections that result from third-party allegations will not be subject to fees.

For a licensee, more than one material 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, except in cases where the inspection fees are based on the full cost to conduct the inspection.

The frequency shown in this schedule is the maximum number for each routine inspection for which a fee will be assessed, except for licenses in fee categories 1A through 1D, 1G and 1H, for which the fee shown in the schedule will be the maximum fee assessed per year. Fees for nonroutine inspections will be assessed on a per inspection basis.

The amounts shown are the maximum charges that may be assessed for inspections conducted. The fees assessed will be determined based on the professional staff time required to conduct the inspection multiplied by the rates shown in § 170.20 of this part, to which any appropriate commercial support service costs and fees will be added. These rates will be reviewed and adjusted annually, as necessary, to take into consideration increased or decreased costs to the Commission. Where no ceiling is specified the fee assessed will be based on full cost.

For a licensee authorizing shielded radiographic installation or manufacturing installations at more than one address, a separate fee will be assessed for inspection of each location, except that if the multiple installations are inspected during a single visit, a single inspection fee will be assessed.

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

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

49 KAR 212.03  
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 issued to the applicant or licensee 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, 32 through 35, 40, 50, 61, 70, 71, 72, and 73 of this Chapter, and of the Act.

### § 170.51 Right to Review and Appeal of Prescribed Fees.

49 KAR 241.3  
All debtors' requests for review of the fees assessed and appeal or disagreement with the prescribed fee (staff hours and contractual) must be submitted in accordance with the provisions of 10 CFR 15.31, "Disputed Debts," of this title.

## APPLICATION FOR MATERIAL LICENSE

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WASHINGTON, DC 20585

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ALASKA, ARIZONA, CALIFORNIA, HAWAII, NEVADA, OREGON, WASHINGTON,  
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WALNUT CREEK, CA 94596

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☐ B. AMENDMENT TO LICENSE NUMBER \_\_\_\_\_  
☐ C. RENEWAL OF LICENSE NUMBER \_\_\_\_\_

2. NAME AND MAILING ADDRESS OF APPLICANT (Include Zip Code)

3. ADDRESS(ES) WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

TELEPHONE NUMBER

SUBMIT ITEMS 5 THROUGH 11 ON 8 1/2 x 11" PAPER. THE TYPE AND SCOPE OF INFORMATION TO BE PROVIDED IS DESCRIBED IN THE LICENSE APPLICATION GUIDE.

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6. PURPOSE(S) FOR WHICH LICENSED MATERIAL WILL BE USED.

7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR  
TRAINING AND EXPERIENCE.

8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS.

9. FACILITIES AND EQUIPMENT.

10. RADIATION SAFETY PROGRAM.

11. WASTE MANAGEMENT.

12. LICENSEE FEES (See 10 CFR 170 and Section 170.31)

FEE CATEGORY

AMOUNT  
ENCLOSED \$

13. CERTIFICATION: (Must be completed by applicant) THE APPLICANT UNDERSTANDS THAT ALL STATEMENTS AND REPRESENTATIONS MADE IN THIS APPLICATION ARE  
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TO ANY DEPARTMENT OR AGENCY OF THE UNITED STATES AS TO ANY MATTER WITHIN ITS JURISDICTION.

SIGNATURE—CERTIFYING OFFICER

TYPED/PRINTED NAME

TITLE

DATE

### 14. VOLUNTARY ECONOMIC DATA

**a. ANNUAL RECEIPTS**

<\$250K	\$1M—3.5M
\$250K—500K	\$3.5M—7M
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entire facility excluding outside contractors)

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d. WOULD YOU BE WILLING TO FURNISH COST INFORMATION (Dollar and/or staff hours)  
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PROPOSED NRC REGULATIONS THAT MAY AFFECT YOU? (NRC regulations permit  
it to protect confidential commercial or financial—proprietary—information furnished to  
the agency in confidence)

☐ YES

☐ NO

### FOR NRC USE ONLY

TYPE OF FEE	FEE LOG	FEE CATEGORY	COMMENTS	APPROVED BY
AMOUNT RECEIVED	CHECK NUMBER			DATE

## PRIVACY ACT STATEMENT

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2. **PRINCIPAL PURPOSE(S):** The information is evaluated by the NRC staff pursuant to the criteria set forth in 10 CFR Parts 30, 32, 33, 34, 35 and 40 to determine whether the application meets the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations, for the issuance of a radioactive material license or amendment thereof.
3. **ROUTINE USES:** The information may be (a) provided to State health departments for their information and use; and (b) provided to Federal, State, and local health officials and other persons in the event of incident or exposure, for their information, investigation, and protection of the public health and safety. The information may also be disclosed to appropriate Federal, State, and local agencies in the event that the information indicates a violation or potential violation of law and in the course of an administrative or judicial proceeding. In addition, this information may be transferred to an appropriate Federal, State, or local agency to the extent relevant and necessary for an NRC decision or to an appropriate Federal agency to the extent relevant and necessary for that agency's decision about you.
4. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL OF NOT PROVIDING INFORMATION:** Disclosure of the requested information is voluntary. If the requested information is not furnished, however, the application for radioactive material license, or amendment thereof, will not be processed. A request that information be held from public inspection must be in accordance with the provisions of 10 CFR 2.790. Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned need to inspect the document.
5. **SYSTEM MANAGER(S) AND ADDRESS:** U.S. Nuclear Regulatory Commission  
Director, Division of Fuel Cycle and Material Safety  
Office of Nuclear Material Safety and Safeguards  
Washington, D.C. 20555

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☐ B. AMENDMENT TO LICENSE NUMBER \_\_\_\_\_

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**11. WASTE MANAGEMENT.**

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FEE CATEGORY \_\_\_\_\_ AMOUNT  
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FEE LOG \_\_\_\_\_

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TYPE OF FEE

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