



[7590-01-P]

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 170 and 171

[NRC-2017-0032; Docket No. PRM-170-7; NRC-2018-0172]

RIN 3150-AJ99

Revision of Fee Schedules; Fee Recovery for Fiscal Year 2019

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending the licensing, inspection, special project, and annual fees charged to its applicants and licensees. These amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990, as amended (OBRA-90), which requires the NRC to recover approximately 90 percent of its annual budget through fees.

DATES: This final rule is effective on **[INSERT DATE 60 DAYS AFTER THE DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

ADDRESSES: Please refer to Docket ID **NRC-2017-0032** when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- **Federal Rulemaking Web Site:** Go to <http://www.regulations.gov> and search for Docket ID **NRC-2017-0032**. Address questions about NRC dockets to Carol

Gallagher; telephone: 301-415-3463; e-mail: Carol.Gallagher@nrc.gov. For technical questions, contact the individual listed in the FOR FURTHER INFORMATION CONTACT section of this document.

- **NRC's Agencywide Documents Access and Management System**

(ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "[Begin Web-based ADAMS Search](#)." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. For the convenience of the reader, the ADAMS accession numbers and instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section of this document.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

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I. Statutory Authority

The NRC's fee regulations are primarily governed by two laws: 1) the Independent Offices Appropriation Act, 1952 (IOAA) (31 U.S.C. 9701), and 2) OBRA-90 (42 U.S.C. 2214). The IOAA generally authorizes and encourages Federal regulatory agencies to recover—to the fullest extent possible—costs attributable to services provided to identifiable recipients. The OBRA-90 requires the NRC to recover approximately 90 percent of its budget authority for the fiscal year (FY) through fees; in FY 2019, amounts appropriated for international activities, generic homeland security activities, advanced reactor regulatory infrastructure activities, waste incidental to reprocessing, and Inspector General services for the Defense Nuclear Facilities Safety Board are excluded from this fee-recovery requirement. The OBRA-90 requires the NRC to use its IOAA authority first to collect service fees for NRC work that provides specific benefits to identifiable applicants and licensees (such as licensing work, inspections, and special projects). The regulations at part 170 of title 10 of the *Code of*

Federal Regulations (10 CFR) authorize these fees. But, because the NRC's fee recovery under the IOAA (10 CFR part 170) does not equal 90 percent of the NRC's budget authority for the fiscal year, the NRC also assesses "annual fees" under 10 CFR part 171 to recover the remaining amount necessary to meet OBRA-90's fee-recovery requirement. These annual fees recover costs that are not otherwise collected through 10 CFR part 170.

II. Discussion

FY 2019 Fee Collection—Overview

The NRC is issuing the FY 2019 final fee rule based on Public Law (P.L.) 115-244, "Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019," (Act) (the enacted budget), in the amount of \$911.0 million, a decrease of \$11.0 million from FY 2018. As explained previously, certain portions of the NRC's total budget are excluded from the NRC's fee-recovery amount—specifically, these exclusions total to \$43.4 million, consisting of: \$16.1 million for international activities, \$14.6 million for generic homeland security activities, \$10.3 million for advanced reactor infrastructure, \$1.3 million for Waste Incidental to Reprocessing activities, and \$1.1 million for Inspector General services for the Defense Nuclear Facilities Safety Board. Additionally, OBRA-90 requires the NRC to recover approximately 90 percent of the remaining budget authority for the fiscal year—10 percent of the remaining budget authority is not recovered through fees. The NRC refers to the activities included in this 10-percent as "fee-relief" activities.

After accounting for the OBRA-90 exclusions, the fee-relief activities, and net billing adjustments (i.e., the sum of unpaid current year invoices (estimated) minus payments for prior year invoices), the NRC must bill approximately \$782.5 million in fees

in FY 2019 to licensees and applicants. Of this amount, the NRC estimates that \$252.1 million will be recovered through 10 CFR part 170 user fees; that leaves approximately \$530.5 million to be recovered through 10 CFR part 171 annual fees. Table I summarizes the fee-recovery amounts for the FY 2019 final fee rule using the enacted budget, and taking into account excluded activities, the fee-relief activities, and net billing adjustments (individual values may not sum to totals due to rounding). Please see the work papers (ADAMS Accession No. ML19106A409) for actual amounts.

The Joint Explanatory Statement associated with the Act includes direction for the NRC to use \$20.0 million in carryover funds. The use of carryover funds allows the NRC to accomplish the work needed without additional costs to licensees because, consistent with the requirements of OBRA-90, fees are calculated based on the budget authority enacted for the current FY and not carryover funds.

TABLE I—BUDGET AND FEE RECOVERY AMOUNTS¹

[Dollars in millions]

	FY 2018 Final Rule	FY 2019 Final Rule	Percentage Change
Total Budget Authority	\$922.0	\$911.0	-1.2
Less Excluded Fee Items	-43.8	-43.4	-0.9
Balance	878.2	867.6	-1.2
Fee Recovery Percent	90	90	0.0
Total Amount to be Recovered:	790.4	780.8	-1.2
Adjustment USAID Rescission ²	-0.1	0.0	100.0

¹ For each table, numbers may not add due to rounding.

Total Amount to be Recovered Post USAID:	790.3	780.8	-1.2
10 CFR Part 171 Billing Adjustments:			
Unpaid Current Year Invoices (estimated)	6.5	4.5	-30.8
Less Payments Received in Current Year for Previous Year Invoices (estimated)	-7.5	-2.8	-62.7
Subtotal	-1.0	1.7	270.0
Amount to be Recovered through 10 CFR Parts 170 and 171 Fees	789.3	782.5	-0.9
Less Estimated 10 CFR Part 170 Fees	-280.8	-252.1	-10.2
10 CFR Part 171 Fee Collections Required	\$508.5	\$530.5	4.3

FY 2019 Fee Collection—Professional Hourly Rate

The NRC uses a professional hourly rate to assess fees for specific services provided by the NRC under 10 CFR part 170. The professional hourly rate also helps determine flat fees (which are used for the review of certain types of license applications). This rate would be applicable to all activities for which fees are assessed under §§ 170.21 and 170.31.

The NRC's professional hourly rate is derived by adding budgeted resources for: 1) mission-direct program salaries and benefits; 2) mission-indirect program support; and 3) agency support (corporate support and the Inspector General), and then subtracting certain offsetting receipts, and then dividing this total by the mission-direct

² The adjustment to the NRC's fee recovery amount associated with the USAID rescission is shown in Table 1. Because the USAID rescission amount was approximately \$0.1 million in FY 2018, the proportion of the USAID rescission applicable to each fee class is not shown in the accompanying tables for each fee class. In FY 2019, USAID was not included as part of the appropriation.

full-time equivalents (FTE) converted to hours. The mission-direct FTE converted to hours is the product of the mission-direct FTE multiplied by the estimated annual mission-direct FTE productive hours. The only budgeted resources excluded from the professional hourly rate are those for mission-direct contract resources, which are generally billed to licensees separately. The following shows the professional hourly rate calculation:

$$\begin{array}{rcl}
 \text{Budgeted Resources} & & \$759.8 \text{ million} \\
 \hline
 \text{Mission-Direct FTE Converted to Hours} & = \text{Professional Hourly Rate} & \hline
 & & 1,810 \times 1,510 \\
 & & = \$278
 \end{array}$$

For FY 2019, the NRC is increasing the professional hourly rate from \$275 to \$278. The 1.1 percent increase in the FY 2019 professional hourly rate is due to the decline in the number of mission-direct FTE compared to FY 2018. The number of mission-direct FTE declined by 41, primarily due to the standardization and centralization of mission support functions within the programmatic offices, and the transition of Wyoming to status as an Agreement State. The FY 2019 estimate for annual mission-direct FTE productive hours is 1,510 hours, which is unchanged from FY 2018. This estimate, also referred to as the productive hours assumption, reflects the average number of hours that a mission-direct employee spends on mission-direct work in a given year. This estimate therefore excludes hours charged to annual leave, sick leave, holidays, training, and general administration tasks. Table II shows the professional hourly rate calculation methodology. The FY 2018 amounts are provided for comparison purposes.

TABLE II—PROFESSIONAL HOURLY RATE CALCULATION
[Dollars in millions, except as noted]

	FY 2018 Final Rule	FY 2019 Final Rule	Percentage Change
Mission-Direct Program Salaries & Benefits	\$325.7	\$334.7	2.8
Mission-Indirect Program Support	\$135.0	\$120.6	-10.7
Agency Support (Corporate Support and the IG)			
	\$308.1	\$304.5	-1.2
Subtotal	\$768.8	\$759.8	-1.2
Less Offsetting Receipts ³	-\$0.0	-\$0.0	0.0
Total Budgeted Resources Included in Professional Hourly Rate	\$768.8	\$759.8	-1.2
Mission-Direct FTE (Whole numbers)	1,851	1,810	-2.2
Annual Mission-Direct FTE Productive Hours (Whole numbers)	1,510	1,510	0.0
Mission-Direct FTE Converted to Hours (Mission-Direct FTE multiplied by Annual Mission-Direct FTE Productive Hours) (In Millions)	2,795,010	2,733,100	-2.2
Professional Hourly Rate (Total Budgeted Resources Included in Professional Hourly Rate Divided by Mission-Direct FTE Converted to Hours) (Whole Numbers)	\$275	\$278	1.1

FY 2019 Fee Collection—Flat Application Fee Changes

The NRC is amending the flat application fees that it charges to applicants for materials licenses and other regulatory services, and holders of materials licenses in its schedule of fees in §§ 170.21 and 170.31 to reflect the revised professional hourly rate

³The fees collected by the NRC for Freedom of Information Act (FOIA) services and indemnity fees (financial protection required of all licensees for public liability claims at 10 CFR part 140) are subtracted from the budgeted resources amount when calculating the 10 CFR part 170 professional hourly rate, per the guidance in the Office of Management and Budget (OMB) Circular A-25, *User Charges*. The budgeted resources for FOIA activities are allocated under the product for Information Services within the Corporate Support business line. The budgeted resources for indemnity activities are allocated under the Licensing Actions and Research & Test Reactors products within the Operating Reactors business line.

of \$278. The NRC calculates these flat fees by multiplying the average professional staff hours needed to process the licensing actions by the professional hourly rate for FY 2019. The NRC analyzes the actual hours spent performing licensing actions and then estimates the average professional staff hours that are needed to process licensing actions as part of its biennial review of fees, which is required by Section 205(a) of the Chief Financial Officers Act of 1990 (31 U.S.C. 902(a)(8)). The NRC performed this review in FY 2019 and will perform this review again in FY 2021. The biennial review adjustments and the higher professional hourly rate of \$278 are the primary reasons for the increase in application fees. Please see the work papers for more detail.

The NRC rounds these flat fees in such a way that ensures both convenience for its stakeholders and that any rounding effects are minimal. Accordingly, fees under \$1,000 are rounded to the nearest \$10, fees between \$1,000 and \$100,000 are rounded to the nearest \$100, and fees greater than \$100,000 are rounded to the nearest \$1,000.

The licensing flat fees are applicable for certain materials licensing actions (see fee categories 1.C. through 1.D., 2.B. through 2.F., 3.A. through 3.S., 4.B. through 5.A., 6.A. through 9.D., 10.B., 15.A. through 15.L., 15.R., and 16 of § 170.31). Because the enacted budget excludes international activities from the fee-recoverable budget, import and export licensing actions, wholly funded through the international activities product line, (see fee categories K.1. through K.5. of § 170.21 and fee categories 15.A. through 15.R. of § 170.31) will not be charged flat fees under the final rule. Applications filed on or after the effective date of the FY 2019 final fee rule will be subject to the revised fees in the final rule.

FY 2019 Fee Collection—Fee-Relief and Low-Level Waste (LLW) Surcharge

As previously noted, OBRA-90 requires the NRC to recover approximately 90 percent of its annual budget authority for the fiscal year. The NRC applies the remaining 10 percent that is not recovered to offset certain budgeted activities—see Table III for a

full listing of these “fee-relief” activities. If the amount budgeted for these fee-relief activities is greater or less than 10 percent of the NRC’s annual budget authority (less the fee-recovery exclusions), then the NRC applies a fee adjustment (either an increase or decrease) to all licensees’ annual fees, based on their percentage share of the NRC’s budget.

In FY 2019, the amount budgeted for fee-relief activities is more than the 10 percent threshold. Therefore, the NRC is assessing a fee-relief surcharge that increases all licensees’ annual fees based on their percentage share of the budget. Table III summarizes the fee-relief activities budgeted for FY 2019. The FY 2018 amounts are provided for comparison purposes.

TABLE III—FEE-RELIEF ACTIVITIES
[Dollars in millions]

Fee-Relief Activities	FY 2018 Budgeted Resources Final Rule	FY 2019 Budgeted Resources Final Rule	Percentage Change
1. Activities not attributable to an existing NRC licensee or class of licensees:			
a. Agreement State oversight	\$13.5	\$11.5	-14.5
b. Scholarships and Fellowships	15.0	15.0	0.0
c. Medical Isotope Production Infrastructure	3.9	5.4	38.5

2. Activities not assessed under 10 CFR part 170 service fees or 10 CFR part 171 annual fees based on existing law or Commission policy:			
a. Fee exemption for nonprofit educational institutions	8.7	9.1	4.5
b. Costs not recovered from small entities under 10 CFR 171.16(c)	6.6	8.0	21.6
c. Regulatory support to Agreement States	17.4	14.7	-15.4
d. Generic decommissioning/reclamation (not related to the power reactor and spent fuel storage fee classes)	14.5	12.9	-11.0
e. Uranium recovery program and unregistered general licensees	1.5	7.2	380.0
f. Potential Department of Defense remediation program Memorandum of Understanding activities	1.2	2.1	78.8
g. Non-military radium sites	1.7	1.1	-33.5
Total fee-relief activities	83.9	87.0	3.7
Less 10 percent of the NRC's total FY budget (less the fee recovery exclusions)	-87.8	-86.8	-1.2
Fee-Relief Adjustment to be Allocated to All Licensees' Annual Fees	\$-3.9	\$0.3	106.4

Table IV shows how the NRC allocates the \$0.3 million fee-relief surcharge to each licensee fee class. Due to the transition of Wyoming to Agreement State status, the NRC is expanding the existing fee relief category, "*In situ leach rulemaking and unregistered general licensees*," to include additional uranium recovery program budgeted resources. This ensures the equitability and stability of annual fees for the

uranium recovery fee class by recognizing that the majority of uranium recovery licensees are now in Agreement States.

In addition to the fee-relief surcharge, the NRC also assesses a generic LLW surcharge of \$3.8 million. Disposal of LLW occurs at commercially operated LLW disposal facilities that are licensed by either the NRC or an Agreement State. Four existing LLW disposal facilities in the United States accept various types of LLW. All are located in Agreement States and, therefore, are regulated by an Agreement State, rather than the NRC. The NRC allocates this surcharge to its licensees based on data available in the U.S. Department of Energy's (DOE) Manifest Information Management System. This database contains information on total LLW volumes and NRC usage information from four generator classes: academic, industrial, medical, and utility. The ratio of utility waste volumes to total LLW volumes over a period of time is used to estimate the portion of this surcharge that will be allocated to the power reactors, fuel facilities, and materials fee classes. The materials portion is adjusted to account for the fact that a large percentage of materials licensees are licensed by the Agreement States rather than the NRC.

The LLW surcharge amounts have changed since the proposed rule. After the NRC published the proposed rule for public comment, DOE updated the Manifest Information Management System with 2019 data. As a result of the update, the LLW surcharge for operating power reactors fee class increased from \$2.8 million to \$3.2 million. For Fuel Facilities and Material Users, it decreased from \$0.8 million to \$0.5 million and from \$0.2 million to \$0.1 million, respectively. Additional details about these changes to the LLW surcharge resulting from DOE's update to the Manifest Information Management System can be found in Section IV of this document.

Table IV shows the LLW surcharge and fee-relief surcharge, and its allocation across the various fee classes.

**TABLE IV—ALLOCATION OF FEE-RELIEF ADJUSTMENT AND LLW SURCHARGE,
FY 2019
[Dollars in millions]**

	LLW Surcharge		Fee-Relief Adjustment		Total
	Percent	\$	Percent	\$	\$
Operating Power Reactors	84.0	3.189	86.7	0.220	3.409
Spent Fuel Storage/Reactor Decommissioning	0.0	0.0	4.7	0.012	0.012
Research and Test Reactors	0.0	0.0	0.1	0.000	0.000
Fuel Facilities	12.7	0.482	4.0	0.010	0.492
Materials Users	3.3	0.125	3.8	0.010	0.135
Transportation	0.0	0.0	0.6	0.002	0.002
Rare Earth Facilities	0.0	0.0	0.0	0.0	0.0
Uranium Recovery	0.0	0.0	0.1	0.0	0.0
Total	100.0	3.797	100.0	0.254	4.051

FY 2019 Fee Collection—Revised Annual Fees

In accordance with SECY-05-0164, “Annual Fee Calculation Method,” dated September 15, 2005 (ADAMS Accession No. ML052580332), the NRC rebaselines its annual fees every year. “Rebaselining” entails analyzing the budget in detail and then allocating the budgeted costs to various classes or subclasses of licensees. It also includes updating the number of NRC licensees in its fee calculation methodology.

The NRC revised its annual fees in §§ 171.15 and 171.16 to recover approximately 90 percent of the NRC’s FY 2019 budget authority (less the fee-recovery exclusions and the estimated amount to be recovered through 10 CFR part 170 fees). The total estimated 10 CFR part 170 collections for this final rule are \$252.1 million, a decrease of \$28.7 million from the FY 2018 fee rule. The NRC, therefore, must recover \$530.5 million through annual fees from its licensees, which is an increase of \$22.0 million from the FY 2018 final rule.

Table V shows the final rebaselined fees for FY 2019 for a representative list of license categories. The FY 2018 amounts are provided by each fee class for comparison purposes.

TABLE V—REBASELINED ANNUAL FEES
[Actual dollars]

Class/Category of Licenses	FY 2018 Final Annual Fee	FY 2019 Final Annual Fee	Percentage Change
Operating Power Reactors	\$4,333,000	\$4,669,000	7.8
+ Spent Fuel Storage/Reactor Decommissioning	198,000	152,000	-23.2
Total, Combined Fee	\$4,531,000	\$4,821,000	6.4
Spent Fuel Storage/Reactor Decommissioning	\$198,000	152,000	-23.2
Research and Test Reactors (Non-power Reactors)	\$81,300	82,400	1.4
High Enriched Uranium Fuel Facility	\$7,346,000	\$6,675,000	-9.1
Low Enriched Uranium Fuel Facility	\$2,661,000	\$2,262,000	-15.0
UF ₆ Conversion and Deconversion Facility	\$1,517,000	\$1,417,000	-6.6
Basic <i>In Situ</i> Recovery Facilities (Category	\$49,200	\$49,200	0.0

2.A.(2)(b))			
Typical Users:			
Radiographers (Category 3O)	\$25,000	\$30,200	20.8
Well Loggers (Category 5A)	\$14,900	\$14,600	-2.0
All Other Specific Byproduct Material Licensees (Category 3P)	\$8,600	\$10,000	16.3
Broad Scope Medical (Category 7B)	\$30,900	\$31,600	2.3

The work papers that support this final rule show in detail how the NRC allocates the budgeted resources for each class of licensees and calculates the fees.

Paragraphs a. through h. of this section describe budgeted resources allocated to each class of license and the calculations of the rebaselined fees. For more information about detailed fee calculations for each class, please consult the work papers for this final rule.

a. Operating Power Reactors

The NRC will collect \$457.6 million in annual fees from the power reactor fee class in FY 2019, as shown in Table VI. The FY 2018 fees and percentage change are shown for comparison purposes.

**TABLE VI—ANNUAL FEE SUMMARY CALCULATIONS FOR
OPERATING POWER REACTORS
[Dollars in millions]**

Summary Fee Calculations	FY 2018 Final	FY 2019 Final	Percentage Change
Total budgeted resources	\$669.9	\$670.2	0.0
Less estimated 10 CFR part 170 receipts	-239.6	-217.7	-9.1
Net 10 CFR part 171 resources	430.4	452.5	5.1

Allocated generic transportation	0.3	0.2	-7.7
Fee-relief adjustment/LLW surcharge	-0.8	3.4	542.8
Billing adjustment	-0.9	1.5	273.3
Total required annual fee recovery	428.9	457.6	6.7
Total operating reactors	99	98	-1.0
Annual fee per reactor	\$4.333	\$4.669	7.8

In comparison to FY 2018, the operating power reactors budgeted resources increased minimally in FY 2019. But estimated billings under 10 CFR part 170 declined primarily due to decreases in both licensing actions and inspections resulting from the shutdown of the Oyster Creek reactor at the end of FY 2018, the planned shutdown of Pilgrim and Three Mile Island reactors during FY 2019, and the completion of the APR1400 design certification for Korea Hydro and Nuclear Power Co., LTD. These decreases in the estimated billings under 10 CFR part 170 are offset slightly to reflect an increase in risk-informed licensing reviews.

The recoverable budgeted costs are divided equally among the 98 licensed power reactors, resulting in an annual fee of \$4,669,000 per reactor. Additionally, each licensed power reactor is assessed the FY 2019 spent fuel storage/reactor decommissioning annual fee of \$152,000 (see Table VII and the discussion that follows). The combined FY 2019 annual fee for power reactors is, therefore, \$4,821,000.

On May 24, 2016, the NRC amended its licensing, inspection, and annual fee regulations to establish a variable annual fee structure for light-water small modular reactors (SMRs). Under the variable annual fee structure, effective June 23, 2016, an SMR's annual fee would be calculated as a function of its licensed thermal power rating.

Currently, there are no operating SMRs; therefore, the NRC will not assess an annual fee in FY 2019 for this type of licensee.

b. Spent Fuel Storage/Reactor Decommissioning

The NRC will collect \$18.6 million in annual fees from 10 CFR part 50 power reactors, and from 10 CFR part 72 licensees that do not hold a 10 CFR part 50 license, to collect the budgeted costs for the spent fuel storage/reactor decommissioning fee class as shown in Table VII. The FY 2018 values are shown for comparison purposes.

**TABLE VII—ANNUAL FEE SUMMARY CALCULATIONS FOR
SPENT FUEL STORAGE/REACTOR DECOMMISSIONING**
[Dollars in millions]

Summary Fee Calculations	FY 2018 Final	FY 2019 Final	Percentage Change
Total budgeted resources	\$33.8	\$35.6	5.3
Less estimated 10 CFR part 170 receipts	-10.2	-17.8	75.3
Net 10 CFR part 171 resources	23.7	17.8	-24.7
Allocated generic transportation costs	0.7	0.7	-9.2
Fee-relief adjustment	-0.2	0.0	107.0
Billing adjustments	0.0	0.1	299.2
Total required annual fee recovery	24.2	18.6	-23.2
Total spent fuel storage facilities	122	122	0.0
Annual fee per facility	\$0.198	\$0.152	-23.2

Compared to FY 2018, the FY 2019 budgeted resources for spent fuel storage/reactor decommissioning increased due to: 1) an increase in the number of financial reviews and licensing actions associated with operating power reactors undergoing decommissioning, 2) the ongoing licensing reviews for two consolidated interim storage facility license applications including the development of environmental

impact statements, and 3) the independent spent fuel storage installation license renewal for Three Mile Island-2, Trojan, and Rancho Seco and the associated environmental assessments.

The 10 CFR part 170 estimated billings for FY 2019 increased due to:

1) resuming licensing work on Interim Storage Partner's (previously named Waste Control Specialists) consolidated interim storage facility application, 2) increasing work on Holtec International's consolidated interim storage facility application, and 3) an increased workload for reactors in decommissioning.

The annual fee decreased due to rising 10 CFR part 170 estimated billings. The required annual fee recovery amount is divided equally among 122 licensees, resulting in a FY 2019 annual fee of \$152,000 per licensee.

c. Fuel Facilities

The NRC will collect \$24.5 million in annual fees from the fuel facilities class.

The FY 2018 values are shown for comparison purposes.

**TABLE VIII—ANNUAL FEE SUMMARY CALCULATIONS FOR
FUEL FACILITIES
[Dollars in millions]**

Summary Fee Calculations	FY 2018 Final	FY 2019 Final	Percentage Change
Total budgeted resources	\$35.2	\$30.0	-14.8
Less estimated 10 CFR part 170 receipts	-9.2	-7.3	-21.5
Net 10 CFR part 171 resources	26.0	22.7	-12.4
Allocated generic transportation	1.3	1.2	-9.3
Fee-relief adjustment/LLW surcharge	0.5	0.5	-3.4
Billing adjustments	0.0	0.1	237.0

Total remaining required annual fee recovery ⁴	\$27.7	24.5	-11.7
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In comparison to FY 2018, the fuel facilities budgeted resources decreased in FY 2019, primarily due to the anticipated completion of work associated with the Cyber Security Rulemaking and additional efficiencies to align resources with a smaller projected workload.

The estimated 10 CFR part 170 billings decreased in FY 2019 as a result of the expected termination of the CB&I AREVA MOX Fuel Fabrication facility construction authorization and license application withdrawal, and the expected completion of Honeywell's license renewal while plant operations are idle, offset by increased work for Westinghouse associated with an emergency preparedness exercise, its license renewal, and increased work for conducting the Nuclear Fuel Services force-on-force exercise.

The NRC will continue allocating annual fees to individual fuel facility licensees based on the effort/fee determination matrix developed in the FY 1999 final fee rule (64 FR 31447; June 10, 1999). To briefly recap, the matrix groups licensees within this fee class into various fee categories. The matrix lists processes conducted at licensed sites and assigns effort factors for the safety and safeguards activities associated with each process (these effort levels are reflected in Table IX). The annual fees are then distributed across the fee class based on the regulatory effort assigned by the matrix. The effort factors in the matrix represent non-billable, regulatory effort (e.g., rulemaking, guidance, etc.). Billable regulatory effort, such as the number of inspections, is not

⁴ See Table X for percentage change for each fee category.

applicable to the effort factor. In FY 2019, the safety factor in the effort factors matrix for Uranium Hexafluoride (UF₆)/Metal processes at Uranium Enrichment facilities has been reduced from 10 (high effort) to 5 (moderate effort) for this process at enrichment facilities. Enrichment facilities receive natural uranium as feed material and produce a low enriched uranium (LEU) product. Enrichment facilities are not authorized to produce high enriched uranium (HEU). Therefore, enrichment facilities are more like LEU fuel fabrication facilities than HEU fuel fabrication facilities in terms of level of impact to non-billable regulatory effort (e.g., rulemaking, guidance, etc.) in the area of Solid UF₆/Metal process. In addition, the non-billable effort is more aligned to the moderate effort for facilities fabricating low enriched fuel than the high effort for facilities fabricating high enriched fuel. This is because the regulations and guidance for criticality safety, physical protection, and material control and accounting are more extensive for HEU than LEU or natural uranium, and the regulations and guidance for physical protection and material control and accounting are more extensive for HEU than LEU or natural uranium.

TABLE IX—EFFORT FACTORS FOR FUEL FACILITIES, FY 2019

Facility Type (fee category)	Number of Facilities	Effort Factors	
		Safety	Safeguards
High-Enriched Uranium Fuel (1.A.(1)(a))	2	88	91
Low-Enriched Uranium Fuel (1.A.(1)(b))	3	70	21
Limited Operations (1.A.(2)(a))	0	0	0
Gas Centrifuge Enrichment Demonstration (1.A.(2)(b))	0	0	0
Hot Cell (and others) (1.A.(2)(c))	0	0	0
Uranium Enrichment (1.E.)	1	16	23
UF ₆ Conversion and Deconversion (2.A.(1))	1	12	7

In FY 2019, the total remaining required annual fee recovery amount of \$24.5 million is comprised of safety activities, safeguards activities, and the fee-relief adjustment/LLW surcharge. For FY 2019, the total budgeted resources to be recovered as annual fees for safety activities are \$13.6 million. To calculate the annual fee, the NRC allocates this amount to each fee category based on its percent of the total regulatory effort for safety activities. Similarly, the NRC allocates the budgeted resources to be recovered as annual fees for safeguards activities, \$10.4 million, to each fee category based on its percent of the total regulatory effort for safeguards activities. Finally, the fuel facilities fee class portion of the fee-relief adjustment/LLW surcharge—\$0.5 million—is allocated to each fee category based on its percentage of the total regulatory effort for both safety and safeguards activities. The annual fee per licensee is then calculated by dividing the total allocated budgeted resources for the fee category by the number of licensees in that fee category. The fee for each facility is summarized in Table X.

TABLE X—ANNUAL FEES FOR FUEL FACILITIES

[Actual dollars]

Facility Type (fee category)	FY 2018 Final Annual Fee	FY 2019 Final Annual Fee	Percentage Change
High-Enriched Uranium Fuel (1.A.(1)(a))	\$7,346,000	\$6,675,000	-9.1
Low-Enriched Uranium Fuel (1.A.(1)(b))	\$2,661,000	\$2,262,000	-15.0
Gas Centrifuge Enrichment Demonstration (1.A.(2)(b))	N/A	N/A	N/A
Hot Cell (and others) (1.A.(2)(c))	N/A	N/A	N/A
Uranium Enrichment (1.E.)	\$3,513,000	\$2,909,000	-17.2
UF ₆ Conversion and Deconversion (2.A.(1))	\$1,517,000	\$1,417,000	-6.6

d. Uranium Recovery Facilities

The NRC will collect \$0.2 million in annual fees from the uranium recovery facilities fee class, a decrease of 65.2 percent from FY 2018. The FY 2018 values are shown for comparison purposes.

**TABLE XI—ANNUAL FEE SUMMARY CALCULATIONS FOR
URANIUM RECOVERY FACILITIES**
[Dollars in millions]

Summary fee calculations	FY 2018 Final	FY 2019 Final	Percentage Change
Total budgeted resources	\$13.5	\$1.0	-92.6
Less estimated 10 CFR part 170 receipts	-12.9	-0.8	-93.6
Net 10 CFR part 171 resources	0.6	0.2	-71.0
Allocated generic transportation	N/A	N/A	N/A
Fee-relief adjustment	-0.1	0.0	100.5
Billing adjustments	0.0	0.0	0.0
Total required annual fee recovery	\$0.5	\$0.2	-65.2

In comparison to FY 2018, the FY 2019 budgeted resources for uranium recovery licensees decreased due to the transition of Wyoming to Agreement State status and subsequent realignment of the Uranium Mill Tailings Radiation Control Act (UMTRCA) program. In addition, budgeted resources decreased as a result of expanding the existing fee-relief category, “*In Situ* leach rulemaking and unregistered general licenses” to include additional Uranium Recovery activities in order to ensure equitability and the stability of annual fees.

The NRC regulates DOE’s Title I and Title II activities under UMTRCA⁵ and the annual fee assessed to DOE includes the costs specifically budgeted for the NRC’s UMTRCA Title I and II activities, as well as 10 percent of the remaining budgeted costs

⁵ The Congress established the two programs, Title I and Title II, under UMTRCA to protect the public and the environment from uranium milling. The UMTRCA Title I program is for remedial action at abandoned mill tailings sites where tailings resulted largely from production of uranium for the weapons program. The NRC also regulates DOE’s UMTRCA Title II program, which is directed toward uranium mill sites licensed by the NRC or Agreement States in or after 1978.

for this fee class. The DOE's UMTRCA annual fee decreased slightly due to the budgeted resources reduction and an increase in estimated 10 CFR part 170 billings at various DOE UMTRCA sites. The NRC assesses the remaining 90 percent of its budgeted costs to the remaining licensee in this fee class, as described in the work papers. This is reflected in Table XII as follows:

**TABLE XII—COSTS RECOVERED THROUGH ANNUAL FEES;
URANIUM RECOVERY FEE CLASS
[Actual dollars]**

Summary of Costs:	FY 2018 Final Annual Fee	FY 2019 Final Annual Fee	Percentage Change
DOE Annual Fee Amount (UMTRCA Title I and Title II) General Licenses: UMTRCA Title I and Title II budgeted costs less 10 CFR part 170 receipts	\$80,921	\$115,888	43.2
10 percent of generic/other uranium recovery budgeted costs	47,723	5,431	-88.6
10 percent of uranium recovery fee-relief adjustment	-6,724	33	100.5
Total Annual Fee Amount for DOE (rounded)	122,000	121,000	-0.8
Annual Fee Amount for Other Uranium Recovery Licenses: 90 percent of generic/other uranium recovery budgeted costs less the amounts specifically budgeted for UMTRCA Title I and Title II activities	429,509	48,880	-88.6
90 percent of uranium recovery fee-relief adjustment	-60,517	294	104.5
Total Annual Fee Amount for Other Uranium Recovery Licenses	\$368,992	\$49,173	-86.7

Further, for the non-DOE licensees, the NRC continues to use a matrix to determine the level of effort associated with conducting the generic regulatory actions for the different licensees in this fee class; this is similar to the NRC's approach for fuel facilities, described previously.

The matrix methodology for uranium recovery licensees first identifies the licensee categories included within this fee class (excluding DOE). These categories are: conventional uranium mills and heap leach facilities; uranium *In Situ* Recovery (ISR) and resin ISR facilities; mill tailings disposal facilities; and uranium water treatment facilities. The matrix identifies the types of operating activities that support and benefit these licensees, along with each activity's relative weight (for more information, see the work papers). Currently, there is only one remaining non-DOE licensee which is a Basic *In Situ* Recovery facility. Table XIII displays the benefit factors for the non-DOE licensee in that fee category:

TABLE XIII—BENEFIT FACTORS FOR URANIUM RECOVERY LICENSES

Fee Category	Number of Licensees	Benefit Factor Per Licensee	Total Value	Benefit Factor Percent Total
Conventional and Heap Leach mills (2.A.(2)(a))	0	0	0	0
Basic <i>In Situ</i> Recovery facilities (2.A.(2)(b))	1	190	190	100.0
Expanded <i>In Situ</i> Recovery facilities (2.A.(2)(c))	0	0	0	0
Section 11e.(2) disposal incidental to existing tailings sites (2.A.(4))	0	0	0	0
Total	1	190	190	100.0

The annual fee for the remaining non-DOE licensee is calculated by allocating 100 percent of the budgeted resources, as summarized in Table XIV.

**TABLE XIV—ANNUAL FEES FOR URANIUM RECOVERY LICENSEES
(Other than DOE)
[Actual dollars]**

Facility Type (fee category)	FY 2018 Final Annual Fee	FY 2019 Final Annual Fee	Percentage Change
Conventional and Heap Leach mills (2.A.(2)(a))	\$38,800	N/A	-100.0
Basic <i>In Situ</i> Recovery facilities (2.A.(2)(b))	\$49,200	\$49,200	0.0
Expanded <i>In Situ</i> Recovery facilities (2.A.(2)(c))	\$55,700	N/A	-100.0
Section 11e.(2) disposal incidental to existing tailings sites (2.A.(4))	\$22,000	N/A	-100.0
Uranium water treatment (2.A.(5))	\$6,500	N/A	-100.0

e. Research and Test Reactors (Non-power Reactors)

The NRC will collect \$0.329 million in annual fees from the research and test reactor fee class. The FY 2018 values are shown for comparison purposes.

**TABLE XV—ANNUAL FEE SUMMARY CALCULATIONS FOR
RESEARCH AND TEST REACTORS
[Actual dollars]**

Summary Fee Calculations	FY 2018 Final	FY 2019 Final	Percentage Change
Total budgeted resources	\$2,008,986	\$834,280	-58.5
Less estimated 10 CFR part 170 receipts	-1,698,000	-538,000	-68.3
Net 10 CFR part 171 resources`	310,986	296,280	-4.7
Allocated generic transportation	27,249	30,971	14.7
Fee-relief adjustment	-10,176	284	103.1
Billing adjustments	-2,585	1,901	163.4

Total required annual fee recovery	325,317	329,436	1.4
Total research and test reactors	4	4	0.0
Total annual fee per reactor	\$81,300	\$82,400	1.4

For this fee class, the budgeted resources decreased due to projected application delays within the medical isotope production facilities for SHINE Medical Technologies, Inc. and Northwest Medical Isotopes, LLC. The 10 CFR part 170 estimated billings also decreased due to projected operating license application delays within the medical isotope production facilities for SHINE Medical Technologies, Inc. and Northwest Medical Isotopes, LLC, and due to December 2018 request from Aerotest Operations, Inc. to withdraw the license renewal application.

The required annual fee-recovery amount is divided equally among the four research and test reactors subject to annual fees and results in an FY 2019 annual fee of \$82,400 for each licensee.

f. Rare Earth

The NRC has not allocated any budgeted resources to this fee class; therefore, the NRC is not issuing an annual fee for this fee class in FY 2019.

g. Materials Users

The NRC will collect \$36.4 million in annual fees from materials users licensed under 10 CFR parts 30, 40, and 70. The FY 2018 values are shown for comparison purposes.

**TABLE XVI—ANNUAL FEE SUMMARY CALCULATIONS FOR
MATERIALS USERS
[Dollars in millions]**

Summary Fee Calculations	FY 2018 Final	FY 2019 Final	Percentage Change
Total budgeted resources for licensees not regulated by Agreement States	\$32.1	\$36.0	12.4
Less estimated 10 CFR part 170 receipts	-0.9	-1.1	11.7
Net 10 CFR part 171 resources	31.1	35.0	12.4
Allocated generic transportation	1.3	1.2	-9.1
Fee-relief adjustment/LLW surcharge	0.0	0.1	237.2
Billing adjustments	0.0	0.1	314.2
Total required annual fee recovery	\$32.4	\$36.4	12.1

The annual fee for these categories of materials users' licenses is developed as follows: Annual Fee = Constant x [Application Fee + (Average Inspection Cost / Inspection Priority)] + Inspection Multiplier x (Average Inspection Cost / Inspection Priority) + Unique Category Costs. The total annual fee recovery of \$36.4 million for FY 2019 shown in Table XVI consists of the following: \$28.5 million for general costs, \$7.5 million for inspection costs, \$0.2 million for unique costs for medical licenses and \$0.1 million for fee relief/LLW costs. To equitably and fairly allocate the \$36.4 million required to be collected among approximately 2,600 diverse materials users' licensees, the NRC continues to calculate the annual fees for each fee category within this class based on the 10 CFR part 170 application fees and estimated inspection costs for each fee category. Because the application fees and inspection costs are indicative of the complexity of the materials license, this approach provides a proxy for allocating the generic and other regulatory costs to the diverse fee categories. This fee-calculation

method also considers the inspection frequency (priority), which is indicative of the safety risk and resulting regulatory costs associated with the categories of licenses.

The NRC is increasing and decreasing annual fees for licensees in this fee class in FY 2019 due to the results of the biennial review of fees and the realignment of licensing resources that supports the materials users fee class, which in previous years, were allocated primarily to agreement state fee relief activities. In the past, these resources had been allocated to primarily to agreement state fee-relief activities; however, upon a holistic review of the materials program, it was determined that these resources support the materials users fee class and not agreement state fee-relief activities. The biennial review of fees analysis examines the actual hours spent in previous years performing licensing actions and then estimates the average professional staff hours that are needed to process similar licensing actions multiplied by the professional hourly rate for FY 2019.

The constant multiplier is established to recover the total general costs (including allocated generic transportation costs) of \$28.5 million. To derive the constant multiplier, the general cost amount is divided by the product of all fee categories (application fee plus the inspection fee divided by inspection priority) then multiplied by the number of licensees. This calculation results in a constant multiplier of 1.32 for FY 2019. The average inspection cost is the average inspection hours for each fee category multiplied by the professional hourly rate of \$278. The inspection priority is the interval between routine inspections, expressed in years. The inspection multiplier is established in order to recover the \$7.5 million in inspection costs. To derive the inspection multiplier, the inspection costs amount is divided by the product of all fee categories (inspection fee divided by inspection priority) then multiplied by the number of licensees. This calculation results in an inspection multiplier of 1.44 for FY 2019. The unique category costs are any special costs that the NRC has budgeted for a specific category of

licenses. For FY 2019, unique category costs include approximately \$0.2 million in budgeted costs for the implementation of revised 10 CFR part 35, “Medical Use of Byproduct Material,” which has been allocated to holders of NRC human-use licenses. Please see the work papers for more detail about this classification.

The annual fee assessed to each licensee also includes a share of the approximately \$0.010 million fee-relief surcharge assessment allocated to the materials users fee class (see Table IV, “Allocation of Fee-Relief Adjustment and LLW Surcharge, FY 2019,” in Section IV, “Discussion,” of this document), and for certain categories of these licensees, a share of the approximately \$0.125 million LLW surcharge costs allocated to the fee class. The annual fee for each fee category is shown in the revision to § 171.16(d).

h. Transportation

The NRC will collect \$1.0 million in annual fees to recover generic transportation budgeted resources. The FY 2018 values are shown for comparison purposes.

**TABLE XVII—ANNUAL FEE SUMMARY CALCULATIONS
FOR TRANSPORTATION
[Dollars in millions]**

Summary Fee Calculations	FY 2018 Final	FY 2019 Final	Percentage Change
Total Budgeted Resources	\$7.9	\$8.0	2.1
Less Estimated 10 CFR part 170 Receipts	-3.1	-3.7	18.4
Net 10 CFR part 171 Resources	4.7	4.3	-9.0
Less Generic Transportation Resources	-3.6	-3.3	-9.0
Fee-relief adjustment/LLW surcharge	0.0	0.0	0.0

Billing adjustments	0.0	0.0	0.0
Total required annual fee recovery	\$1.1	\$1.0	-5.3

In comparison to FY 2018, the total budgeted resources for FY 2019 for generic transportation activities increased slightly for IT infrastructure activities. The increase in budgetary resources was offset by an increase in estimated 10 CFR part 170 billings primarily due to an increase in casework for Daher Nuclear Technologies and Holtec International.

Consistent with the policy established in the NRC's FY 2006 final fee rule (71 FR 30721; May 30, 2006), the NRC recovers generic transportation costs unrelated to DOE by including those costs in the annual fees for licensee fee classes. The NRC continues to assess a separate annual fee under § 171.16, fee category 18.A. for DOE transportation activities. The amount of the allocated generic resources is calculated by multiplying the percentage of total Certificates of Compliance (CoCs) used by each fee class (and DOE) by the total generic transportation resources to be recovered.

This resource distribution to the licensee fee classes and DOE is shown in Table XVIII. Note that for the research and test reactors fee class, the NRC allocates the distribution to only those licensees that are subject to annual fees. Although four CoCs benefit the entire research and test reactor class, only 4 out of 31 research and test reactors are subject to annual fees. Consequently, the number of CoCs used to determine the proportion of generic transportation resources allocated to research and test reactors annual fees has been adjusted to 0.7 so the research and test reactors subject to annual fees are charged a fair and equitable portion of the total. For more information, see the work papers.

**TABLE XVIII—DISTRIBUTION OF TRANSPORTATION RESOURCES,
FY 2018
[Dollars in millions]**

Licensee Fee Class/DOE	Number of CoCs Benefiting Fee Class or DOE	Percentage of Total CoCs	Allocated Generic Transportation Resources
Materials Users	25.0	27.9	\$1.2
Operating Power Reactors	5.0	5.6	0.2
Spent Fuel Storage/Reactor Decommissioning	14.0	15.6	0.7
Research and Test Reactors	0.7	0.7	0.0
Fuel Facilities	24.0	26.8	1.2
Sub-Total of Generic Transportation Resources	68.7	76.6	3.3
DOE	21.0	23.4	1.0
Total	89.7	100.0	\$4.3

The NRC assesses an annual fee to DOE based on the 10 CFR part 71 CoCs it holds. The NRC, therefore, does not allocate these DOE-related resources to other licensees' annual fees because these resources specifically support DOE.

FY 2019—Policy Changes

The NRC is making two policy changes for FY 2019:

Changes to Small Materials Users Fee Categories for Locations of Use

The NRC is adding one new fee subcategory under § 170.31, “Schedule of fees for materials licenses and other regulatory services, including inspections, and import and export licenses,” and § 171.16, “Annual fees: materials licensees, holders of certificates of compliance, holders of sealed source and device registrations, holders of quality assurance program approvals, and government agencies licensed by the NRC.” Generally speaking, § 170.31 assigns the same fee to each licensee in the fee category, regardless of the amount of locations that the licensee is authorized to use. Yet for some of these fee categories, the NRC determined that it spends a disproportionate amount of time on licensees with six or more locations compared to licensees in the same fee category with fewer than six locations. Previously—in the FY 2015 final fee rule (80 FR 37432; June 30, 2015)—the NRC therefore added three fee subcategories under one fee category, 3.L. (research and development broad scope). And in the FY 2018 final fee rule (83 FR 29622; June 25, 2018), the NRC added 14 fee subcategories under, 3.A., 3.B., 3.C., 3.O., 3.P., 7.A. and 7.B. for licenses with six or more locations of use. For the FY 2019 fee rule, the NRC determined that there is one more category of licenses that is affected. Accordingly, the NRC is adding subcategories to this fee category:

- Medical licenses under fee category 7.C.

To more accurately reflect the cost of services provided by the NRC, this change results in this fee category having subcategories for 1-5, 6-20, and more than 20 locations of use. Program codes have also been added to the new subcategories in this final rule.

Eliminate a Fee Category

In response to comments received on the FY 2018 proposed fee rule, and PRM-170-7, the NRC is eliminating a fee category under §§ 170.31 and 171.16. The fee category is 2.A.(5)—Licenses that authorize the possession of source material related to removal of contaminants (source material) from drinking water.

Under current NRC regulations, an entity that removes uranium from drinking water at community water systems is viewed as a “2.A.(5) fee category” licensee for fee purposes.

Although the licensee recovers sufficient quantities of uranium to require an NRC license (or a license from an Agreement State), its licensed material is not sold for profit; rather, the licensed material is a waste product from its water treatment process. These types of “uranium recovery” licensees are therefore distinguishable from those licensees that profit from concentrating uranium as source material. The NRC believes that full cost recovery is not warranted for licensees that do not profit from concentrating uranium. Therefore, the NRC is eliminating this fee category from §§ 170.31 and 171.16 and reclassifying current and future licensees under this category to 2.F.—All other source material licenses.

FY 2019—Administrative Changes

The NRC is making one administrative change and a technical correction in this final rule:

Change Small Entity Fees

As stated in SECY-08-0174, “Fiscal Year 2009 Proposed Fee Rule and Advance Rulemaking for Grid-Appropriate Reactor Fees,” dated November 7, 2008 (ADAMS Accession No. ML083120518), the NRC determined that the maximum small entity fee

should be adjusted each biennial year using a fixed percentage of 39 percent applied to the prior 2-year weighted average of materials users' fees for all fee categories which have small entity licensees. The 39 percent was based on the small entity annual fee for 2005, which was the first year the NRC was required to recover only 90 percent of its budget authority. This methodology remains in place; however, the NRC does also consider whether or not implementing an increase will have a disproportionate impact on the NRC's small licensees when compared to other licensees. Therefore, the increase for the upper and lower tier fees were capped at a 21 percent increase.

In accordance with NRC policy, in FY 2019 the NRC conducted a biennial review of small entity fees to determine whether the NRC should change those fees. The NRC used the fee methodology, developed in FY 2009, which applies a fixed percentage of 39 percent to the prior 2-year weighted average of materials users' fees when performing its biennial review. Based on this methodology, the NRC determined the new small entity fees for FY 2019 would be \$4,500 for upper-tier small entities and \$900 for lower-tier small entities. As a result of the NRC's FY 2019 biennial review using the same methodology, the NRC is increasing the upper tier small entity fee from \$4,100 to \$4,500 and increasing the lower-tier fee from \$850 to \$900. This would constitute a 13-percent and 6-percent increase, respectively. The NRC believes these fees are reasonable and provide relief to small entities while at the same time recovering from those licensees some of the NRC's costs for activities that benefit them.

Technical Correction

The NRC is making a technical correction to two cross-references in 10 CFR part 171.15(a) and (f). Currently, 10 CFR 171.15(a) and (f) reference 10 CFR 171.11(a). Both 10 CFR part 171.15(a) and (f) should reference 10 CFR part 171.11(b) instead of § 171.11(a).

Update to the Fees Transformation Initiative

As an informational update, the Staff Requirements Memorandum, dated October 19, 2016, (ADAMS Accession No. ML16293A902) for SECY-16-0097, “Fee Setting Improvements and Fiscal Year 2017 Proposed Fee Rule,” (ADAMS Accession No. ML16194A365) directed staff to explore, as a voluntary pilot, whether a flat fee structure could be established for routine licensing matters in the area of uranium recovery, and to accelerate the fees setting process improvements including the transition to an electronic billing system. With respect to the voluntary flat fees pilot, the NRC staff has developed a project plan and is on target to complete this activity. With respect to the fees setting process improvements, all seven of the activities scheduled for FY 2018, and an additional 10 scheduled for FY 2019, were completed by the end of FY 2018. These improvements included discontinuing the Project Manager/Resident Inspector 6 percent overhead charge, enhancing the information included on the 10 CFR part 170 invoices, improving the fee rule work papers, and enhancing the financial management systems. In FY 2019, two additional activities have been evaluated and completed for the project manager to provide details of contract costs listed on the invoice, on request, and one site per license.

For the remaining process changes recommended for future consideration, the NRC is well-positioned to complete them on schedule. For more information, please see the fees transformation accomplishments schedule, located on our license fees Web site at: <https://www.nrc.gov/about-nrc/regulatory/licensing/fees-transformation-accomplishments.html>.

III. Petition for Rulemaking (PRM-170-7; NRC-2018-0172)

The NRC welcomed general comments on the proposed rule; in addition, the NRC requested public comment on the issues raised in a petition for rulemaking

(ADAMS Accession No. ML18214A757), dated July 3, 2018, which was submitted to the NRC by Christopher S. Pugsley, Esq. (the petitioner), on behalf of Water Remediation Technology (WRT), LLC. The petitioner requested that the NRC amend its regulations regarding full cost recovery of licensee fees. The petition was docketed by the NRC on August 2, 2018, and was assigned Docket No. PRM-170-7. The NRC published a notice of docketing in the *Federal Register* on November 2, 2018 (83 FR 55113), but did not request public comment at that time.

The petitioner requested that the NRC amend its regulations to re-categorize WRT as a licensee that does not require full-cost recovery for fees billed to it during the life of its license under 10 CFR part 170. The petitioner also requested that the NRC address consistency issues between 10 CFR parts 170 and 171 for small entities and consider amending language under § 170.11 to extend the time within which a licensee may appeal the assessment of fees and apply for a fee exemption. The petitioner asked the NRC to consider these rule changes within the context of its rulemaking to amend 10 CFR parts 170 and 171 to collect FY 2019 fees. The NRC received one comment on the petition from the petitioner regarding the NRC's consideration of the petition. The NRC will publish a subsequent notice in the *Federal Register* to resolve all of the issues raised by the petitioner. See the FY 2019 Policy Change section of this document for additional information regarding the elimination of fee category 2.A.5.

IV. Public Comment Analysis

Overview of Public Comments

The NRC received 14 written comment submissions on the proposed rule. A comment submission for the purpose of this rule is defined as a written communication or document submitted to the NRC by an individual or entity, with one or more distinct

comments addressing a subject or an issue. A comment, on the other hand, refers to a statement made in the submission addressing a subject or issue. In general, the commenters were supportive of the specific proposed regulatory changes, although most commenters expressed concerns about broader fee-policy issues related to transparency, fairness, and overall size of the budget.

The commenters are listed in Table XIX.

TABLE XIX—FY 2019 PROPOSED FEE RULE COMMENTER SUBMISSIONS

Commenter	Affiliation	ADAMS Accession No.
Anonymous	Unknown	ML19036A910
Douglas Weaver	Westinghouse Electric Company (WEC)	ML19056A578
Roger Wink	Ameren Missouri/Callaway Plant (Ameren)	ML19056A577
Doug True	Nuclear Energy Institute (NEI)	ML19059A252
Bradley Fewell	Exelon Generation Company, LLC (Exelon)	ML19059A253
Paul Kerl	U.S. Department of Energy (DOE)	ML19063B521
Justin Wheat	Southern Nuclear Operating Company (SNC)	ML19063B584
David Ward	BWXT Nuclear Operations Group, Inc. (BWXT)	ML19063B584
Robin Ritzman	FirstEnergy Nuclear Operating Company (FENOC)	ML19063B739
Stephen Cowne	Louisiana Energy Services, LLC, dba URENCO USA (URENCO)	ML19064B074
Michael Dimitriou	Water Remediation Technology LLC	ML19064B346

	(WRT)	
Anonymous	Unknown	ML19064B309
Matthew Ostdiek	Rendezvous Engineering, P.C. (RE)	ML19070A318
Richard J. Freudenberger	Nuclear Fuel Services Inc. (NFS)	ML19071A010

Information about obtaining the complete text of the comment submissions is available in Section XIV, “Availability of Documents,” of this document.

V. Public Comments and NRC Responses

The NRC has carefully considered the public comments received on the proposed rule. The comments have been organized by topic. Comments from multiple commenters raising similar specific concerns were combined to capture the common essential issues raised by the commenters. Comments from a single commenter have been quoted to ensure accuracy; brackets within those comments are used show changes that have been made to the quoted comments. The NRC responses are preceded by a short summary of the issues raised by the commenters.

A. Public Participation in Budget Formulation

Comment: The Congressional Budget Justification (CBJ) for FY 2019 provides only high-level information, and its description of activities intended to justify the budget request provides little information upon which a determination of sufficiency can be formed. In addition, the NRC should transform its process to support budget formulation discussions with industry directly during the development of the NRC budget justification since public meetings and discussions thus far have been reactive in nature, and to more accurately determine a necessary reactor fee partition. (NEI, Exelon)

Response: Two commenters expressed a desire for industry to be involved with the NRC directly during the development of the NRC's budget to better determine the sufficiency of the budget and to accurately determine the necessary reactor fee. The NRC disagrees with these comments. Because NRC is an independent safety regulator it would not be appropriate for stakeholders to be involved in the NRC's budget formulation. In addition, the U.S. Office of Management and Budget (OMB) establishes the Executive Branch budget process through OMB Circular No. A-11, "Preparation, Submission, and Execution of the Budget." Section 22.1 of OMB Circular No. A-11 requires that pre-decisional budget deliberations remain confidential until the release of the President's Budget Request to Congress (the CBJ). However, the NRC seeks information on projected workload through public meetings and other forms of public outreach with licensees to better inform budget formulation workload assumptions.

No changes were made to the final rule as a result of these comments.

B. Budget Formulation

Comment: The cost of a corporate support FTE has increased by 20 percent over the past 2 years. This increase is significantly more than the rise in cost of other FTEs listed in the Work Papers. Provide an explanation for the increase in cost in the FY 2019 final fee rule or work papers. In addition, provide additional budget information to support the absence of more significant reductions in the corporate support budget and identify the actions being taken to reduce this business line, especially as the number of operating reactors is decreasing. (WEC, NEI)

Response: Regarding the two commenters assertion that the cost of a corporate support FTE has increased, the NRC agrees that the cost has risen because of adjusting the budgeted rate to closely align with the actual cost. As in other Federal agencies, the

NRC's workforce is aging, and the associated benefit costs have increased accordingly, primarily with healthcare and pension benefits.

Regarding the assertion that the NRC should reduce its budget commensurate with the reduction in the number of operating reactors, the NRC agrees, but that reduction is not linearly proportional as there is a cost for the infrastructure that must be maintained independent of the number of operating facilities (e.g., operating reactors and fuel facilities). These infrastructure costs include indirect services and the business line portion of corporate support. Indirect services include rulemaking, maintaining guidance for licensees, maintaining procedures for NRC staff, training, and travel. Corporate support includes, for example, the cost for information management, information technology, security, facilities management, rent, utilities, financial management, acquisitions, human resources, and policy support.

The NRC continues to examine and pursue improvements to its processes and increases in efficiency that will allow it to meet its statutory responsibilities as the industry changes. The NRC continues to develop methods that would allow for more rapid adaptation to future needs and the size of the licensed community. The FY 2019 resources for agency support reflect reductions in the corporate support portion of the budget. Going forward, the Nuclear Energy and Innovation Modernization Act (NEIMA) requires NRC to cap corporate support at 30 percent beginning in FY 2021 in the annual CBJ and to decrease to 28 percent in FY 2025 and beyond.

No change was made to the final rule in response to this comment.

Comment: "Though Generic Homeland Security is excluded from the fee base, provide clarification on the basis for the Generic Homeland Security Product Line under the Operating Reactors and Fuel Facilities Business Lines and explain what activities are included." (NEI)

Response: One commenter requested information regarding generic homeland security activities. Generic homeland security includes activities that the NRC must conduct that do not apply to a specific facility. Within the operating reactors business line, these activities include intergovernmental coordination and integrated event response planning activities. Regarding fuel facilities, some licensed fuel facilities possess special nuclear material such as plutonium and enriched uranium. Those licensees verify and document their inventories and material transfers in the Nuclear Material Management and Safeguards System (NMMSS) database. Within the fuel facilities business line, these generic homeland security activities include interactions with the Nuclear Materials Information Program and the interagency agreement with DOE for the certification and accreditation of classified computer systems at enrichment facilities.

No changes were made to the final rule as a result of this comment.

C. Work Papers

Comment: Both the proposed rule and the work papers state that the operating power reactor annual fee increases. However, neither document provides any explanation for the reason the fee class is increasing. Instead, one must consult the FY 2019 CBJ to understand the purpose of the work (and even then, it remains at a fairly high level). The proposed rule and work papers show line items that appear to be clearly limited to a given entity, e.g., “Design Certification” in the New Reactors Business Line, while others, e.g., “RIC” or “Systems Analysis Research” in the Operating Reactors business line, are not clearly limited.

The commenter is requesting additional detail in the work papers to better understand which resources are to be recovered from 10 CFR part 170 user fees versus 10 CFR part 171 annual fees.

The commenters recommend that these additional details be added in the fee rule work papers and delineate the resources that are to be recovered from 10 CFR part 170 user fees versus 10 CFR part 171 annual fees by NRC to be specific or shared, enabling the applicable industry segment to engage the NRC. (Ameren, NEI, FENOC, SNC, Exelon)

Response: The commenter is requesting additional detail in the work papers to better understand which resources are to be recovered from 10 CFR part 170 user fees versus 10 CFR part 171 annual fees. The commenter is also requesting additional information on the large increase in information technology, including what types of items or activities are included in these line items, and whether the costs are proposed to be recovered via 10 CFR part 170 or 10 CFR part 171 fees. The NRC disagrees with the comment that the work papers need additional detail. Consistent with the requirements of OBRA-90, license fees are calculated based on the budget authority enacted for the current FY by business lines, product lines, and products. The NRC provides those business lines, product lines, and products in its work papers. Detailed information below the product level (e.g., cost centers) is determined when the budget is executed. The work papers do not distinguish by specific budget line items which fees are recovered through user and annual fees because it is impractical for the NRC to determine in advance what precise percent of a given business line will be recovered through 10 CFR part 170 user fees versus 10 CFR part 171 annual fees.

Further, with respect to 10 CFR part 170 user fees, licensing and inspection actions are subject to change, depending on the novelty and complexity of the license application under review or the facility being inspected. Similarly, with respect to 10 CFR part 171 annual fees, the nature of the generic research, safety, environmental, or safeguards activities, may also vary considerably, given changes in Commission priorities, external events, interactions with Agreement States, other Federal agencies,

state, local and tribal governments, the regulated industry, and members of the public. Including this information in the work papers for the fee rule, therefore, is likely to cause confusion.

In addition, the NRC notes that the CBJ includes a statement in each business line chapter to indicate which product lines impact fees for services versus annual fees. For all the business lines, except the nuclear materials users business line, generally resources budgeted in the Licensing and Oversight Product Lines impact fees for service, and all other resources impact annual fees. For the nuclear materials users business line, almost all budgeted resources impact annual fees. In addition, the NRC is proactively planning for the future implementation of NEIMA in FY 2021 and considering adding additional details within the CBJ, fee rule and subsequent work papers to further enhance transparency regarding which activities are recovered through 10 CFR part 170 user fees versus 10 CFR part 171 annual fees.

With regards to IT infrastructure activities, the NRC reclassified these resources as mission direct in the fee rule in order to align the fee rule calculations with the budget structure. These resources are now properly represented in the annual fee rule as mission-direct program costs rather than mission-indirect costs. Although this change appears as an increase, it was not an increase, but rather a shifting of the resources from mission-indirect resources to mission direct costs in the fee rule calculation.

No changes were made to the final rule as a result of these comments.

Comment: The work papers supporting the proposed rule lack a level of descriptive detail necessary to determine what actions, efforts and products are planned, and information on the specific indirect services that are covered under 10 CFR part 171 fees to allow stakeholders to see if the increase is a reflection of required generic services or something else. The NRC should supplement the work papers supporting future fee rules with additional detail on budgeted work activities, including a level of

planned effort for each activity and how this plan compares with the prior year. In addition, information on other items that are proposed to experience large increases in funding (e.g., Other Response Activities, Licensing Actions, and Licensing Support). Such detail would enable licensees to better evaluate and understand significant budget changes. (NEI, SNC, FENOC, Exelon)

Response: Consistent with prior years, license fees are based on the NRC's budget formulation structure hierarchy of business lines, product lines, and products. The commenter is correct that the work papers do not distinguish these activities based on whether these line items will be recovered through user or annual fees. However, distinguishing these activities would prove unduly burdensome for the NRC to perform this type of analysis for every business line, product line, and product in its budget. The CBJ provides the agency explanation and justification for the resources being requested for the budget year, and the reason for changes in the agency budget request as compared to the prior year, at the business line and product line levels.

No changes were made to the final rule as a result of these comments.

Comment: "Include a detailed summary of how actual expenditures have compared to budget for prior fiscal years. While the Work Papers includes information for fees collected in prior years, a breakdown of these fees by Business Line and Product Line would enable the NRC and stakeholders to identify areas for improvement and opportunities for efficiency." (Exelon Generation)

Response: Consistent with prior years, license fees are based on the NRC's budget formulation structure hierarchy of business lines, product lines, and products, not actual budget expenditures. Beginning in FY 2018, the CBJ includes the prior year actual amounts at the business line and product line levels.

No changes were made to the final rule as a result of these comments.

Comment: The U.S. Department of Energy (DOE) has reviewed the proposed 10 CFR parts 170 and 171 fee schedule for FY 2019. The DOE finds that the basis for the total annual fee amount and the level of effort to support the general licenses for Uranium Mill Tailings Radiation Control Act (UMTRCA) sites is not presented in the proposed rule or associated work papers. Additionally, the bases for allocation percentages for DOE and other uranium recovery licensees and the generic/other uranium recovery costs in the proposed rule and work papers are not presented. The DOE requests that the US NRC clarify the rationale for the various fee components that are used to determine the total charge. This will help DOE evaluate whether the proposed NRC scope is consistent with anticipated DOE activities and establish the basis for DOE's estimate of annual uranium licensee fees in its budget request. (DOE)

Response: The NRC described the overall methodology for determining fees for uranium recovery facilities, including DOE, in the 2002 fee rule (67 FR 42625; June 24, 2002), and the NRC continues to use this methodology. As the NRC explained in the proposed fee rule, the NRC recovers fees from DOE through both user fees charged under 10 CFR part 170 for specific UMTRCA oversight activities and annual fees charged under 10 CFR part 171 for generic and other costs related to UMTRCA and other uranium recovery activities. As shown in the work papers referenced in the proposed fee rule, the NRC calculated the total amount of budgeted resources for UMTRCA activities related to DOE sites in the FY 2019 CBJ by computing the cost of staff hours budgeted to conduct the work (in terms of full-time equivalent, or FTE) and the budgeted contract costs. The total amount of budgeted resources was reduced by the amount expected to be recovered by 10 CFR part 170 user fees for site-specific UMTRCA activities. The NRC estimated the amount of 10 CFR part 170 user fees by analyzing billing data and the actual contractual work charged to DOE for the previous four quarters. The estimate, therefore, reflects any recent reductions in NRC oversight

activities. The remainder of the UMTRCA budgeted amount related to DOE sites is charged to DOE for generic activities. In addition to those generic costs, DOE was charged for 10 percent of the overall generic costs attributable to the uranium recovery program. In other words, the DOE fee includes the costs of generic activities related to DOE sites and 10 percent of the overall generic costs attributable to the uranium recovery program. The remaining 90 percent of the overall generic costs is charged to the other members of the uranium recovery fee class. The work papers also provided information on all the values of the effort/benefit factors used in the uranium recovery matrix for FY 2019.

No changes were made to this final rule because of this comment.

D. Operating Reactors Budget and Declining 10 CFR Part 170 Fee Collections

Comment: Several commenters expressed their concern regarding the NRC's Operating Reactors budget and that it is too large in today's economic environment with the closure of Oyster Creek in 2018 and additional plant closures expected between now and 2025, yet annual fees are increasing for the remaining operating reactors fleet. With the loss of these licensees and the expected continued decrease in 10 CFR part 170 service fees, the NRC should take action to reduce the operating plant budget and stop the trend of increasing annual fees for the remaining operating plants. Given that the cap on annual fees for operating reactors under NEIMA goes into effect in FY 2021, the NRC should begin establishing a means to more quickly adjust the budget to reflect anticipated reductions in reactor licensees and the associated workload. (Ameren, WEC, NEI, SNC, FENOC, Exelon)

Response: Regarding the comment that the NRC should reduce its budget commensurate with the reduction in the number of decommissioning plants, the NRC recognizes that the number of reactors that are planning to close will have a material

impact on the budget. The NRC accounts for the decreasing number of nuclear power reactor licensees during the budget formulation process. For instance, the NRC tracks licensee plans to cease operations and adjusts its budget requests to reflect the anticipated workload while ensuring that the agency will continue to meet its statutory requirements. With the implementation of NEIMA in FY 2021, which will include a cap on annual fees for operating reactors, the NRC continues to proactively evaluate resource requirements and adjustments that can be made to refine the operating reactors budget.

The amount of user fees collected under 10 CFR part 170 depends on a number of different factors including the professional hourly rate, licensee and applicant decisions to pursue licensing actions, and the number of hours necessary to resolve any licensing actions. Due to OBRA-90 requirements, examining changes in the 10 CFR part 170 fees and the 10 CFR part 171 fees separately may not account for the overall decreases in the fee class budget or the realized efficiencies. Over the last several years, the fee class budget for the operating power reactors fee class has decreased from \$762.1 million in FY 2015 to \$670.2 million in the FY 2019 final rule. In addition, the “Congressional Budget Justification: Fiscal Year 2020” (NUREG-1100, Volume 35) shows a continual decline in the operating reactors business line.

In comparison to FY 2018, estimated billings under 10 CFR part 170 declined due to a reduction in both licensing actions and inspections due to the shutdown of Oyster Creek, the planned shutdown of Pilgrim and Three Mile Island operating power reactors during FY 2019, and the completion of the APR1400 design certification for Korea Hydro and Nuclear Power Co., LTD. The NRC continues to proactively review its budget to pursue additional efficiency improvements to ensure that its budgetary request accurately reflects the anticipated workload in light of anticipated operating power plant closures.

The NRC continues to examine and pursue improvements to its processes and increases in efficiency that will allow it to meet its statutory responsibilities as the industry changes. The NRC continues to develop methods that would allow for more rapid adaptation to future needs and the size of the licensed community.

No changes were made to the final rule as a result of these comments.

E. Fuel Facilities Budget

Comment: Several commenters welcomed the reductions in the fuel facilities fee class budgetary resources and annual fees in FY 2019 but felt that the fee class's budgeted resources are still too large given the activities performed and number of licensees and that further reductions are needed beyond FY 2019. Two commenters expressed concern that the level of resources assigned to the fuel facilities fee class was too large in light of the risk profile for the fuel facilities being significantly lower compared to power reactors. (WEC, NEI, BWXT, NFS, URENCO)

Response: The fuel facilities business line is responsible for ensuring the safety and security of fuel cycle and greater than critical mass facilities. The business line leads the licensing and oversight of these facilities, as well as domestic material control and accounting and international safeguards implementation activities for the NRC. The business line also supports rulemaking and environmental review activities for fuel facilities.

The NRC has taken steps to right-size the fuel facilities budget to ensure that it reflects the reduced workload in the business line. A peak workload was experienced in FY 2012. The FY 2019 fuel facilities fee class budget of \$24.8 million is approximately 54 percent less than the FY 2012 fuel facilities fee class budget of \$54.4 million. Further, the 66 FTE in the FY 2019 fuel facilities fee class budget is approximately 64 percent less than the 184 FTE in the FY 2012 fuel facilities fee class budget. The

FY 2019 fuel facilities fee class budget decreases due to aligning resources with a smaller projected workload, primarily due to the anticipated completion of work associated with the cyber security rulemaking and additional efficiencies to align resources with the smaller workload projected in FY 2019.

In a public meeting conducted on February 13, 2019, on the FY 2019 proposed fuel rule, the NRC provided an overview of the fuel facilities business line budget, major activities, the budget planning process (e.g., workload forecasting, types of work, and inspection activities), and a discussion of the fuel facilities fee class 10 CFR part 170 user fees and 10 CFR part 171 annual fees. Slides from this public meeting are available in ADAMS under Accession No. ML19044A386.

Regarding the assertion that the NRC should reduce its budget commensurate with the reduction in the number of fuel facilities that pay fees, the NRC agrees, but that reduction is not linearly proportional as there is a cost for the infrastructure that must be maintained independent of the number of operational fuel facilities. These infrastructure costs include indirect services and the business line portion of corporate support. Indirect services include rulemaking, maintaining guidance for licensees, maintaining procedures for NRC staff, training, and travel. Corporate support includes, for example, the cost for information management, information technology, security, facilities management, rent, utilities, financial management, acquisitions, human resources, and policy support.

In this final rule, the fees assessed to the licensees and applicants by the NRC must conform to OBRA-90, which requires the NRC to collect approximately 90 percent of its annual budget authority (less certain excluded items) through both user fees and annual fees. The NRC can assess these annual fees only to licensees or certificate holders, and the annual fee schedule must be fair and equitably allocate annual fees among the NRC's many licensees. To ensure compliance with OBRA-90, the NRC

makes continual organizational improvements to align the resources needed to support its regulatory activities. These actions help mitigate impacts on the remaining licensees from licensees that leave a fee class by helping the NRC continue to develop budgets that account for regulating a fee class with a declining number of licensees.

The NRC continues to actively evaluate resource requirements, both in terms of overall budget numbers and FTEs, to address changes that occur between budget formulation and execution. The NRC will continue to assess resource requirements and evaluate programmatic efficiencies that could result in additional resource reductions.

Beyond FY 2019, the NRC will continue to look for efficiencies within the fuel facilities program. Going forward, the fuel facilities business line is focusing efforts to align the agency's program of work in the fuel facilities area to workload projections and continuing to risk-inform the regulatory framework for these activities. In the coming months, the NRC will be sharing opportunities for the public and industry to engage with us in our efforts in this area with a goal of identifying and realizing additional efficiencies in the licensing and oversight of fuel facilities while maintaining adequate protection consistent with our principles of good regulation.

No changes were made to this final rule as a result of these comments.

F. Fuel Facilities Decline in 10 CFR Part 170 Fee Collections

Comment: Several commenters expressed concern regarding the declining fraction of fees recovered under 10 CFR part 170 (Service Fees) relative to 10 CFR part 171 (Annual Fees), as well as the NRC's overall budget for the fuel facilities fee class. The commenters noted that these fees were being borne by a decreasing number of facilities with a decreasing number of licensing actions. They also asked for more information on what specific activities contribute to the non-direct portion of the budget that is recovered in the annual fees charged to licensees. (WEC, NEI)

Response: The NRC is aware of the current economic state of the fuel cycle industry and remains mindful of the impact of its budget on the fees for licensees. The fuel facilities fee class supports the activities of the fuel facilities business line, including both direct-billable licensing actions and those general activities that indirectly support the agency's mission in these areas. The overall budget for the fuel facilities business line has decreased significantly in recent years. For example, the number of budgeted staff positions in the fuel facilities fee class has decreased from 184 FTE in FY 2012 to 66 FTE in FY 2019, or 64 percent. The NRC continues to adjust its budget in line with anticipated work load for the business line.

Since FY 2012, services billed directly to individual fuel facility licensees under 10 CFR part 170 have decreased. The reasons for this include: fewer applications for new licenses, license renewals, and license amendments; fewer inspections; and less construction inspection activity. The decrease in 10 CFR part 170 collections in recent years has meant that the amount to be recovered by annual fees has not decreased commensurate with the overall decrease in the budget for the fuel facilities business line. Further, the decline in the number of operating fuel facilities (from ten in FY 2012 to seven in FY 2019) has led to an increase in the annual fee burden for the remaining fuel facilities, even though the total budgeted resources for this fee class have dropped during that time period.

The fuel facilities business line must maintain certain minimum requirements in order to meet the NRC's regulatory and statutory oversight role. This includes maintaining expertise in a number of technical areas, including: integrated safety analysis, radiation protection, criticality safety, chemical safety, fire safety, emergency management, environmental protection, decommissioning, management measures, material control and accounting, physical protection, and information security. Budgeted resources in technical areas are recovered through annual fees as well as user fees.

In a public meeting on February 13, 2019, the NRC discussed how the annual fees support other activities that are necessary for the fuel facilities fee class as a whole. The presentations from the meeting address these areas and are available in ADAMS under Accession No. ML19044A386.

No changes were made to this final rule as a result of these comments.

G. Fuel Facilities Matrix

Comment: Several commenters provided views regarding the effort factors matrix, including a request for feedback on the NRC's decision not to make changes to the fuel facilities fee matrix in FY 2019, and specific information regarding the effort factor for Uranium Enrichment and requested a justification for why the safety factor for Solid UF₆/Metal for Safety is higher than Category 3 Fuel Fabricators and is more appropriately reflected at lower effort factor. (WEC, NEI, URENCO)

Response: In response to industry concerns about the fairness and equity of annual fees charged to fuel facilities, the NRC analyzed its past practice of using an effort factors matrix to calculate annual fees for the fuel facilities fee class to determine if revisions to the current method may be warranted. In FY 2018, the NRC held three public meetings to discuss possible alternative approaches to the method of calculating annual fees for the fuel facilities fee class including changes to the effort factors matrix. As part of that process, the NRC received numerous comments on the current and alternative methods for determining annual fees. The comments were grouped into 5 options which included an option for no change. The comments were mixed as to whether the NRC should change the methodology for calculating annual fees. Some stakeholders indicated that the NRC should change the methodology, while others stated that the NRC should leave the methodology unchanged until budget reduction efforts are complete.

During those meetings, the NRC indicated that it did not intend to make any changes to the method of calculating annual fees in the FY 2018 fee rule since it was in the process of engaging stakeholders, and any recommendations related to the effort factors matrix would be addressed as part of recommendations for the FY 2019 proposed fee rule. During the development of the FY 2019 fee rule, the NRC considered the 5 options for changing the method of allocating annual fees to individual fuel facility licensees and decided that the best option was no change, which retained the current methodology based on the effort factors matrix that was developed in the FY 1999 final fee rule (64 FR 31447; June 10, 1999).

Regarding the comment that the safety factor in the effort factors matrix for Solid Uranium Hexafluoride (UF₆)/Metal processes at Uranium Enrichment facilities is too high, the NRC notes that the same comment was submitted for the 2018 fee rule and during the 2018 public meetings. The effort factors in the matrix represent non-billable, regulatory effort (e.g., rulemaking, guidance, etc.). Billable regulatory effort, such as the number of inspections, is not applicable to the effort factor. However, the NRC acknowledges that enrichment facilities receive natural UF₆ as feed and ship low enriched UF₆ as product. The non-billable effort is more aligned to the moderate effort for facilities fabricating low enriched fuel than the high effort for facilities fabricating high enriched fuel. This is because the regulations and guidance for criticality safety, physical protection, and material control and accounting are more extensive for HEU than low-enrich uranium LEU or natural uranium. A moderate effort is assigned an effort factor of 5. Therefore, the safety factor in the effort factors matrix for UF₆/Metal processes at Uranium Enrichment facilities has been reduced from 10 to 5 for this process at enrichment facilities.

H. Research and Test Reactors

Comment: “The anticipated decrease in part 170 billings will be offset by an increase in activity for Aerotest’s startup inspection and license renewal application. A December 6, 2018, letter from Aerotest Operations, Inc. appears to contradict this statement because the licensee has requested withdrawal of the renewal application and a subsequent termination of related regulatory and licensing activities.” (NEI)

Response: The commenter is correct regarding the letter from Aerotest requesting withdrawal of the license renewal application and termination of related regulatory and licensing activities. The NRC notes that this will not result in the NRC discontinuing all work related to the licensing and oversight of Aerotest during FY 2019 (i.e., Aerotest will continue to pay hourly fees for NRC services). As stated in the January 25, 2019, letter from the NRC to Aerotest (ADAMS Accession No. ML19015A332), “the NRC staff will not consider Aerotest’s license renewal application to be withdrawn until Aerotest provides the NRC with written certification of the permanent cessation of [Aerotest] operations.” Although the NRC suspended its review of the license renewal application and startup inspection activities, this work may resume if requested by Aerotest or be replaced by new work related to permanent cessation of operations and license termination. This leaves uncertainty about the NRC services that will be requested by Aerotest in FY 2019 and the associated hourly fees. The difference between fees for license renewal and startup inspection assumed in the fee calculations for the proposed rule and the fees for licensing actions related to permanent cessation of operations and license termination is expected to be small (on the order of several thousands of dollars in FY 2019). This difference should not have a significant impact on the FY 2019 annual fee given the methods used by the NRC for determining the annual fees under 10 CFR part 171, as described below.

In order to develop the estimated 10 CFR part 170 by fee class the NRC utilizes actual billing data from four quarters including the hourly rate charges and contract work,

which is then adjusted for workload projections and the changes in the hourly rate. In order to expedite the fee rule publication, the billing data used to estimate the 10 CFR part 170 estimated billings was changed in the FY 2017 fee rule and has carried forward in subsequent fee rules. The FY 2019 proposed rule utilizes four quarters of the prior year invoice data, while the NRC will utilize a combination of two quarters of the prior year and two quarters of the current year billing data, which is also updated to reflect workload changes, for the FY 2019 final rule. By giving up some precision in the 10 CFR part 170 estimates, the NRC is able to achieve the acceleration of publishing the fee rule.

No changes were made to the final rule as a result of these comments.

I. Low-Level Waste Surcharge

Comment: “[W]e believe the staff should provide additional information on the data used to validate the “Low-Level Waste Surcharge” (LLW) increase shown in table IV of the proposed rule (page 582 of the *Federal Register* notice). Since NRC fees are based in part on the LLW surcharge, NRC should continue to work with the Department of Energy to ensure the accuracy, completeness and timeliness of data entered into DOE’s Manifest Information Management System (MIMS).” (NEI)

Response: The DOE was required by law (42 U.S.C. 2021g (a)) to establish a computerized database to monitor low-level radioactive wastes. The DOE created and is responsible for the MIMS database that was created to monitor the management of commercial LLW in the United States. The LLW surcharge percentages included in Table IV in the proposed FY 2019 fee rule for operating power reactors, fuel facilities, and materials users reflect the 5-year average of the data available in MIMS for the relevant licensees.

At the time the proposed FY 2019 fee rule was issued, the most recent data available from the MIMS database was from March 2018. The FY 2019 final fee rule includes updated LLW surcharge percentages which account for the 2019 MIMS data that was recently populated by DOE. The 2019 data includes a significant increase to the volume reported under the “Utility” Class, which is used to determine the percentage for operating power reactors. The increase to the volume reported under the Utility Class in 2019 shifted the percentages for fuel facilities and operating power reactors as seen in Table IV, “Allocation of Fee-Relief and LLW Surcharge FY 2019.” As a result, compared to the proposed FY 2019 fee rule, the percentage of the LLW surcharge for operating power reactors increased from 41.0 percent to 75 percent, fuel facilities decreased from 46 percent to 20 percent, and material users decreased from 13 percent to 5 percent. Please refer to Table IV and the accompanying discussion for additional details.

No changes were made to this final rule as a result of these comments.

J. Small Business Standards

Comment: “Regarding small entity size standards, the NRC should consider establishing lower licensing fees by creating one or more additional ranges between the \$520,000 and \$7,500,000 gross annual receipts range. A fee rate schedule with more steps for small businesses would help reduce the license fee burden on the smaller entities and address small business concerns.” (RE)

Response: To reduce the significance of the annual fees on a substantial number of small entities, the NRC established the maximum small entity fee in FY 1991. In FY 1992, the NRC introduced a second lower tier to the small entity fee. Because the NRC’s methodology for small entity size standards has been approved by the Small Business Administration, the NRC did not modify its current methodology for this

rulemaking. As one of the ongoing Fees Transformation initiatives, the NRC is currently determining if a change to the small entity size standards is needed.

No change was made to the final rule in response to this comment.

K. Comments Generally Supporting Actions of the Agency

Several commenters expressed comments generally in favor of actions that the agency is taking with respect to fees, billing, and other aspects of the fee rule process. Comments generally in favor of the agency's actions included comments supporting the public meetings on the proposed fee rule, improved efficiency and clarity of the fee and invoicing process, support for e-Billing, the removal of the 6-percent overhead charge for the 10 CFR part 170 bills, the decrease within the fuel facilities budget to right-size the budget to reflect a reduced workload, and other improvements made as part of the Fees Transformation Initiative. No new or different information was developed as a result of these comments, and thus, no changes to the rule were made because of these comments.

L. Comments on Matters Not Related to this Rulemaking

Several commenters raised issues outside the scope of the FY 2019 fee rule. Commenters raised concerns with the agency's budgeting process and requesting public meetings on the agency's budget formulation process. A few commenters regarding expediting efficiency efforts and engaging industry regarding additional efficiencies and risk-informing the current regulatory program. Additional comments included a comment on safety standards and renewal energy, and Medicare codes.

These matters are outside the scope of this final rule. The primary purpose of the NRC's annual fee recovery final rule is to update the NRC's fee schedules to recover approximately 90 percent of the NRC's budgeted authority for the current fiscal year, and

to make other necessary corrections or appropriate changes to specific aspects of the NRC's fee regulations in order to ensure compliance with OBRA-90.

The NRC takes the importance of examining and improving the efficiency of its operations and the prioritization of its regulatory activities very seriously. Recognizing the importance of continuous reexamination and improvement of the way the agency does business, the NRC has undertaken, and continues to undertake, a number of significant initiatives aimed at improving the efficiency of NRC operations and enhancing the agency's approach to regulating. Though comments raising these issues are not within the scope of this final rule, the NRC will consider this input in its future program operations.

VI. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, as amended,⁶ the NRC has prepared a regulatory flexibility analysis for this final rule. The regulatory flexibility analysis is available as indicated in Section XIV, Availability of Documents, of this document.

VII. Regulatory Analysis

Under OBRA-90, the NRC is required to recover approximately 90 percent of its budget authority in FY 2019. The NRC established fee methodology guidelines for 10 CFR part 170 in 1978 and established additional fee methodology guidelines for 10 CFR part 171 in 1986. In subsequent rulemakings, the NRC has adjusted its fees

⁶ 5 U.S.C. 603. The RFA, 5 U.S.C. 601–612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, Title II, 110 Stat. 847 (1996).

without changing the underlying principles of its fee policy to ensure that the NRC continues to comply with the statutory requirements for cost recovery in OBRA-90.

In this final rule, the NRC continues this long-standing approach. Therefore, the NRC did not identify any alternatives to the current fee structure guidelines and did not prepare a regulatory analysis for this final rule.

VIII. Backfitting and Issue Finality

The NRC has determined that the backfit rule, 10 CFR 50.109 (and similar provisions in the NRC's regulations for other licensee fee classes), does not apply to this final rule and that a backfit analysis is not required. A backfit analysis is not required because these amendments do not require the modification of, or addition to, systems, structures, components, or the design of a facility, or the design approval or manufacturing license for a facility, or the procedures or organization required to design, construct, or operate a facility.

IX. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111-274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, "Plain Language in Government Writing," published June 10, 1998 (63 FR 31885).

X. National Environmental Policy Act

The NRC has determined that this rule amends the NRC's administrative requirements in 10 CFR part 170 and 10 CFR part 171. Therefore, this action is categorically excluded from needing environmental review as described in § 51.22(c)(1). Consequently, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

XI. Paperwork Reduction Act

This final rule does not contain a collection of information as defined in the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

XII. Congressional Review Act

This final rule is a rule as defined in the Congressional Review Act of 1996 (5 U.S.C. 801-808). The Office of Management and Budget has found it to be a major rule as defined in the Congressional Review Act.

XIII. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Pub. L. 104-113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this final rule, the NRC amends the licensing, inspection, and annual fees charged to its licensees and applicants, as necessary, to recover approximately 90 percent of its budget authority in FY 2018, as required by OBRA-90. This action does not constitute the establishment of a standard that contains generally applicable requirements.

XIV. Availability of Guidance

The Small Business Regulatory Enforcement Fairness Act requires all Federal agencies to prepare a written compliance guide for each rule for which the agency is required by 5 U.S.C. 604 to prepare a regulatory flexibility analysis. The NRC, in compliance with the law, prepared the “Small Entity Compliance Guide” for the FY 2019 proposed fee rule. The compliance guide was developed when the NRC completed the small entity biennial review for FY 2019. This document is available as indicated in Section XV, Availability of Documents, of this document.

XV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

DOCUMENT	ADAMS ACCESSION NO./WEB LINK
SECY-05-0164, “Annual Fee Calculation Method,” dated September 15, 2005	ML052580332.
SECY-08-0174, “Fiscal Year 2009 Proposed Fee Rule and Advance Rulemaking for Grid-	ML083120518.

Appropriate Reactor Fees,” dated November 7, 2008	
SECY-16-0097, “Fee Setting Improvements and Fiscal Year 2017 Proposed Fee Rule,” dated August 22, 2016	ML16194A365.
SECY-17-0026, “Policy Considerations and Recommendations for Remediation of Non-Military, Unlicensed Historic Radium Sites in Non-Agreement States,” dated February 22, 2017	ML17130A783.
Staff Requirements Memorandum for SECY-17-0026, dated September 7, 2017	ML17250A841.
FY 2019 Final Rule Work Papers	ML19106A409.
FY 2019 Regulatory Flexibility Analysis	ML19085A492.
FY 2019 U.S. Nuclear Regulatory Commission Small Entity Compliance Guide	ML18338A006.
NUREG-1100, Volume 34, “Congressional Budget Justification: Fiscal Year 2019” (February 2018)	ML18023B460.
NUREG-1100, Volume 35, “Congressional Budget Justification: Fiscal Year 2020” (February 2019)	ML19065A279.
NRC Form 526, Certification of Small Entity Status for the Purposes of Annual Fees Imposed under 10 CFR Part 171	http://www.nrc.gov/reading-rm/doc-collections/forms/nrc526.pdf .
OMB’s Circular A–25, “User Charges”	https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/assets/OMB/circulars/a025/a025.html .
FY 2019 Proposed Fee Rule	ML18319A157.
FY 2019 Proposed Rule Work Papers	ML18361A780.
Fees Transformation Accomplishments	https://www.nrc.gov/about-nrc/regulatory/licensing/fees-transformaton-accomplishments.html .

List of Subjects

10 CFR Part 170

Byproduct material, Import and export licenses, Intergovernmental relations, Non-payment penalties, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

10 CFR Part 171

Annual charges, Approvals, Byproduct material, Holders of certificates, Intergovernmental relations, Nonpayment penalties, Nuclear materials, Nuclear power plants and reactors, Registrations, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 170 and 171:

PART 170 -- FEES FOR FACILITIES, MATERIALS, IMPORT AND EXPORT LICENSES, AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. The authority citation for part 170 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 161(w) (42 U.S.C. 2014, 2201(w)); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 42 U.S.C. 2214; 31 U.S.C. 901, 902, 9701; 44 U.S.C. 3504 note.

2. In § 170.21, in the table revise the entry for “K. Import and export licenses;” to read as follows:

§ 170.21 Schedule of fees for production and utilization facilities, review of standard referenced design approvals, special projects, inspections, and import and export licenses.

* * * * *

SCHEDULE OF FACILITY FEES

[See footnotes at end of table]

Facility categories and type of fees	Fees ^{1,2}
* * * * *	
<p>K. Import and export licenses:⁶</p> <p>Licenses for the import and export only of production or utilization facilities or the export only of components for production or utilization facilities issued under 10 CFR part 110.</p> <p>1. Application for import or export of production or utilization facilities⁴ (including reactors and other facilities) and exports of components requiring Commission and Executive Branch review, for example, actions under 10 CFR 110.40(b).</p> <p>Application -- new license, or amendment; or license exemption request</p>	N/A
<p>2. Application for export of reactor and other components requiring Executive Branch review, for example, those actions under 10 CFR 110.41(a).</p> <p>Application -- new license, or amendment; or license exemption request</p>	N/A
<p>3. Application for export of components requiring the assistance of the Executive Branch to obtain foreign government assurances.</p> <p>Application -- new license, or amendment; or license exemption request</p>	N/A
<p>4. Application for export of facility components and equipment not requiring Commission or Executive Branch review, or obtaining foreign government assurances.</p> <p>Application -- new license, or amendment; or license exemption request</p>	N/A
<p>5. Minor amendment of any active export or import license, for example, to extend the expiration date, change</p>	N/A

domestic information, or make other revisions which do not involve any substantive changes to license terms or conditions or to the type of facility or component authorized for export and, therefore, do not require in-depth analysis or review or consultation with the Executive Branch, U.S. host state, or foreign government authorities. Minor amendment to license	
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¹Fees will not be charged for orders related to civil penalties or other civil sanctions issued by the Commission under §2.202 of this chapter or for amendments resulting specifically from the requirements of these orders. For orders unrelated to civil penalties or other civil sanctions, fees will be charged for any resulting licensee-specific activities not otherwise exempted from fees under this chapter. Fees will be charged for approvals issued under a specific exemption provision of the Commission's regulations under Title 10 of the *Code of Federal Regulations* (e.g., 10 CFR 50.12, 10 CFR 73.5) and any other sections in effect now or in the future, regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form.

²Full cost fees will be determined based on the professional staff time and appropriate contractual support services expended. For applications 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 the final rule will be determined at the professional rates in effect when the service was provided.

* * * * *

⁶ Because the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019, excludes international activities from the fee-recoverable budget in FY 2019, import and export licensing actions will not be charged fees.

3. In § 170.31, revise the table to read as follows:

§ 170.31 Schedule of fees for materials licenses and other regulatory services, including inspections, and import and export licenses.

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SCHEDULE OF MATERIALS FEES

[See footnotes at end of table]

Category of materials licenses and type of fees ¹	Fee ^{2, 3}
1. Special nuclear material ¹¹ : A. (1) Licenses for possession and use of U-235 or plutonium for fuel fabrication activities. (a) Strategic Special Nuclear Material (High Enriched Uranium) ⁶ [Program Code(s): 21213]	Full Cost
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel ⁶ [Program Code(s): 21210]	Full Cost

(2) All other special nuclear materials licenses not included in Category 1.A. (1) which are licensed for fuel cycle activities. ⁶ (a) Facilities with limited operations ⁶ [Program Code(s): 21240, 21310, 21320]	Full Cost
(b) Gas centrifuge enrichment demonstration facilities. ^o [Program Code(s): 21205]	Full Cost
(c) Others, including hot cell facilities. ⁶ [Program Code(s): 21130, 21133]	Full Cost
B. Licenses for receipt and storage of spent fuel and reactor-related Greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI) ⁶ [Program Code(s): 23200]	Full Cost
C. Licenses for possession and use of special nuclear material of less than a critical mass as defined in § 70.4 in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers. ⁴ Application [Program Code(s): 22140]	\$1,300
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in sealed or unsealed form in combination that would constitute a critical mass, as defined in § 70.4 of this chapter, for which the licensee shall pay the same fees as those under Category 1.A. ⁴ Application [Program Code(s): 22110, 22111, 22120, 22131, 22136, 22150, 22151, 22161, 22170, 23100, 23300, 23310]	\$2,600
E. Licenses or certificates for construction and operation of a uranium enrichment facility ⁶ [Program Code(s): 21200]	Full Cost
F. Licenses for possession and use of special nuclear material greater than critical mass as defined in § 70.4 of this chapter, for development and testing of commercial products, and other non-fuel-cycle activities. ^{4,6} [Program Code(s): 22155]	Full Cost
2. Source material ¹¹ :	
A. (1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride or for deconverting uranium hexafluoride in the production of uranium oxides for disposal. ⁶ [Program Code(s): 11400]	Full Cost
(2) Licenses for possession and use of source material in recovery operations such as milling, <i>in-situ</i> recovery, heap-leaching, ore buying stations, ion-exchange facilities, and in 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, as well as licenses authorizing the possession and maintenance of a facility in a standby mode. ⁶ (a) Conventional and Heap Leach facilities ⁶ [Program Code(s): 11100]	Full Cost
(b) Basic <i>In Situ</i> Recovery facilities ⁶ [Program Code(s): 11500]	Full Cost
(c) Expanded <i>In Situ</i> Recovery facilities ⁶ [Program Code(s): 11510]	Full Cost
(d) <i>In Situ</i> Recovery Resin facilities ⁶ [Program Code(s): 11550]	Full Cost
(e) Resin Toll Milling facilities ⁶ [Program Code(s): 11555]	Full Cost
(f) Other facilities ⁶ [Program Code(s): 11700]	Full Cost
(3) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2.A.(2) or Category 2.A.(4) ⁶ [Program Code(s): 11600, 12000]	Full Cost
(4) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2.A.(2) ⁶ [Program Code(s): 12010]	Full Cost
B. Licenses which authorize the possession, use, and/or installation of source material for shielding. ^{7, 8} Application [Program Code(s): 11210]	\$1,200
C. Licenses to distribute items containing source material to persons exempt from the licensing requirements of part 40 of this chapter. Application [Program Code(s): 11240]	\$4,300
D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter. Application [Program Code(s): 11230, 11231]	\$2,800
E. Licenses for possession and use of source material for processing or manufacturing of products or materials containing source material for commercial distribution. Application [Program Code(s): 11710]	\$2,600
F. All other source material licenses. Application [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810, 11820]	\$2,600
3. Byproduct material ¹¹ : A. Licenses of broad scope for the possession and use of	\$13,000

<p>byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5.</p> <p>Application [Program Code(s): 03211, 03212, 03213]</p>	
<p>(1). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20.</p> <p>Application [Program Code(s): 04010, 04012, 04014]</p>	\$17,300
<p>(2). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: more than 20.</p> <p>Application [Program Code(s): 04011, 04013, 04015]</p>	\$21,600
<p>B. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5.</p> <p>Application [Program Code(s): 03214, 03215, 22135, 22162]</p>	\$3,600
<p>(1). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20.</p> <p>Application [Program Code(s): 04110, 04112, 04114, 04116]</p>	\$4,800
<p>(2). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: more than 20.</p> <p>Application [Program Code(s): 04111, 04113, 04115, 04117]</p>	\$5,900
<p>C. Licenses issued under § 32.72 and/or § 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 1–5.</p> <p>Application [Program Code(s): 02500, 02511, 02513]</p>	\$5,200
<p>(1). Licenses issued under § 32.72 and/or § 32.74 of this chapter that authorize the processing or manufacturing and</p>	\$6,900

<p>distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 6–20.</p> <p>Application [Program Code(s): 04210, 04212, 04214]</p>	
<p>(2). Licenses issued under § 32.72 and/or § 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: more than 20.</p> <p>Application [Program Code(s): 04211, 04213, 04215]</p>	\$8,600
D. [Reserved]	N/A
<p>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).</p> <p>Application [Program Code(s): 03510, 03520]</p>	\$3,200
<p>F. Licenses for possession and use of less than or equal to 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes.</p> <p>Application [Program Code(s): 03511]</p>	\$6,500
<p>G. Licenses for possession and use of greater than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes.</p> <p>Application [Program Code(s): 03521]</p>	\$62,000
<p>H. Licenses issued under 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. The category does not include 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.</p> <p>Application [Program Code(s): 03254, 03255, 03257]</p>	\$6,600
I. Licenses issued under subpart A of part 32 of this chapter to	

<p>distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter. This category does not include 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.</p> <p>Application [Program Code(s): 03250, 03251, 03252, 03253, 03256]</p>	\$11,600
<p>J. Licenses issued under 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 part 31 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter.</p> <p>Application [Program Code(s): 03240, 03241, 03243]</p>	\$2,000
<p>K. Licenses issued under 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 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter.</p> <p>Application [Program Code(s): 03242, 03244]</p>	\$1,100
<p>L. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 1-5.</p> <p>Application [Program Code(s): 01100, 01110, 01120, 03610, 03611, 03612, 03613]</p>	\$5,500
<p>(1) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 6-20.</p> <p>Application [Program Code(s): 04610, 04612, 04614, 04616, 04618, 04620, 04622]</p>	\$7,300
<p>(2) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: more than 20.</p> <p>Application [Program Code(s): 04611, 04613, 04615, 04617, 04619, 04621, 04623]</p>	\$9,100
<p>M. Other licenses for possession and use of byproduct material</p>	\$8,300

issued under part 30 of this chapter for research and development that do not authorize commercial distribution. Application [Program Code(s): 03620]	
N. Licenses that authorize services for other licensees, except: (1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3.P.; and (2) Licenses that authorize waste disposal services are subject to the fees specified in fee Categories 4.A., 4.B., and 4.C. Application [Program Code(s): 03219, 03225, 03226]	\$8,900
O. Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. Number of locations of use: 1-5. Application [Program Code(s): 03310, 03320]	\$6,300
(1). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. Number of locations of use: 6-20. Application [Program Code(s): 04310, 04312]	\$8,500
(2). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. Number of locations of use: more than 20. Application [Program Code(s): 04311, 04313]	\$10,600
P. All other specific byproduct material licenses, except those in Categories 4.A. through 9.D. ⁹ Number of locations of use: 1-5. Application [Program Code(s): 02400, 02410, 03120, 03121, 03122, 03123, 03124, 03130, 03140, 03220, 03221, 03222, 03800, 03810, 22130]	\$4,700
(1). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D. ⁹ Number of locations of use: 6-20. Application [Program Code(s): 04410, 04412, 04414, 04416, 04418, 04420, 04422, 04424, 04426, 04428, 04430, 04432, 04434, 04436, 04438]	\$6,300
(2). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D. ⁹ Number of locations of use: more than 20. Application [Program Code(s): 04411, 04413, 04415, 04417, 04419, 04421, 04423, 04425, 04427, 04429, 04431, 04433, 04435, 04437, 04439]	\$7,900
Q. Registration of a device(s) generally licensed under part 31 of this chapter. Registration	\$700
R. Possession of items or products containing radium-226 identified in 10 CFR 31.12 which exceed the number of items or	\$2,600

limits specified in that section. ⁵ 1. Possession of quantities exceeding the number of items or limits in 10 CFR 31.12(a)(4), or (5) but less than or equal to 10 times the number of items or limits specified. Application [Program Code(s): 02700]	
2. Possession of quantities exceeding 10 times the number of items or limits specified in 10 CFR 31.12(a)(4), or (5). Application [Program Code(s): 02710]	\$2,500
S. Licenses for production of accelerator-produced radionuclides. Application [Program Code(s): 03210]	\$14,200
4. Waste disposal and processing ¹¹ : A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material. Application [Program Code(s): 03231, 03233, 03236, 06100, 06101]	Full Cost
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 [Program Code(s): 03234]	\$6,900
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 [Program Code(s): 03232]	\$5,000
5. Well logging ¹¹ : A. Licenses for possession and 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 [Program Code(s): 03110, 03111, 03112]	\$4,600
B. Licenses for possession and use of byproduct material for field flooding tracer studies. Licensing [Program Code(s): 03113]	Full Cost
6. Nuclear laundries ¹¹ : A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special	\$22,200

nuclear material. Application [Program Code(s): 03218]	
7. Medical licenses ¹¹ : A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. Number of locations of use: 1-5. Application [Program Code(s): 02300, 02310]	\$11,100
(1). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. Number of locations of use: 6-20. Application [Program Code(s): 04510, 04512]	\$14,800
(2). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. Number of locations of use: more than 20. Application [Program Code(s): 04511, 04513]	\$18,500
B. Licenses of broad scope issued to medical institutions or two or more physicians under 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. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: 1-5. Application [Program Code(s): 02110]	\$8,700
(1). Licenses of broad scope issued to medical institutions or two or more physicians under 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. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: 6-20. Application [Program Code(s): 04710]	\$11,500
(2). Licenses of broad scope issued to medical institutions or two or more physicians under 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. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: more than 20. Application [Program Code(s): 04711]	\$14,400

<p>C. Other licenses issued under 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.¹⁰ Number of locations of use: 1-5. Application [Program Code(s): 02120, 02121, 02200, 02201, 02210, 02220, 02230, 02231, 02240, 22160]</p>	\$6,600
<p>(1). Other licenses issued under 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.¹⁰ Number of locations of use: 6-20. Application [Program Code(s): 04810, 04812, 04814, 04816, 04818, 04820, 04822, 04824, 04826, 04828]</p>	\$8,700
<p>(2). Other licenses issued under 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.¹⁰ Number of locations of use: more than 20. Application [Program Code(s): 04811, 04813, 04815, 04817, 04819, 04821, 04823, 04825, 04827, 04829]</p>	\$10,900
<p>8. Civil defense¹¹: A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities. Application [Program Code(s): 03710]</p>	\$2,600
<p>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</p>	\$10,800
<p>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</p>	\$9,000
<p>C. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution. Application -- each source</p>	\$5,300
<p>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</p>	\$1,100
<p>10. Transportation of radioactive material: A. Evaluation of casks, packages, and shipping containers.</p>	

1. Spent Fuel, High-Level Waste, and plutonium air packages	Full Cost
2. Other Casks	Full Cost
B. Quality assurance program approvals issued under part 71 of this chapter.	
1. Users and Fabricators. Application	\$4,200
Inspections	Full Cost
2. Users. Application	\$4,200
Inspections	Full Cost
C. Evaluation of security plans, route approvals, route surveys, and transportation security devices (including immobilization devices).	Full Cost
11. Review of standardized spent fuel facilities.	Full Cost
12. Special projects: Including approvals, pre-application/licensing activities, and inspections. Application [Program Code: 25110]	Full Cost
13. A. Spent fuel storage cask Certificate of Compliance.	Full Cost
B. Inspections related to storage of spent fuel under § 72.210 of this chapter.	Full Cost
14. Decommissioning/Reclamation ¹¹	
A. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under parts 30, 40, 70, 72, and 76 of this chapter, including master materials licenses (MMLs). The transition to this fee category occurs when a licensee has permanently ceased principal activities. [Program Code(s): 03900, 11900, 21135, 21215, 21240, 21325, 22200]	Full Cost
B. Site-specific decommissioning activities associated with unlicensed sites, including MMLs, regardless of whether or not the sites have been previously licensed.	Full Cost
15. Import and Export licenses: ¹² Licenses issued under part 110 of this chapter for the import and export only of special nuclear material, source material, tritium and other byproduct material, and the export only of heavy water, or nuclear grade graphite (fee categories 15.A. through 15.E.). A. Application for export or import of nuclear materials, including radioactive waste requiring Commission and Executive Branch review, for example, those actions under 10 CFR 110.40(b).	

Application -- new license, or amendment; or license exemption request	N/A
B. Application for export or import of nuclear material, including radioactive waste, requiring Executive Branch review, but not Commission review. This category includes applications for the export and import of radioactive waste and requires the NRC to consult with domestic host state authorities (i.e., Low-Level Radioactive Waste Compact Commission, the U.S. Environmental Protection Agency, etc.). Application -- new license, or amendment; or license exemption request	N/A
C. Application for export of nuclear material, for example, routine reloads of low enriched uranium reactor fuel and/or natural uranium source material requiring the assistance of the Executive Branch to obtain foreign government assurances. Application -- new license, or amendment; or license exemption request	N/A
D. Application for export or import of nuclear material not requiring Commission or Executive Branch review, or obtaining foreign government assurances. Application -- new license, or amendment; or license exemption request.	N/A
E. Minor amendment of any active export or import license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms and conditions or to the type/quantity/chemical composition of the material authorized for export and, therefore, do not require in-depth analysis, review, or consultations with other Executive Branch, U.S. host state, or foreign government authorities. Minor amendment	N/A
Licenses issued under part 110 of this chapter for the import and export only of Category 1 and Category 2 quantities of radioactive material listed in appendix P to part 110 of this chapter (fee categories 15.F. through 15.R.). <i>Category 1 (Appendix P, 10 CFR Part 110) Exports:</i> F. Application for export of appendix P Category 1 materials requiring Commission review (e.g. exceptional circumstance review under 10 CFR 110.42(e)(4)) and to obtain one government-to-government consent for this process. For additional consent see fee category 15.I. Application -- new license, or amendment; or license exemption request	N/A
G. Application for export of appendix P Category 1 materials requiring Executive Branch review and to obtain one government-to-government consent for this process. For additional consents see fee category 15.I. Application -- new license, or amendment; or license exemption request	N/A

H. Application for export of appendix P Category 1 materials and to obtain one government-to-government consent for this process. For additional consents see fee category 15.I. Application -- new license, or amendment; or license exemption request	N/A
I. Requests for each additional government-to-government consent in support of an export license application or active export license. Application -- new license, or amendment; or license exemption request	N/A
<i>Category 2 (Appendix P, 10 CFR Part 110) Exports:</i> J. Application for export of appendix P Category 2 materials requiring Commission review (e.g. exceptional circumstance review under 10 CFR 110.42(e)(4)). Application -- new license, or amendment; or license exemption request	N/A
K. Applications for export of appendix P Category 2 materials requiring Executive Branch review. Application -- new license, or amendment; or license exemption request	N/A
L. Application for the export of Category 2 materials. Application -- new license, or amendment; or license exemption request	N/A
M. [Reserved]	N/A
N. [Reserved]	N/A
O. [Reserved]	N/A
P. [Reserved]	N/A
Q. [Reserved]	N/A
<i>Minor Amendments (Category 1 and 2, Appendix P, 10 CFR Part 110, Export):</i> R. Minor amendment of any active export license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms and conditions or to the type/quantity/chemical composition of the material authorized for export and, therefore, do not require in-depth analysis, review, or consultations with other Executive Branch, U.S. host state, or foreign authorities. Minor amendment	N/A
16. Reciprocity: Agreement State licensees who conduct activities under the reciprocity provisions of 10 CFR 150.20.	

Application	\$2,100
17. Master materials licenses of broad scope issued to Government agencies. Application [Program Code(s): 03614]	Full Cost
18. Department of Energy. A. Certificates of Compliance. Evaluation of casks, packages, and shipping containers (including spent fuel, high-level waste, and other casks, and plutonium air packages).	Full Cost
B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities.	Full Cost

¹ *Types of fees* - Separate charges, as shown in the schedule, will be assessed for pre-application consultations and reviews; applications for new licenses, approvals, or license terminations; possession-only licenses; issuances of new licenses and approvals; certain amendments and renewals to existing licenses and approvals; safety evaluations of sealed sources and devices; generally licensed device registrations; and certain inspections. The following guidelines apply to these charges:

(a) *Application and registration fees.* Applications for new materials licenses and export and import licenses; applications to reinstate expired, terminated, or inactive licenses, except those subject to fees assessed at full costs; applications filed by Agreement State licensees to register under the general license provisions of 10 CFR 150.20; and applications for amendments to materials licenses that would place the license in a higher fee category or add a new fee category must be accompanied by the prescribed application fee for each category.

(1) Applications for licenses covering more than one fee category of special nuclear material or source material must be accompanied by the prescribed application fee for the highest fee category.

(2) Applications for new licenses that cover both byproduct material and special nuclear material in sealed sources for use in gauging devices will pay the appropriate application fee for fee category 1.C. only.

(b) *Licensing fees.* Fees for reviews of applications for new licenses, renewals, and amendments to existing licenses, pre-application consultations and other documents submitted to the NRC for review, and project manager time for fee categories subject to full cost fees are due upon notification by the Commission in accordance with § 170.12(b).

(c) *Amendment fees.* Applications for amendments to export and import licenses must be accompanied by the prescribed amendment fee for each license affected. An application for an amendment to an export or import license or approval classified in more than one fee category must 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.

(d) *Inspection fees.* Inspections resulting from investigations conducted by the Office of Investigations and nonroutine inspections that result from third-party allegations are not subject to fees. Inspection fees are due upon notification by the Commission in accordance with § 170.12(c).

(e) *Generally licensed device registrations under 10 CFR 31.5.* Submittals of registration information must be accompanied by the prescribed fee.

² Fees will not be charged for orders related to civil penalties or other civil sanctions issued by the Commission under 10 CFR 2.202 or for amendments resulting specifically from the requirements of these orders. For orders unrelated to civil penalties or other civil sanctions, fees will be charged for any resulting licensee-specific activities not otherwise exempted from fees under this chapter. Fees will be charged for approvals issued under a specific exemption provision of the Commission's regulations under title 10 of the *Code of Federal Regulations* (e.g., 10 CFR 30.11, 40.14, 70.14, 73.5, and any other sections in effect now or in the future), 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 sealed source and device evaluations as shown in fee categories 9.A. through 9.D.

³ Full cost fees will be determined based on the professional staff time multiplied by the appropriate professional hourly rate established in § 170.20 in effect when the service is provided, and the appropriate contractual support services expended.

⁴ Licensees paying fees under categories 1.A., 1.B., and 1.E. are not subject to fees under categories 1.C., 1.D. and 1.F. for sealed sources authorized in the same license, except for an application that deals only with the sealed sources authorized by the license.

⁵ Persons who possess radium sources that are used for operational purposes in another fee category are not also subject to the fees in this category. (This exception does not apply if the radium sources are possessed for storage only.)

⁶ Licensees subject to fees under fee categories 1.A., 1.B., 1.E., or 2.A. must pay the largest applicable fee and are not subject to additional fees listed in this table.

⁷ Licensees paying fees under 3.C., 3.C.1, or 3.C.2 are not subject to fees under 2.B. for possession and shielding authorized on the same license.

⁸ Licensees paying fees under 7.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.

⁹ Licensees paying fees under 3.N. are not subject to paying fees under 3.P., 3.P.1, or 3.P.2 for calibration or leak testing services authorized on the same license.

¹⁰ Licensees paying fees under 7.B., 7.B.1, or 7.B.2 are not subject to paying fees under 7.C., 7.C.1, or 7.C.2. for broad scope licenses issued under 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 authorized on the same license.

¹¹ A materials license (or part of a materials license) that transitions to fee category 14.A is assessed full-cost fees under 10 CFR part 170, but is not assessed an annual fee under 10 CFR part 171. If only part of a materials license is transitioned to fee category 14.A, the licensee may be charged annual fees (and any applicable 10 CFR part 170 fees) for other activities authorized under the license that are not in decommissioning status.

¹² Because the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019, excludes international activities from the fee-recoverable budget in FY 2019, import and export licensing actions will not be charged fees.

PART 171 -- ANNUAL FEES FOR REACTOR LICENSES AND FUEL CYCLE LICENSES AND MATERIALS LICENSES, INCLUDING HOLDERS OF CERTIFICATES OF COMPLIANCE, REGISTRATIONS, AND QUALITY ASSURANCE PROGRAM APPROVALS AND GOVERNMENT AGENCIES LICENSED BY THE NRC

4. The authority citation for part 171 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 161(w), 223, 234 (42 U.S.C. 2014, 2201(w), 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 42 U.S.C. 2214; 44 U.S.C. 3504 note.

5. In § 171.15, revise paragraphs (a), (b)(1), (b)(2) introductory text, (c)(1), (c)(2) introductory text, (d)(1) introductory text, (d)(2) and (3), and (f) to read as follows:

§ 171.15 Annual fees: Reactor licenses and independent spent fuel storage licenses.

(a) Each person holding an operating license for a power, test, or research reactor; each person holding a combined license under part 52 of this chapter after the

Commission has made the finding under 10 CFR 52.103(g); each person holding a part 50 or part 52 power reactor license that is in decommissioning or possession only status, except those that have no spent fuel onsite; and each person holding a part 72 license who does not hold a part 50 or part 52 license and provides notification in accordance with 10 CFR 72.80(g), shall pay the annual fee for each license held during the Federal fiscal year in which the fee is due. This paragraph does not apply to test or research reactors exempted under § 171.11(b).

(b)(1) The FY 2019 annual fee for each operating power reactor that must be collected by September 30, 2019, is \$4,669,000.

(2) The FY 2019 annual fees are comprised of a base annual fee for power reactors licensed to operate, a base spent fuel storage/reactor decommissioning annual fee and associated additional charges (fee-relief adjustment). The activities comprising the spent fuel storage/reactor decommissioning base annual fee are shown in paragraphs (c)(2)(i) and (ii) of this section. The activities comprising the FY 2019 fee-relief adjustment are shown in paragraph (d)(1) of this section. The activities comprising the FY 2019 base annual fee for operating power reactors are as follows:

* * * * *

(c)(1) The FY 2019 annual fee for each power reactor holding a 10 CFR part 50 license that is in a decommissioning or possession-only status and has spent fuel onsite, and for each independent spent fuel storage 10 CFR part 72 licensee who does not hold a 10 CFR part 50 license, is \$152,000.

(2) The FY 2019 annual fee is comprised of a base spent fuel storage/reactor decommissioning annual fee (which is also included in the operating power reactor annual fee shown in paragraph (b) of this section) and a fee-relief adjustment. The activities comprising the FY 2019 fee-relief adjustment are shown in paragraph (d)(1) of

this section. The activities comprising the FY 2019 spent fuel storage/reactor decommissioning rebaselined annual fee are:

* * * * *

(d)(1) The fee-relief adjustment allocated to annual fees includes a surcharge for the activities listed in paragraph (d)(1)(i) of this section, plus the amount remaining after total budgeted resources for the activities included in paragraphs (d)(1)(ii) and (iii) of this section are reduced by the appropriations the NRC receives for these types of activities. If the NRC's appropriations for these types of activities are greater than the budgeted resources for the activities included in paragraphs (d)(1)(ii) and (iii) of this section for a given fiscal year, annual fees will be reduced. The activities comprising the FY 2019 fee-relief adjustment are as follows:

* * * * *

(2) The total FY 2019 fee-relief adjustment allocated to the operating power reactor class of licenses is a \$219,777 fee-relief surcharge, not including the amount allocated to the spent fuel storage/reactor decommissioning class. The FY 2019 operating power reactor fee-relief adjustment to be assessed to each operating power reactor is approximately a \$2,243 fee-relief surcharge. This amount is calculated by dividing the total operating power reactor fee-relief surcharge, \$219,777, by the number of operating power reactors (98).

(3) The FY 2019 fee-relief adjustment allocated to the spent fuel storage/reactor decommissioning class of licenses is a \$11,888 fee-relief surcharge. The FY 2019 spent fuel storage/reactor decommissioning fee relief adjustment to be assessed to each operating power reactor, each power reactor in decommissioning or possession-only status that has spent fuel onsite, and to each independent spent fuel storage 10 CFR part 72 licensee who does not hold a 10 CFR part 50 license, is a \$97.44 fee-relief surcharge. This amount is calculated by dividing the total fee-relief surcharge by

the total number of power reactors licenses, except those that permanently ceased operations and have no fuel onsite, and 10 CFR part 72 licensees who do not hold a 10 CFR part 50 license.

* * * * *

(f) The FY 2019 annual fees for licensees authorized to operate a research or test (non-power) reactor licensed under 10 CFR part 50, unless the reactor is exempted from fees under § 171.11(b), are as follows:

Research reactor	\$82,400
Test reactor	\$82,400

6. In § 171.16, revise paragraphs (c), (d), and (e) introductory text to read as follows:

§ 171.16 Annual fees: Materials licensees, holders of certificates of compliance, holders of sealed source and device registrations, holders of quality assurance program approvals, and government agencies licensed by the NRC.

* * * * *

(c) A licensee who is required to pay an annual fee under this section, in addition to 10 CFR part 72 licenses, may qualify as a small entity. If a licensee qualifies as a small entity and provides the Commission with the proper certification along with its annual fee payment, the licensee may pay reduced annual fees as shown in the following table. Failure to file a small entity certification in a timely manner could result in the receipt of a delinquent invoice requesting the outstanding balance due and/or denial of any refund that might otherwise be due. The small entity fees are as follows:

	Maximum Annual Fee Per Licensed Category
Small Businesses Not Engaged in Manufacturing (Average gross receipts over last 3 completed fiscal years):	
\$485,000 to \$7 million	\$4,500
Less than \$485,000	\$900
Small Not-For-Profit Organizations (Annual Gross Receipts):	
\$485,000 to \$7 million	\$4,500
Less than \$485,000	\$900
Manufacturing Entities that Have An Average of 500 Employees or Fewer:	
35 to 500 employees	\$4,500
Fewer than 35 employees	\$900
Small Governmental Jurisdictions (Including publicly supported educational institutions) (Population):	
20,000 to 49,999	\$4,500
Fewer than 20,000	\$900
Educational Institutions that are not State or Publicly Supported, and have 500 Employees or Fewer	
35 to 500 employees	\$4,500
Fewer than 35 employees	\$900

(d) The FY 2019 annual fees are comprised of a base annual fee and an allocation for fee-relief adjustment. The activities comprising the FY 2019 fee-relief adjustment are shown for convenience in paragraph (e) of this section. The FY 2019 annual fees for materials licensees and holders of certificates, registrations, or approvals subject to fees under this section are shown in the following table:

**SCHEDULE OF MATERIALS ANNUAL FEES
AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC
[See footnotes at end of table]**

Category of materials licenses	Annual fees ^{1, 2, 3}

1. Special nuclear material:	
A. (1) Licenses for possession and use of U-235 or plutonium for fuel fabrication activities. (a) Strategic Special Nuclear Material (High Enriched Uranium) ¹⁵ [Program Code(s): 21130]	\$6,675,000
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel ¹⁵ [Program Code(s): 21210]	\$2,262,000
(2) All other special nuclear materials licenses not included in Category 1.A.(1) which are licensed for fuel cycle activities.	
(a) Facilities with limited operations ¹⁵ [Program Code(s): 21310, 21320]	N/A
(b) Gas centrifuge enrichment demonstration facility ¹⁵	N/A
(c) Others, including hot cell facility ¹⁵	N/A
B. Licenses for receipt and storage of spent fuel and reactor-related Greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI) ^{11,15} [Program Code(s): 23200]	N/A
C. Licenses for possession and use of special nuclear material of less than a critical mass, as defined in § 70.4 of this chapter, in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers. [Program Code(s): 22140]	\$2,900
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in sealed or unsealed form in combination that would constitute a critical mass, as defined in § 70.4 of this chapter, for which the licensee shall pay the same fees as those under Category 1.A. [Program Code(s): 22110, 22111, 22120, 22131, 22136, 22150, 22151, 22161, 22170, 23100, 23300, 23310]	\$7,300
E. Licenses or certificates for the operation of a uranium enrichment facility ¹⁵ [Program Code(s): 21200]	\$2,909,000
F. Licenses for possession and use of special nuclear materials greater than critical mass, as defined in § 70.4 of this chapter, for development and testing of commercial products, and other non-fuel cycle activities. ⁴ [Program Code: 22155]	\$5,300
2. Source material:	
A. (1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride or for deconverting uranium hexafluoride in the production of uranium oxides for disposal. ¹⁵ [Program Code: 11400]	\$1,417,000
(2) Licenses for possession and use of source material in recovery operations such as milling, in-situ recovery, heap-leaching, ore buying stations, ion-exchange facilities and in-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, as well as licenses authorizing the possession and maintenance of a facility in a standby mode.	
(a) Conventional and Heap Leach facilities ¹⁵ [Program Code(s):	N/A

11100]	
(b) Basic <i>In Situ</i> Recovery facilities ¹⁵ [Program Code(s): 11500]	\$49,200
(c) Expanded <i>In Situ</i> Recovery facilities ¹⁵ [Program Code(s): 11510]	N/A
(d) <i>In Situ</i> Recovery Resin facilities ¹⁵ [Program Code(s): 11550]	⁵ N/A
(e) Resin Toll Milling facilities ¹⁵ [Program Code(s): 11555]	⁵ N/A
(3) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2.A.(2) or Category 2.A.(4) ¹⁵ [Program Code(s): 11600, 12000]	⁵ N/A
(4) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2.A.(2) ¹⁵ [Program Code(s): 12010]	N/A
B. Licenses which authorize the possession, use, and/or installation of source material for shielding. ^{16,17} Application [Program Code(s): 11210]	\$3,100
C. Licenses to distribute items containing source material to persons exempt from the licensing requirements of part 40 of this chapter. [Program Code: 11240]	\$7,900
D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter [Program Code(s): 11230 and 11231]	\$6,100
E. Licenses for possession and use of source material for processing or manufacturing of products or materials containing source material for commercial distribution. [Program Code: 11710]	\$7,400
F. All other source material licenses. [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810, 11820]	\$9,300
3. Byproduct material:	
A. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5. [Program Code(s): 03211, 03212, 03213]	\$28,600
(1). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20.	\$38,000

[Program Code(s): 03211, 03212, 03213]	
(2). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: more than 20. [Program Code(s): 04011, 04013, 04015]	\$47,300
B. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5. [Program Code(s): 03214, 03215, 22135, 22162]	\$11,600
(1). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20. [Program Code(s): 04110, 04112, 04114, 04116]	\$15,400
(2). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: more than 20. [Program Code(s): 04111, 04113, 04115, 04117]	\$19,000
C. Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 1–5. [Program Code(s): 02500, 02511, 02513]	\$10,800
(1). Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 6–20. [Program Code(s): 04210, 04212, 04214]	\$14,300
(2). Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is	

exempt under § 170.11(a)(4). Number of locations of use: more than 20. [Program Code(s): 04211, 04213, 04215]	\$17,800
D. [Reserved]	⁵ N/A
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) [Program Code(s): 03510, 03520]	\$11,900
F. Licenses for possession and use of less than or equal to 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes [Program Code(s): 03511]	\$11,000
G. Licenses for possession and use of greater than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes [Program Code(s): 03521]	\$88,000
H. Licenses issued under 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 to persons exempt from the licensing requirements of part 30 of this chapter [Program Code(s): 03254, 03255, 03257]	\$10,900
I. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation 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 [Program Code(s): 03250, 03251, 03252, 03253, 03256]	\$17,600
J. Licenses issued under 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 part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter. [Program Code(s): 03240, 03241, 03243]	\$4,200
K. Licenses issued under 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 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for	\$3,100

distribution to persons generally licensed under part 31 of this chapter [Program Code(s): 03242, 03244]	
L. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 1-5. [Program Code(s): 01100, 01110, 01120, 03610, 03611, 03612, 03613]	\$15,300
(1) Licenses of broad scope for possession and use of product material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 6-20. [Program Code(s): 04610, 04612, 04614, 04616, 04618, 04620, 04622]	\$20,300
(2) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: more than 20. [Program Code(s): 04611, 04613, 04615, 04617, 04619, 04621, 04623]	\$25,300
M. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for research and development that do not authorize commercial distribution [Program Code(s): 03620]	\$14,900
N. Licenses that authorize services for other licensees, except: (1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3.P.; and (2) Licenses that authorize waste disposal services are subject to the fees specified in fee categories 4.A., 4.B., and 4.C. [Program Code(s): 03219, 03225, 03226]	\$18,600
O. Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when authorized on the same license Number of locations of use: 1-5. [Program Code(s): 03310, 03320]	\$30,200
(1). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when authorized on the same license. Number of locations of use: 6-20. [Program Code(s): 04310, 04312]	\$40,300
(2). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when authorized on the same license. Number of locations of use: more than 20. [Program Code(s): 04311, 04313]	\$50,200
P. All other specific byproduct material licenses, except those in Categories 4.A. through 9.D. ¹⁸ Number of locations of use: 1-5. [Program Code(s): 02400, 02410, 03120, 03121, 03122, 03123, 03124, 03140, 03130, 03220, 03221, 03222, 03800, 03810, 22130]	\$10,000

(1). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D. ¹⁸ Number of locations of use: 6-20. [Program Code(s): 04410, 04412, 04414, 04416, 04418, 04420, 04422, 04424, 04426, 04428, 04430, 04432, 04434, 04436, 04438]	\$13,400
(2). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D. ¹⁸ Number of locations of use: more than 20. [Program Code(s): 04411, 04413, 04415, 04417, 04419, 04421, 04423, 04425, 04427, 04429, 04431, 04433, 04435, 04437, 04439]	\$16,700
Q. Registration of devices generally licensed under part 31 of this chapter	¹³ N/A
R. Possession of items or products containing radium-226 identified in 10 CFR 31.12 which exceed the number of items or limits specified in that section: ¹⁴ (1). Possession of quantities exceeding the number of items or limits in 10 CFR 31.12(a)(4), or (5) but less than or equal to 10 times the number of items or limits specified [Program Code(s): 02700]	\$7,100
(2). Possession of quantities exceeding 10 times the number of items or limits specified in 10 CFR 31.12(a)(4) or (5) [Program Code(s): 02710]	\$7,500
S. Licenses for production of accelerator-produced radionuclides [Program Code(s): 03210]	\$31,000
4. Waste disposal and processing:	
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material [Program Code(s): 03231, 03233, 03235, 03236, 06100, 06101]	\$32,600
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 [Program Code(s): 03234]	\$18,400
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 [Program Code(s): 03232]	\$10,500
5. Well logging:	
A. Licenses for possession and 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 [Program Code(s): 03110, 03111, 03112]	\$14,600

B. Licenses for possession and use of byproduct material for field flooding tracer studies. [Program Code(s): 03113]	⁵ N/A
6. Nuclear laundries: A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material [Program Code(s): 03218]	\$35,200
7. Medical licenses: A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. ⁹ Number of locations of use: 1-5. [Program Code(s): 02300, 02310]	\$26,100
(1). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. ⁹ Number of locations of use: 6-20. [Program Code(s): 04510, 04512]	\$34,600
(2). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. ⁹ Number of locations of use: more than 20. [Program Code(s): 04511, 04513]	\$43,300
B. Licenses of broad scope issued to medical institutions or two or more physicians under 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. This category also includes the possession and use of source material for shielding when authorized on the same license. ⁹ Number of locations of use: 1-5. [Program Code(s): 02110]	\$31,600
(1). Licenses of broad scope issued to medical institutions or two or more physicians under 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. This category also includes the possession and use of source material for shielding when authorized on the same license. ⁹ Number of locations of use: 6-20. [Program Code(s): 04710]	\$41,900
(2). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter	\$52,200

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. This category also includes the possession and use of source material for shielding when authorized on the same license. ⁹ Number of locations of use: more than 20. [Program Code(s): 04711]	
C. Other licenses issued under 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. This category also includes the possession and use of source material for shielding when authorized on the same license. ^{9, 19} Number of locations of use: 1-5. [Program Code(s): 02120, 02121, 02200, 02201, 02210, 02220, 02230, 02231, 02240, 22160]	\$15,300
(1). Other licenses issued under 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. This category also includes the possession and use of source material for shielding when authorized on the same license. ^{9, 19} Number of locations of use: 6-20. [Program Code(s): 04810, 04812, 04814, 04816, 04818, 04820, 04822, 04824, 04826, 04828]	\$20,200
(2). Other licenses issued under 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. This category also includes the possession and use of source material for shielding when authorized on the same license. ^{9, 19} Number of locations of use: more than 20. [Program Code(s): 04811, 04813, 04815, 04817, 04819, 04821, 04823, 04825, 04827, 04829]	\$25,300
8. Civil defense: A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities [Program Code(s): 03710]	\$7,100
9. Device, product, or sealed source safety evaluation: A. Registrations issued for the safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution	\$14,300
B. Registrations issued for the 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	\$11,900
C. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for	\$7,000

commercial distribution	
D. Registrations issued for the 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	\$1,500
10. Transportation of radioactive material: A. Certificates of Compliance or other package approvals issued for design of casks, packages, and shipping containers. 1. Spent Fuel, High-Level Waste, and plutonium air packages 2. Other Casks	⁶ N/A ⁶ N/A
B. Quality assurance program approvals issued under part 71 of this chapter. 1. Users and Fabricators 2. Users	⁶ N/A ⁶ N/A
C. Evaluation of security plans, route approvals, route surveys, and transportation security devices (including immobilization devices)	⁶ N/A
11. Standardized spent fuel facilities	⁶ N/A
12. Special Projects [Program Code(s): 25110]	⁶ N/A
13. A. Spent fuel storage cask Certificate of Compliance	⁶ N/A
B. General licenses for storage of spent fuel under 10 CFR 72.210	¹² N/A
14. Decommissioning/Reclamation: A. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under parts 30, 40, 70, 72, and 76 of this chapter, including master materials licenses (MMLs). The transition to this fee category occurs when a licensee has permanently ceased principal activities. [Program Code(s): 03900, 11900, 21135, 21215, 21240, 21325, 22200]	^{7,20} N/A
B. Site-specific decommissioning activities associated with unlicensed sites, including MMLs, whether or not the sites have been previously licensed	⁷ N/A
15. Import and Export licenses	⁸ N/A
16. Reciprocity	⁸ N/A
17. Master materials licenses of broad scope issued to Government agencies. ¹⁵ [Program Code(s): 03614]	\$329,000
18. Department of Energy: A. Certificates of Compliance	¹⁰ \$1,020,000
B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities	\$121,000

¹ Annual fees will be assessed based on whether a licensee held a valid license with the NRC authorizing possession and use of radioactive material during the current FY. The annual fee is waived for those materials licenses and holders of certificates, registrations, and approvals who either filed for

termination of their licenses or approvals or filed for possession only/storage licenses before October 1 of the current FY, and permanently ceased licensed activities entirely before this date. Annual fees for licensees who filed for termination of a license, downgrade of a license, or for a possession-only license during the FY and for new licenses issued during the FY will be prorated in accordance with the provisions of § 171.17. If a person holds more than one license, certificate, registration, or approval, the annual fee(s) will be assessed for each license, certificate, registration, or approval held by that person. For licenses that authorize more than one activity on a single license (e.g., human use and irradiator activities), annual fees will be assessed for each category applicable to the license.

² Payment of the prescribed annual fee does not automatically renew the license, certificate, registration, or approval for which the fee is paid. Renewal applications must be filed in accordance with the requirements of parts 30, 40, 70, 71, 72, or 76 of this chapter.

³ Each FY, fees for these materials licenses will be calculated and assessed in accordance with § 171.13 and will be published in the *Federal Register* for notice and comment.

⁴ Other facilities include licenses for extraction of metals, heavy metals, and rare earths.

⁵ There are no existing NRC licenses in these fee categories. If NRC issues a license for these categories, the Commission will consider establishing an annual fee for this type of license.

⁶ Standardized spent fuel facilities, 10 CFR parts 71 and 72 Certificates of Compliance and related Quality Assurance program approvals, and special reviews, such as topical reports, are not assessed an annual fee because the generic costs of regulating these activities are primarily attributable to users of the designs, certificates, and topical reports.

⁷ Licensees in this category are not assessed an annual fee because they are charged an annual fee in other categories while they are licensed to operate.

⁸ No annual fee is charged because it is not practical to administer due to the relatively short life or temporary nature of the license.

⁹ Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions that also hold nuclear medicine licenses under fee categories 7.A, 7.A.1, 7.A.2, 7.B., 7.B.1, 7.B.2, 7.C, 7.C.1, or 7.C.2.

¹⁰ This includes Certificates of Compliance issued to the U.S. Department of Energy that are not funded from the Nuclear Waste Fund.

¹¹ See § 171.15(c).

¹² See § 171.15(c).

¹³ No annual fee is charged for this category because the cost of the general license registration program applicable to licenses in this category will be recovered through 10 CFR part 170 fees.

¹⁴ Persons who possess radium sources that are used for operational purposes in another fee category are not also subject to the fees in this category. (This exception does not apply if the radium sources are possessed for storage only.)

¹⁵ Licensees subject to fees under categories 1.A., 1.B., 1.E., 2.A., and licensees paying fees under fee category 17 must pay the largest applicable fee and are not subject to additional fees listed in this table.

¹⁶ Licensees paying fees under 3.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.

¹⁷ Licensees paying fees under 7.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.

¹⁸ Licensees paying fees under 3.N. are not subject to paying fees under 3.P., 3.P.1, or 3.P.2 for calibration or leak testing services authorized on the same license.

¹⁹ Licensees paying fees under 7.B., 7.B.1, or 7.B.2 are not subject to paying fees under 7.C., 7.C.1, or 7.C.2 for broad scope license licenses issued under 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 authorized on the same license.

²⁰ No annual fee is charged for a materials license (or part of a materials license) that has transitioned to this fee category because the decommissioning costs will be recovered through 10 CFR part 170 fees, but annual fees may be charged for other activities authorized under the license that are not in decommissioning status.

(e) The fee-relief adjustment allocated to annual fees includes the budgeted resources for the activities listed in paragraph (e)(1) of this section, plus the total budgeted resources for the activities included in paragraphs (e)(2) and (3) of this

section, as reduced by the appropriations the NRC receives for these types of activities. If the NRC's appropriations for these types of activities are greater than the budgeted resources for the activities included in paragraphs (e)(2) and (3) of this section for a given fiscal year, a negative fee-relief adjustment (or annual fee reduction) will be allocated to annual fees. The activities comprising the FY 2019 fee-relief adjustment are as follows:

* * * * *

Dated at Rockville, Maryland, this 2nd day of May 2019.

For the Nuclear Regulatory Commission.

Maureen E. Wylie,
Chief

Financial

Officer.

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