



NUCLEAR REGULATORY COMMISSION

10 CFR Parts 170 and 171

[NRC-2023-0069]

RIN 3150-AK95

Fee Schedules; Fee Recovery for Fiscal Year 2025

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend the licensing, inspection, special project, and annual fees charged to its applicants and licensees. The proposed amendments are necessary to comply with the Nuclear Energy Innovation and Modernization Act, which requires the NRC to recover, to the maximum extent practicable, approximately 100 percent of its annual budget less certain amounts excluded from this fee recovery requirement. In addition, the NRC is proposing amendments to implement a reduced hourly rate for advanced nuclear reactor applicants and pre-applicants for certain activities as required by the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024.

DATES: Submit comments by [INSERT DATE 30 DAYS AFTER THE DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration of only comments received before this date. Because the Nuclear Energy Innovation and Modernization Act requires the NRC to collect fees for fiscal year 2025 by

September 30, 2025, the NRC must finalize any revisions to its fee schedules promptly, and thus is unable to grant any extension request of the comment period.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the **Federal rulemaking website**:

- **Federal rulemaking website:** Go to <https://www.regulations.gov> and search for Docket ID **NRC-2023-0069**. Address questions about NRC dockets to Helen Chang; telephone: 301-415-3228; email: Helen.Chang@nrc.gov. For technical questions, contact the individual listed in the FOR FURTHER INFORMATION CONTACT section of this proposed rule.
- **Email comments to:** Rulemaking.Comments@nrc.gov. If you do not receive an automatic email reply confirming receipt, then contact us at 301-415-1677.
- **Fax comments to:** Secretary, U.S. Nuclear Regulatory Commission at 301-415-1101.
- **Mail comments to:** Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.
- **Hand deliver comments to:** 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. eastern time, Federal workdays; telephone: 301-415-1677.

You can read a plain language description of this proposed rule at <https://www.regulations.gov/docket/NRC-2023-0069>. For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: William Blaney, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-5092; email: William.Blaney@nrc.gov.

SUPPLEMENTARY INFORMATION:

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I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2023-0069 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 Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2023-0069.

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

(ADAMS): You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://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 or

301-415-4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, the ADAMS accession numbers are provided in the “Availability of Documents” section of this document.

- **NRC’s PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic submission of comments through the **Federal rulemaking website** (<https://www.regulations.gov>). Please include Docket ID NRC-2023-0069 in your comment.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comments into ADAMS.

II. Background; 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) the Nuclear Energy Innovation and Modernization Act (NEIMA) (42 U.S.C. 2215). The IOAA authorizes and encourages Federal agencies to recover, to the fullest extent possible, costs attributable to services provided to identifiable recipients. Under NEIMA, the NRC must recover, to the maximum extent practicable, approximately 100 percent of its annual budget, less the budget authority for excluded activities. Under section 102(b)(1)(B) of NEIMA, "excluded activities" include any fee-relief activity as identified by the Commission, generic homeland security activities, waste incidental to reprocessing activities, Nuclear Waste Fund activities, advanced reactor regulatory infrastructure activities, Inspector General (IG) services for the Defense Nuclear Facilities Safety Board, research and development at universities in areas relevant to the NRC's mission, and a nuclear science and engineering grant program. In fiscal year (FY) 2025, the fee-relief activities identified by the Commission are consistent with prior fee rules (see table I, "Excluded Activities," of this document for the list of all excluded activities).

Under NEIMA, the NRC must use its IOAA authority first to collect service fees for NRC work that provides specific benefits to identifiable recipients (such as licensing work, inspections, and special projects). The NRC's regulations in part 170 of title 10 of the *Code of Federal Regulations* (10 CFR), "Fees for Facilities, Materials, Import and Export Licenses, and Other Regulatory Services Under the Atomic Energy Act of 1954, as Amended," explain how the agency collects service fees from specific beneficiaries. Because the NRC's fee recovery under the IOAA (10 CFR part 170) will not equal 100 percent of the agency's total budget authority for the FY (less the budget authority for excluded activities), the NRC also assesses "annual fees" under 10 CFR 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," to recover the remaining amount necessary to comply with NEIMA.

Additionally, on July 9, 2024, the President signed into law the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 (ADVANCE Act), which, among other things, amended fee-related provisions in NEIMA. Specifically, the ADVANCE Act includes three fee-related provisions and provides an effective date of October 1, 2025 (FY 2026), for each of these provisions: (1) section 101, “International Nuclear Export and Innovation Activities,” establishes a new excluded activity for “[c]osts for international nuclear export and innovation activities described in section 101(a)” of the ADVANCE Act; (2) section 201, “Fees for Advanced Nuclear Reactor Application Review,” requires a reduced hourly rate for advanced nuclear reactor applicants and advanced nuclear reactor pre-applicants for certain activities (Reduced Hourly Rate) and creates new excluded activities associated with the Reduced Hourly Rate; and (3) section 204, “Enabling Preparations for the Demonstration of Advanced Nuclear Reactors on Department of Energy Sites or Critical National Security Infrastructure Sites,” establishes two more excluded activities for costs for application reviews and pre-application activities for an early site permit to demonstrate an advanced nuclear reactor on a Department of Energy or “critical national security infrastructure” site.

This proposed rule would include revisions to 10 CFR part 170 to implement section 201 of the ADVANCE Act in preparation for the October 1, 2025 (FY 2026), statutory effective date for the Reduced Hourly Rate. In short, the NRC would establish two hourly rates: (1) the professional hourly rate; and (2) the Reduced Hourly Rate for advanced nuclear reactor applicants and pre-applicants. The professional hourly rate is expected to be effective in August 2025, and the Reduced Hourly Rate would take effect separately on October 1, 2025 (FY 2026), consistent with the statutory effective date. The professional hourly rate would be the typical full-cost professional hourly rate calculated using the NRC’s established process, as described in Section III, “FY 2025 Fee Collection—Professional Hourly Rate” of this document. Implementation of section 201 Reduced Hourly Rate in the FY 2025 fee rule would allow for public notice and

comment before the October 1, 2025 (FY 2026), statutory effective date; would avoid delays in billing for advanced nuclear reactor applicants and pre-applicants; and would also reduce unnecessary burden to the NRC and affected entities while promoting regulatory transparency, consistency, certainty, and public engagement. The proposed revisions to 10 CFR part 170 to implement this proposed policy change are further described in Section II, Discussion, “FY 2025—Policy Changes,” of this document.

Because sections 101 and 204 of the ADVANCE Act completely remove certain activities from the fee-recovery requirement as new excluded activities effective October 1, 2025 (FY 2026), these provisions do not present an implementation issue that would benefit from rule changes being developed in advance of the statutory effective date. As a result, the NRC plans to propose rule changes to implement sections 101 and 204 of the ADVANCE Act as part of the FY 2026 fee rule, consistent with the FY 2026 statutory effective date.

III. Discussion

FY 2025 Fee Collection—Overview

The NRC is issuing this FY 2025 proposed fee rule based on the FY 2025 budget request as further described in the NRC’s FY 2025 Congressional Budget Justification (CBJ) (NUREG–1100, Volume 40) because a full-year appropriation has not yet been enacted for FY 2025. The NRC will adjust the fees described in this proposed rule to reflect the enacted budget authority for FY 2025. The FY 2025 budget request is \$994.9 million and proposes the use of \$20.0 million in carryover to offset the Nuclear Reactor Safety budget. As a result, the gross budget authority in the FY 2025 budget request and the total budget authority used in the FY 2025 proposed fee rule is \$974.9 million, which is an increase of \$30.8 million from FY 2024. The increase is primarily to support salaries and benefits, in accordance with the U.S. Office of Management and Budget (OMB) guidance.

As explained previously, certain portions of the NRC’s total budget authority are excluded from the fee recovery requirement under section 102(b)(1)(B) of NEIMA. Based on the FY 2025 budget request, these exclusions total \$151.0 million, which is an increase of \$13.9 million from FY 2024. These excluded activities consist of \$104.7 million for fee-relief activities, \$19.2 million for advanced reactor regulatory infrastructure activities, \$14.4 million for generic homeland security activities, \$10.0 million for the University Nuclear Leadership Program, \$1.5 million for IG services for the Defense Nuclear Facilities Safety Board, and \$1.2 million for waste incidental to reprocessing activities. Table I summarizes the excluded activities for the FY 2025 proposed fee rule. The FY 2024 amounts are provided for comparison purposes.

TABLE I—EXCLUDED ACTIVITIES
[Dollars in millions]

	FY 2024 Final Rule	FY 2025 Proposed Rule
Fee-Relief Activities:		
International activities	31.1	32.3
Agreement State oversight	12.5	11.5
Medical isotope production infrastructure	1.5	0.7
Fee exemption for nonprofit educational institutions	17.7	18.4
Costs not recovered from small entities under 10 CFR 171.16(c)	10.5	9.7
Regulatory support to Agreement States	12.0	15.7
Generic decommissioning/reclamation activities (not related to the operating power reactors and spent fuel storage fee classes)	2.7	8.2
Uranium recovery program and unregistered general licensees	5.3	5.2
Potential Department of Defense remediation program Memorandum of Understanding activities	0.8	0.8
Non-military radium sites	0.2	0.2
Minority Serving Institutions Grant Program	2.5	2.0
Subtotal Fee-Relief Activities	96.8	104.7
Activities under section 102(b)(1)(B)(ii) of NEIMA (Generic Homeland Security activities, University Nuclear Leadership Program, Waste Incidental to Reprocessing activities, and the Defense Nuclear Facilities Safety Board)	16.5	27.1
Advanced reactor regulatory infrastructure activities	23.8	19.2
Total Excluded Activities	137.1	151.0

After accounting for the exclusions from the fee recovery requirement and net billing adjustments (i.e., for FY 2025 invoices that the NRC estimates will not be paid

during the FY, less payments received in FY 2025 for prior-year invoices), the NRC estimates that it must recover approximately \$826.1 million in fees in FY 2025. Of this amount, the NRC estimates that \$216.0 million will be recovered through 10 CFR part 170 service fees and approximately \$610.1 million will be recovered through 10 CFR part 171 annual fees. Table II of this document summarizes the fee recovery amounts for the FY 2025 proposed fee rule using the FY 2025 budget request and takes into account the budget authority for excluded activities and net billing adjustments. For all information presented in the following tables in this proposed rule, individual values may not sum to totals due to rounding. Please see the work papers, available as indicated in the “Availability of Documents” section of this document, for actual amounts.

Since a full-year appropriation has not yet been enacted, the FY 2025 proposed fee rule is based on the FY 2025 budget request. Consistent with the FY 2025 budget request, this proposed rule assumes the utilization of \$20.0 million in carryover to offset the Nuclear Reactor Safety budget. The FY 2024 amounts are provided for comparison purposes. If the NRC receives an appropriation providing a different total budget authority, the final fee rule will reflect the final appropriation.

TABLE II—BUDGET AND FEE RECOVERY AMOUNTS
[Dollars in millions]

	FY 2024 Final Rule	FY 2025 Proposed Rule
Total Budget Authority	\$944.1	\$974.9
Less Budget Authority for Excluded Activities:	-137.1	-151.0
Balance	807.0	823.9
Fee Recovery Percent	100.0	100.0
Total Amount to be Recovered:	807.0	823.9
Less Estimated Amount to be Recovered through 10 CFR part 170 Fees	-202.2	-216.0
Estimated Amount to be Recovered through 10 CFR part 171 Fees	604.8	608.0
10 CFR part 171 Billing Adjustments:		
Unpaid Current Year Invoices (estimated)	4.3	4.5

Less Payments Received in Current Year for Previous Year Invoices (estimated)	-3.0	-2.4
Adjusted 10 CFR part 171 Annual Fee Collections Required	606.1	610.1
Adjusted Amount to be Recovered through 10 CFR parts 170 and 171 Fees	808.3	826.1

FY 2025 Fee Collection—Professional Hourly Rate

This section discusses the methodology for calculating the NRC’s typical full-cost hourly rate. The proposed methodology for calculating the Reduced Hourly Rate is discussed in,” Section III, Discussion, “FY 2025—Policy Change,” of this document.

The NRC uses a professional hourly rate to assess fees under 10 CFR part 170 for specific services it provides. The professional hourly rate also helps determine flat fees (which are used for the review of certain types of license applications). The full costs of fees under §§ 170.21, “Schedule of fees for production and utilization facilities, review of standard referenced design approvals, special projects, inspections and import and export licenses,” and 170.31, “Schedule of fees for materials licenses and other regulatory services, including inspections, and import and export licenses” will be determined based on either the professional hourly rate or the Reduced Hourly Rate, effective October 1, 2025 (FY 2026). 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 IG). The NRC then subtracts certain offsetting receipts and divides this total by the mission-direct full-time equivalent (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:

$$\text{Professional Hourly Rate} = \frac{\text{Budgeted Resources}}{\text{Mission-Direct FTE Converted to Hours}} = \frac{\$822.3 \text{ million}}{1,687.4 \times 1,507} = \$323$$

For FY 2025, the NRC is proposing to increase the professional hourly rate from \$317 to \$323. The proposed 2.0 percent increase in the professional hourly rate is primarily due to an approximately \$5.4 million increase in resources requested in the FY 2025 budget request. The FY 2025 CBJ explains that the increase in budgeted resources is primarily to support the following: (1) non-power reactor construction permit and operating license applications; (2) the relocation and the design and construction of the Headquarters Operations Center (HOC) necessary to exit one of the NRC headquarters buildings before its lease expiration in November 2027; (3) the development and implementation of several required IT and cybersecurity measures, including an Artificial Intelligence (AI) infrastructure to facilitate the responsible adoption of AI to support efforts related to Executive Order (EO) 14110, "Safe, Secure, and Trustworthy Development and use of Artificial Intelligence"; (4) an increase in the fully-costed FTE rate compared to FY 2024 due to an increase in salaries and benefits to support Federal pay raises for NRC employees.

In addition, the NRC anticipates a decrease in mission-direct FTEs. The professional hourly rate is inversely related to the mission-direct FTE amount; therefore, as the number of mission-direct FTE decrease, the professional hourly rate may increase. Based on the FY 2025 budget request, the number of mission-direct FTE is expected to decrease by approximately 33, primarily due to the following: (1) a reduction in resources to support license renewal application reviews based on updated assessment workload projections and an associated budget model informed by recently completed license renewal application reviews; (2) a reduction in new reactor pre-application resources informed by the anticipated application timelines and historical budget execution; (3) a reduction in oversight activities, including allegations and vendor inspections; (4) a decrease in research systems analysis activities; (5) the completion of the NRC's review of the Kairos Power, LLC's (Kairos) construction permit application for the Hermes 2 test reactor facilities ahead of schedule; and (6) the completion of the

NRC's review of the Kairos construction permit application for the Hermes 1 test reactor, which was issued on December 12, 2023.

The FY 2025 estimate for annual mission-direct FTE productive hours is 1,507 hours, which is an increase from 1,500 hours in FY 2024. This estimate reflects the average number of hours that a mission-direct employee spends on mission-direct work annually. This estimate, therefore, excludes hours charged to annual leave, sick leave, holidays, training, and general administrative tasks. Table III of this document shows the professional hourly rate calculation methodology. The FY 2024 amounts are provided for comparison purposes.

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

	FY 2024 Final Rule	FY 2025 Proposed Rule
Mission-Direct Program Salaries & Benefits	\$384.4	\$371.4
Mission-Indirect Program Support	\$118.9	\$117.8
Agency Support (Corporate Support and the IG)	\$313.6	\$333.1
Subtotal	\$816.9	\$822.3
Less Offsetting Receipts ¹	\$0.0	0.0
Total Budgeted Resources Included in the Professional Hourly Rate	\$816.9	\$822.3
Mission-Direct FTE	1,720.3	1,687.4
Annual Mission-Direct FTE Productive Hours (Whole numbers)	1,500	1,507
Mission-Direct FTE Converted to Hours (Mission-Direct FTE multiplied by Annual Mission-Direct FTE Productive Hours)	2,580,450	2,542,912
Professional Hourly Rate (Total Budgeted Resources Included in Professional Hourly Rate Divided by Mission-Direct FTE Converted to Hours) (Whole Numbers)	\$317	\$323

FY 2025 Fee Collection—Flat Application Fee Changes

The NRC proposes to amend the flat application fees it charges in its schedule of fees in § 170.31 to reflect the revised professional hourly rate of \$323. The NRC charges

¹ The 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 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 and Test Reactors products within the Operating Reactors business line.

these fees to applicants for materials licenses and other regulatory services, as well as to holders of materials licenses. The NRC calculates flat fees by multiplying the average professional staff hours needed to process the licensing actions by the FY 2025 professional hourly rate. Biennially, the NRC analyzes the actual hours spent performing licensing actions and estimates the five-year average of professional staff hours that are needed to process licensing actions. The biennial review 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 for the FY 2025 proposed fee rule and will perform this review again for the FY 2027 proposed fee rule. The biennial review adjustment and the higher professional hourly rate of \$323 are the primary reasons for the increase in flat application fees (see the work papers).

In order to simplify billing, the NRC rounds these flat fees to a minimal degree. Specifically, the NRC rounds these flat fees (up or down) in such a way that ensures both convenience for its stakeholders and minimal effects due to rounding. 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 proposed 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). Applications filed on or after the effective date of the FY 2025 final fee rule will be subject to the revised fees in the final rule. Since international activities are excluded from the fee recovery requirement, fees are not assessed for import and export licensing actions under 10 CFR parts 170 and 171.

FY 2025 Fee Collection—Low-Level Waste Surcharge

The NRC proposes to assess a generic low-level waste (LLW) surcharge of \$4.005 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 regulated by an Agreement State, rather than the NRC. The NRC proposes to allocate this surcharge to its licensees based on data available in the U.S. Department of Energy's (DOE's) Manifest Information Management System. This database contains information on total LLW volumes disposed of by four generator classes: academic, industrial, medical, and utility. The ratio of waste volumes disposed of by these generator classes to total LLW volumes disposed 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 the materials users fee classes. The materials users fee class portion is adjusted to account for the large percentage of materials licensees that are licensed by the Agreement States rather than the NRC.

Table IV of this document shows the allocation of the LLW surcharge and its allocation across the various fee classes.

TABLE IV—ALLOCATION OF LLW SURCHARGE, FY 2025
[Dollars in millions]

Fee Classes	LLW Surcharge	
	Percent	\$
Operating Power Reactors	85.0	3.404
Spent Fuel Storage/Reactor Decommissioning	0.0	0.000
Non-Power Production or Utilization Facilities	0.0	0.000
Fuel Facilities	11.9	0.477
Materials Users	3.1	0.124
Transportation	0.0	0.000
Rare Earth Facilities	0.0	0.000
Uranium Recovery	0.0	0.000
Total	100.0	4.005

FY 2025 Fee Collection—Revised Annual Fees

In accordance with SECY-05-0164, "Annual Fee Calculation Method," the NRC rebaselines its annual fees every year. "Rebaselining" entails analyzing the budgeted resources in detail and then allocating the budgeted resources to various classes or

subclasses of licensees. Rebaselining also includes updating the number of NRC licensees in its fee calculation methodology. As shown in Table II above, the NRC calculates the total amount to be recovered through 10 CFR part 171 annual fees by first taking the annual budget (less the budget authority for excluded activities) and subtracting the estimated amount to be recovered through 10 CFR part 170 fees. The NRC then makes certain billing adjustments to arrive at the total adjusted amount to be recovered through 10 CFR part 171 fees.

The NRC is proposing revisions to its annual fees in §§ 171.15 and 171.16 based on the FY 2025 budget request.

Table V of this document shows the proposed rebaselined fees for FY 2025 for a sample of licensee categories. The FY 2024 amounts are provided for comparison purposes.

TABLE V—REBASELINED ANNUAL FEES
[Actual dollars]

Class/Category of Licenses	FY 2024 Final Annual Fee	FY 2025 Proposed Annual Fee
Operating Power Reactors	\$5,336,000	\$5,359,000
+ Spent Fuel Storage/Reactor Decommissioning	\$326,000	\$341,000
Total, Combined Fee	\$5,662,000	\$5,700,000
Spent Fuel Storage/Reactor Decommissioning	\$326,000	\$341,000
Non-Power Production or Utilization Facilities	\$97,200	\$124,400
High Enriched Uranium Fuel Facility (Category 1.A.(1)(a))	\$6,412,000	\$6,412,000
Low Enriched Uranium Fuel Facility (Category 1.A.(1)(b))	\$2,173,000	\$2,173,000
Uranium Enrichment (Category 1.E)	\$2,794,000	\$2,794,000
UF ₆ Conversion and Deconversion Facility (Category 2.A.(1))	\$1,361,000	\$1,361,000
Basic <i>In Situ</i> Recovery Facilities (Category 2.A.(2)(b))	\$53,200	\$51,900

Typical Users: Radiographers (Category 3O)	\$43,700	\$30,600
All Other Specific Byproduct Material Licensees (Category 3P)	\$14,600	\$15,100
Medical Other (Category 7C)	\$21,400	\$20,900
Device/Product Safety Evaluation - Broad (Category 9A)	\$29,800	\$25,900

The work papers that support this proposed 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 the budgeted resources allocated to each class of licensees and the calculations of the rebaselined fees. For more information about detailed fee calculations for each class, please consult the accompanying work papers for this proposed rule.

a. Operating Power Reactors

The NRC proposes to collect \$503.8 million in annual fees from the operating power reactors fee class in FY 2025, as shown in table VI of this document. The FY 2024 operating power reactors fees are shown for comparison purposes.

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

Summary Fee Calculations	FY 2024 Final Rule	FY 2025 Proposed Rule
Total budgeted resources	\$665.0	\$683.6
Less estimated 10 CFR part 170 receipts	-168.3	-185.7
Net 10 CFR part 171 resources	496.7	497.9
Allocated generic transportation	0.7	0.7
Allocated LLW surcharge	3.2	3.4
Billing adjustment	1.1	1.8
Total required annual fee recovery	501.6	503.8
Total operating reactors	94	94

Annual fee per operating reactor	\$5.336	\$5.359
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In comparison to FY 2024, the FY 2025 proposed annual fee for the operating power reactors fee class is increasing primarily due to an increase in the budgeted resources requested in the FY 2025 budget request that are allocated to the operating power reactors fee class. The increase in the proposed annual fee for the operating power reactors fee class is offset primarily due to the following: (1) an anticipated increase in 10 CFR part 170 estimated billings; and (2) the assumed utilization of \$20.0 million in carryover to offset the Nuclear Reactor Safety budget.²

The FY 2025 CBJ explains that the increase in budgeted resources is primarily to support the following: (1) technical reviews of 10 CFR part 50 construction permit applications; (2) contract funding for the mission-critical system changes to the Reactor Program System related to cybersecurity executive orders and IT infrastructure upgrades to maintain government-wide standards; and (3) the fully-costed FTE compared to FY 2024 due to an increase in salaries and benefits.

However, the effect of the increase on the proposed annual fee for the operating power reactors fee class is offset primarily due to the assumed use of \$20.0 million in carryover to offset the Nuclear Reactor Safety budget as proposed in the FY 2025 budget request. The increase in budgeted resources is also mitigated by the following: (1) reduction in resources to support license renewal application reviews based on updated assessment workload projections and an associated budget model informed by recently completed license renewal application reviews; (2) a reduction in new reactor pre-application resources informed by the anticipated application timelines and historical budget execution; (3) a reduction in oversight activities, including allegations and vendor inspections; and (4) a reduction in research systems analysis activities.

² As explained above, the NRC is issuing this FY 2025 proposed fee rule based on the FY 2025 budget request because a full-year appropriation has not yet been enacted for FY 2025. If the enacted budget authority for FY 2025 does not include the assumed utilization of \$20.0 million in carryover to offset the Nuclear Reactor Safety budget, it is likely that the annual fee for the operating power reactors fee class could increase more than proposed.

The 10 CFR part 170 estimated billings are increasing primarily due to the following: (1) to support operator reactor licensing activities; and (2) to support the NRC's review of construction permit applications.

The proposed annual fee is also affected by the following contributing factors: (1) an increase in the 10 CFR part 171 billing adjustment due to the timing of invoices issued in FY 2024; and (2) an increase in the LLW surcharge for the operating power reactors fee class to support activities related to the coordination of the National LLW Program, including guidance development.

The proposed fee-recoverable budgeted resources are divided equally among the 94 licensed operating power reactors, resulting in a proposed annual fee of \$5,359,000 per operating power reactor. Additionally, the NRC estimates that each licensed operating power reactor will be assessed the FY 2025 spent fuel storage/reactor decommissioning proposed annual fee of \$341,000 (see table VII of this document and the discussion that follows). The NRC estimates that the combined FY 2025 proposed annual fee for each operating power reactor will be \$5,700,000.

Section 102(b)(3)(B)(i) of NEIMA established a cap for the annual fees charged to operating reactor licensees; under this provision, the annual fee for an operating reactor licensee, to the maximum extent practicable, shall not exceed the annual fee amount per operating reactor licensee established in the FY 2015 final fee rule (80 FR 37432; June 30, 2015), adjusted for inflation. The NRC included an estimate of the operating power reactors fee class annual fee in appendix C, "Estimated Operating Power Reactors Annual Fee," of the FY 2025 CBJ to increase transparency for stakeholders. The NRC developed this estimate based on the staff's allocation of the FY 2025 CBJ to fee classes under 10 CFR part 170, and allocations within the operating power reactors fee class under 10 CFR part 171. The fee estimate included in the FY 2025 CBJ assumed 94 operating power reactors in FY 2025 and applied various data assumptions from the FY 2023 final fee rule. Based on these allocations and assumptions, the annual fee for the operating power reactors fee class included in the

FY 2025 CBJ was estimated to be \$5.517 million, which is \$0.895 million below the FY 2015 operating power reactors annual fee amount adjusted for inflation of \$6.412 million. Although this proposed rule is based on the FY 2025 budget request, the assumptions made between budget formulation and the development of this proposed rule have changed such that the proposed annual fee for the operating power reactor fee class is \$5.359 million, compared to the estimated \$5.517 million in the CBJ. These changes are primarily due to the increase in the 10 CFR part 170 estimated billings for the proposed annual fee rule compared to the estimates for 10 CFR part 170 billings at the time of the FY 2025 budget request. The proposed annual fee for the operating power reactor fee class in this proposed rule is less than the annual fee included in the FY 2025 budget request, and thus, the FY 2025 proposed annual fee remains below the FY 2015 operating power reactors fee class annual fee amount, as adjusted for inflation.

In FY 2016, the NRC amended 10 CFR 171.15 to establish a variable annual fee structure for light-water reactor (LWR) small modular reactors (SMRs) (81 FR 32617; May 24, 2016). In FY 2023, the NRC further amended § 171.5 to: (1) expand the applicability of the SMR variable fee structure to include non-LWR SMRs; and (2) establish an additional minimum fee and variable rate applicable to SMRs with a licensed thermal power rating of less than or equal to 250 megawatts-thermal (MWt) (88 FR 39120; June 15, 2023). This revision to the SMR variable annual fee structure retained the bundled unit concept for SMRs and the approach for calculating fees for reactors, or bundled units, with licensed thermal power ratings greater than 250 MWt.

Currently, there are no operating SMRs; therefore, the NRC will not assess an annual fee in FY 2025 for this type of licensee.

b. Spent Fuel Storage/Reactor Decommissioning

The NRC proposes to collect \$42.3 million in annual fees from 10 CFR part 50 and 10 CFR part 52 power reactor licensees, and from 10 CFR part 72 licensees that do not hold a 10 CFR part 50 license or a 10 CFR part 52 combined license, to recover the

budgeted resources for the spent fuel storage/reactor decommissioning fee class in FY 2025, as shown in table VII of this document. The FY 2024 spent fuel storage/reactor decommissioning fees are shown for comparison purposes.

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

Summary Fee Calculations	FY 2024 Final Rule	FY 2025 Proposed Rule
Total budgeted resources	\$50.4	\$51.3
Less estimated 10 CFR part 170 receipts	-12.3	-11.4
Net 10 CFR part 171 resources	38.0	39.9
Allocated generic transportation costs	2.3	2.3
Billing adjustments	0.1	0.1
Total required annual fee recovery	40.4	42.3
Total spent fuel storage facilities	124	124
Annual fee per facility	\$0.326	\$0.341

In comparison to FY 2024, the FY 2025 proposed annual fee for the spent fuel storage/reactor decommissioning fee class is increasing primarily due to an increase in budgeted resources requested in the FY 2025 budget request that are allocated to the fee class and an expected decrease in 10 CFR part 170 estimated billings.

The increase in budgeted resources is primarily due to the following: (1) an increase in the fully-costed FTE compared to FY 2024 due to an increase in salaries and benefits; and (2) an expected increase in decommissioning licensing activities associated with accelerated decommissioning schedules.

The proposed annual fee is also increasing due to an expected decrease in the 10 CFR part 170 estimated billings, which in turn is primarily due to the following: (1) the withdrawal of two license termination plan applications, including the associated environmental reviews; (2) a decrease in decommissioning inspection activities at multiple sites; and (3) a reduction in the number of licensing activities for storage license

renewals. This decrease in estimated billings is expected to be partially offset by the following: (1) an increase in hours to support decommissioning licensing actions, including the review of two delayed license termination plans, one partial site release, and environmental reviews for multiple sites; (2) an increase in hours to support inspections for independent spent fuel storage installation and dry cask storage certificates of compliance (CoCs) at multiple sites; and (3) an expected increase in the number of licensing exemption requests for CoCs and independent spent fuel storage installations.

The required annual fee recovery amount is divided equally among 124 facilities, resulting in a proposed FY 2025 annual fee of \$341,000 per facility.

c. Fuel Facilities

The NRC proposes to collect \$25.3 million in annual fees from the fuel facilities fee class in FY 2025, as shown in table VIII of this document. The FY 2024 fuel facilities fees are shown for comparison purposes.

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

Summary Fee Calculations	FY 2024 Final Rule	FY 2025 Proposed Rule
Total budgeted resources	\$30.9	\$32.1
Less estimated 10 CFR part 170 receipts	-8.7	-10.1
Net 10 CFR part 171 resources	22.2	22.1
Allocated generic transportation	2.5	2.7
Allocated LLW surcharge	0.4	0.5
Billing adjustments	0.1	0.1
Total remaining required annual fee recovery	\$25.3	\$25.3

In comparison to FY 2024, the FY 2025 proposed annual fee for the fuel facilities fee class is estimated to be the same as FY 2024, while in the FY 2025 budget request (which this proposed rule is based on) the requested budgeted resources allocated to

the fuel facilities fee class increased. This increase is primarily offset by an expected increase in the 10 CFR part 170 estimated billings. As a result, there is no change in the proposed annual fee for the fuel facilities fee class compared to FY 2024.

As discussed in the FY 2025 CBJ, the budgeted resources increased primarily to support the following: (1) construction inspections at fuel cycle facilities; and (2) an increase in the fully-costed FTE rate compared to FY 2024 due to an increase in salaries and benefits.

The 10 CFR part 170 estimated billings are anticipated to increase in comparison to FY 2024 primarily due to the following: (1) review of several expected licensing actions, including two for an increase in enrichment activities that will require environmental assessments; (2) the continued review of the TRISO-X, LLC, fuel fabrication facility application; and (3) to support the acceptance review of a new fuel facility application. This increase is partially offset by the completion of: (1) the review of the National Institute of Standards and Technology's (NIST's) license renewal application for possession and use of special nuclear material; (2) the NRC's review of the Purdue University license renewal application for possession and use of its special nuclear material; and (3) the Urenco USA amendment to increase its enrichment limit to 10 weight per uranium-235.

The proposed increase in the annual fee is also affected by an increase in the generic transportation surcharge.

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 31448; June 10, 1999). In short, the matrix groups licensees within this fee class into various fee categories. The matrix lists processes that are 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 of this document). 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 regulatory effort that is not

recovered through 10 CFR part 170 fees (e.g., rulemaking, guidance). Regulatory effort for activities that are subject to 10 CFR part 170 fees, such as the number of inspections, is not applicable to the effort factor.

TABLE IX—EFFORT FACTORS FOR FUEL FACILITIES, FY 2025

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))	1	3	22
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
Total	8	189	164

In FY 2025, the total remaining amount of the proposed annual fees that the NRC estimates to be recovered, \$25.3 million, is attributable to safety activities, safeguards activities, and the LLW surcharge. For FY 2025, the total budgeted resources proposed to be recovered as annual fees for safety activities are approximately \$13.3 million. To calculate the annual fee, the NRC allocates this amount to each fee category based on its percentage of the total regulatory effort for safety activities. Similarly, the NRC allocates the budgeted resources that the NRC estimates to be recovered as annual fees for safeguards activities, \$11.5 million, to each fee category based on its percentage of the total regulatory effort for safeguards activities. Finally, the fuel facilities fee class portion of the 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 proposed annual fee per licensee is then calculated by dividing the estimated total allocated budgeted resources for the fee category by the number of licensees in that fee category. The proposed annual fee for each facility is summarized in table X of this document.

TABLE X—ANNUAL FEES FOR FUEL FACILITIES**[Actual dollars]**

Facility Type (fee category)	FY 2024 Final Annual Fee	FY 2025 Proposed Annual Fee
High Enriched Uranium Fuel (1.A.(1)(a))	\$6,412,000	\$6,412,000
Low Enriched Uranium Fuel (1.A.(1)(b))	\$2,173,000	\$2,173,000
Facilities with limited operations (1.A.(2)(a))	\$1,791,000	\$1,791,000
Gas Centrifuge Enrichment Demonstration (1.A.(2)(b))	N/A	N/A
Hot Cell (and others) (1.A.(2)(c))	N/A	N/A
Uranium Enrichment (1.E.)	\$2,794,000	\$2,794,000
UF ₆ Conversion and Deconversion (2.A.(1))	\$1,361,000	\$1,361,000

d. Uranium Recovery Facilities

The NRC proposes to collect \$0.4 million in annual fees from the uranium recovery facilities fee class in FY 2025, as shown in table XI of this document. The FY 2024 uranium recovery facilities fees are shown for comparison purposes.

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

Summary fee calculations	FY 2024 Final Rule	FY 2025 Proposed Rule
Total budgeted resources	\$0.7	\$1.8
Less estimated 10 CFR part 170 receipts	-0.4	-1.4
Net 10 CFR part 171 resources	0.3	0.4
Billing adjustments	0.0	0.0
Total required annual fee recovery	\$0.3	\$0.4

In comparison to FY 2024, the total required annual fee recovery for the fee class is increasing, primarily due to an increase in budgeted resources requested in the FY 2025 budget request that are allocated to the fee class. This increase is primarily to support the NRC's review of license renewal applications. This increase in the total budgeted resources for the fee class is partially offset by an expected increase in 10 CFR part 170 estimated billings to support the NRC's review of license renewal

applications for: (1) Crow Butte Resources, Inc; (2) Powertech USA, Inc.; and (3) CrownPoint. As discussed in this document, the uranium recovery fee class includes DOE and non-DOE licensees. Compared to FY 2024, the proposed annual fee amount for DOE is increasing and the proposed annual fee amount for the non-DOE licensee is decreasing. The proposed annual fee amount for the non-DOE licensee is decreasing primarily due to an increase in 10 CFR part 170 estimated billings to support the NRC’s review of license renewal applications.

The NRC regulates DOE’s Title I and Title II activities under the Uranium Mill Tailings Radiation Control Act (UMTRCA).³ The proposed annual fee assessed to DOE includes the resources specifically budgeted for the NRC’s UMTRCA Title I and Title II activities, as well as 10 percent of the remaining budgeted resources for this fee class. The NRC described the overall methodology for determining fees for UMTRCA in the FY 2002 fee rule (67 FR 42612; June 24, 2002), and the NRC continues to use this methodology. DOE’s UMTRCA proposed annual fee is increasing compared to FY 2024 primarily due to a rise in budgeted resources for the staff to conduct generic work to: (1) coordinate on license termination strategies for sites; and (2) address performance issues related to existing cover systems at mill tailings sites. The NRC assesses the remaining 90 percent of its budgeted resources to the remaining licensee in this fee class, which is reflected in table XII. For additional information, please see the work papers.

**TABLE XII—COSTS RECOVERED THROUGH ANNUAL FEES;
URANIUM RECOVERY FACILITIES FEE CLASS**

[Actual dollars]

Summary of Costs:	FY 2024 Final Annual Fee	FY 2025 Proposed Annual Fee
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³ Congress established the two programs, Title I and Title II, under UMTRCA to protect the public and the environment from hazards associated with 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 weapons programs. 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.

DOE Annual Fee Amount (UMTRCA Title I and Title II) General Licenses: UMTRCA Title I and Title II budgeted resources less 10 CFR part 170 receipts	\$254,846	\$346,896
10 percent of generic/other uranium recovery budgeted resources	\$5,908	\$5,763
Total Annual Fee Amount for DOE (rounded)	\$261,000	\$353,000
Annual Fee Amount for Other Uranium Recovery Licenses: 90 percent of generic/other uranium recovery budgeted resources less the amounts specifically budgeted for UMTRCA Title I and Title II activities	\$53,169	\$51,871
Total Annual Fee Amount for Other Uranium Recovery Licensees	\$53,169	\$51,871

Further, for any non-DOE licensees, the NRC will continue using a matrix to determine the effort levels associated with conducting generic regulatory actions for the different licensees in the uranium recovery facilities 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, and mill tailings disposal facilities. The matrix identifies the types of operating activities that support and benefit these licensees, along with each activity's relative weight (see the work papers). Currently, there is only one non-DOE licensee, which is a basic ISR facility. Table XIII of this document displays the benefit factors for the non-DOE licensee in that fee category.

TABLE XIII—BENEFIT FACTORS FOR URANIUM RECOVERY LICENSES, 2025

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
Basic <i>In Situ</i> Recovery facilities (2.A.(2)(b))	1	190	190	100
Expanded <i>In Situ</i> Recovery facilities (2.A.(2)(c))	0			
Section 11e.(2) disposal incidental to existing tailings sites (2.A.(4))	0			

Total	1	190	190	100
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Given that there is only one non-DOE licensee in the fee class, the application of the matrix does not result in any adjustment to the licensee's annual fee. As such, the FY 2025 proposed annual fee for the remaining non-DOE licensee is \$51,900 (rounded), as shown in table XIV of this document.

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

Facility Type (fee category)	FY 2024 Final Annual Fee	FY 2025 Proposed Annual Fee
Conventional and Heap Leach mills (2.A.(2)(a))	N/A	N/A
Basic <i>In Situ</i> Recovery facilities (2.A.(2)(b))	\$53,200	\$51,900
Expanded <i>In Situ</i> Recovery facilities (2.A.(2)(c))	N/A	N/A
Section 11e.(2) disposal incidental to existing tailings sites (2.A.(4))	N/A	N/A

e. Non-Power Production or Utilization Facilities

The NRC proposes to collect \$0.249 million in annual fees from the non-power production or utilization facilities fee class in FY 2025, as shown in table XV of this document. The FY 2025 non-power production or utilization facilities fees are shown for comparison purposes.

TABLE XV—ANNUAL FEE SUMMARY CALCULATIONS FOR
NON-POWER PRODUCTION OR UTILIZATION FACILITIES
[Dollars in millions]

Summary Fee Calculations	FY 2024 Final Rule	FY 2025 Proposed Rule
Total budgeted resources	\$3.195	\$0.926
Less estimated 10 CFR part 170 receipts	-2.963	-0.720
Net 10 CFR part 171 resources	0.233	0.206
Allocated generic transportation	0.054	0.040
Billing adjustments	0.005	0.002
Total required annual fee recovery	0.292	0.249

Total non-power production or utilization facilities licensees	3	2
Total annual fee per licensee (rounded)	\$0.097	\$0.124

In comparison to FY 2024, while the total required annual fee for the non-power production or utilization facilities fee class decreased, the total annual fee per licensee is increasing primarily due to a decrease in the number of licensees in this fee class as a result of the shutdown of the General Electric (GE) Hitachi Vallecitos Nuclear Center in FY 2024. That is, the total required annual fee recovery in this proposed rule is divided equally between the two non-power production or utilization facility licensees in this fee class rather than among the three under the FY 2024 final rule, resulting in an increase in the total annual fee per licensee in comparison.

Compared to FY 2024, the requested budgeted resources in the FY 2025 budget request that are allocated to the fee class decreased primarily due to the following: (1) the completion of the review of the Kairos construction permit application for the Hermes 2, Units 1 and 2 test reactors ahead of schedule; and (2) the completion of the review of the Kairos construction permit for Hermes 1, issued on December 12, 2023. The decrease in budgeted resources is offset by the rise in the fully-costed FTE rate compared to FY 2024 due to an increase in salaries and benefits.

The 10 CFR part 170 estimated billings for this fee class are expected to decrease compared to FY 2024 primarily due to the following: (1) the shutdown of the GE Hitachi Vallecitos Nuclear Center in FY 2024; (2) the completion of the NRC's review effort associated with the NIST fuel damage event and restart; and (3) expected delays in pre-application audits of construction permit submissions.

The total required annual fee recovery amount is divided equally among the two non-power production or utilization facilities licensees subject to annual fees and results in an FY 2025 proposed annual fee of \$124,400 for each licensee.

f. Rare Earth

In FY 2025, the NRC has allocated approximately \$0.8 million in budgeted resources to this fee class; however, because all the budgeted resources will be recovered through service fees assessed under 10 CFR part 170, the NRC is not proposing to assess and collect annual fees in FY 2025 for this fee class.

g. Materials Users

The NRC proposes to collect \$45.1 million in annual fees from materials users licensed under 10 CFR parts 30, 40, and 70 in FY 2025, as shown in table XVI of this document. The FY 2024 materials users fees are shown for comparison purposes.

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

Summary Fee Calculations	FY 2024 Final Rule	FY 2025 Proposed Rule
Total budgeted resources for licensees not regulated by Agreement States	\$44.3	\$42.8
Less estimated 10 CFR part 170 receipts	-0.8	-0.8
Net 10 CFR part 171 resources	43.5	42.0
Allocated generic transportation	2.6	2.9
LLW surcharge	0.1	0.1
Billing adjustments	0.1	0.1
Total required annual fee recovery	\$46.3	\$45.1

In comparison to FY 2024, there is a decrease in total budgeted resources requested in the FY 2025 budget request that are allocated to the nuclear materials users fee class. This decrease is primarily due to: (1) a reduction in rulemaking activities; and (2) a reduction in materials research activities. The decrease in budgeted resources is offset by an increase in the fully-costed FTE rate compared to FY 2024 due to an increase in salaries and benefits.

This proposed rule would continue to use the NRC's established methodology for equitably and fairly allocating the proposed total annual fee of \$45.1 million among approximately 2,300 diverse licensees in the fee class. 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 methodology for calculating 10 CFR part 171 annual fees for the various categories of materials users in this fee class includes using a formula that is described in detail in the work papers. This formula considers application fees, inspection costs, inspection priority (or frequency), and unique category costs.

At a high-level, this formula includes three main components (1) recovery of general costs, (2) recovery of inspection costs, and (3) unique category costs. The proposed total annual fee recovery of \$45.1 million for FY 2025, as shown in table XVI of this document, consists of \$35.2 million for general costs (including the allocated generic transportation costs), and \$9.8 million for inspection costs; there are no unique category costs for any fee categories in FY 2025. As part of calculating the recovery for the general costs and inspection costs, respectively, the NRC derives two multipliers: the constant multiplier and the inspection multiplier. Additional information concerning this formula can be found in the work papers.

A constant multiplier is established to recover the total general costs for the fee class (estimated to be \$35.2 million in FY 2025). To derive the constant multiplier, the general cost amount is divided by the sum of all fee categories (application fee plus the average inspection cost divided by inspection priority) then multiplied by the number of licensees. The average inspection cost is the average inspection hours for each fee

category multiplied by the FY 2025 proposed professional hourly rate of \$323. The inspection priority is the interval between routine inspections, expressed in years. This calculation results in a proposed constant multiplier of 1.28 for FY 2025.

The inspection multiplier is established to recover inspection costs for the fee class (estimated to be \$9.8 million in FY 2025). To derive the inspection multiplier, the inspection costs for the fee class is divided by the sum of all fee categories (average inspection cost divided by inspection priority) then multiplied by the number of licensees. This calculation results in a proposed inspection multiplier of 1.88 for FY 2025.

Additionally, the unique category costs would recover costs unique to a particular fee category in FY 2025. As stated above, there are no unique category costs for FY 2025.

The FY 2025 proposed total annual fee recovery of \$45.1 million for the materials users fee class also includes approximately \$0.1 million in LLW surcharge costs (see table IV, "Allocation of LLW Surcharge, FY 2025," of this document). The LLW surcharge costs for the fee class are not included in the above-described formula; rather, the surcharge amount for the fee class is divided by the number of licensees and then assessed to each licensee. See the work papers for the LLW surcharge amount per licensee.

Based on the above-described calculations, overall, the proposed total annual fee recovery expected for the material users fee class is decreasing compared to FY 2024. For the individual categories within the fee class, the FY 2025 proposed annual fees for 8 fee categories are decreasing compared to FY 2024. The FY 2025 proposed annual fees for 48 fee categories are increasing compared to FY 2024. The proposed increase for these 48 fee categories is primarily due to the following: (1) a decrease in the number of materials users licensees within those fee categories; and (2) an increase in the average inspection cost for these fee categories; the increase in the average inspection cost is due to an increase in the inspection hours for these fee

categories based on the NRC's biennial review of inspection hours. The proposed annual fee for each fee category is shown in the proposed revision to § 171.16(d).

h. Transportation

The NRC proposes to collect \$2.6 million in annual fees to recover generic transportation budgeted resources in FY 2025, as shown in table XVII of this document. The FY 2024 fees are shown for comparison purposes.

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

Summary Fee Calculations	FY 2024 Final Rule	FY 2025 Proposed Rule
Total budgeted resources	\$13.0	\$14.3
Less estimated 10 CFR part 170 receipts	-2.4	-3.1
Net 10 CFR part 171 resources	10.6	11.2
Less generic transportation resources	-8.2	-8.6
Billing adjustments	0.0	0.0
Total required annual fee recovery	\$2.3	\$2.6

In comparison to FY 2024, the FY 2025 proposed annual fee for the transportation fee class is increasing primarily due to an increase in the budgeted resources requested in the FY 2025 budget request that are allocated to this fee class. This increase is partially offset by: (1) an increase in the 10 CFR part 170 estimated billings; and (2) a rise in the distribution of the generic transportation resources allocated to other fee classes.

In FY 2025, the budgeted resources increased primarily to support the following: (1) the licensing of transportation packages for accident tolerant fuel and high assay low-enrichment uranium; and (2) a rise in the fully-costed FTE rate compared to FY 2024 due to an increase in salaries and benefits.

The increase in the proposed annual fee is partially offset by a rise in the distribution of generic transportation resources allocated to respective other fee classes resulting from an additional number of CoCs for FY 2025.

Furthermore, the proposed annual fee is also partially offset by an increase in the 10 CFR part 170 estimated billings primarily due to the following: (1) to support the NRC's review of new and amended transportation packages; and (2) to conduct inspection activities.

Consistent with the policy established in the NRC's FY 2006 final fee rule (71 FR 30722; 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 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 of this document. Note that for the non-power production or utilization facilities fee class, the NRC allocates the distribution to only those licensees that are subject to annual fees. Although five CoCs benefit the entire non-power production or utilization facilities fee class, only two out of 29 operating non-power production or utilization facilities licensees are subject to annual fees. Consequently, the number of CoCs used to determine the proportion of generic transportation resources allocated to annual fees for the non-power production or utilization facilities fee class has been adjusted to 0.3 so these licensees are charged a fair and equitable portion of the total fees (see the work papers).

TABLE XVIII—DISTRIBUTION OF TRANSPORTATION RESOURCES, FY 2025
[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	25.9	\$2.9

Operating Power Reactors	6.0	6.2	\$0.7
Spent Fuel Storage/Reactor Decommissioning	20.0	20.8	\$2.3
Non-Power Production or Utilization Facilities	0.3	0.4	\$0.04
Fuel Facilities	23.0	23.9	\$2.7
Subtotal of Generic Transportation Resources	74.3	77.2	\$8.6
DOE	22.0	22.8	\$2.6
Total	96.3	100.0	\$11.2

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

FY 2025—Policy Change

The NRC is proposing one policy change for FY 2025.

Reduced Hourly Rate for Advanced Nuclear Reactor Applicants and Pre-Applicants.

As previously described in Section II, “Background; Statutory Authority” of this document, section 201 of the ADVANCE Act requires the NRC to assess a Reduced Hourly Rate for advanced nuclear reactor applicants and pre-applicants for certain activities. This section discusses the why, who, what, and how for the NRC’s proposal for implementation of section 201: (1) why is the NRC implementing section 201 in the FY 2025 fee rule; (2) who would qualify for the Reduced Hourly Rate; (3) what activities would qualify for the Reduced Hourly Rate; and (4) how is the NRC proposing to calculate the Reduced Hourly Rate.

a. Why Is the NRC Implementing Section 201 in the FY 2025 Fee Rule?

The NRC conducts rulemaking to revise its fee regulations on an annual basis to comply with NEIMA, and the final fee rule for a given fiscal year is generally expected to be effective in August of that fiscal year. Due to this timing, the NRC’s established

process is to use the effective professional hourly rate from the last final fee rule to bill for service fees until the new professional hourly rate is effective. For example, for the majority of FY 2024, the effective professional hourly rate from the FY 2023 final fee rule (\$300 per hour) was used to bill at quarterly intervals since the FY 2024 final fee rule was not effective until August 19, 2024.

Because section 201 of the ADVANCE Act becomes effective on October 1, 2025 (FY 2026), certain activities become eligible for the Reduced Hourly Rate on this date as well. However, the NRC's FY 2026 final fee rule is not expected to be effective until August 2026. Thus, to wait to propose fee rule changes to implement section 201 in the FY 2026 fee rule, the NRC would have to delay billing for activities eligible for the Reduced Hourly Rate until the FY 2026 final fee rule is effective. Therefore, the NRC is proposing changes to 10 CFR part 170 in the FY 2025 fee rule to avoid burdens associated with having to delay billing for activities eligible for the Reduced Hourly Rate, and to allow for public notice and comment before the October 1, 2025 (FY 2026), statutory effective date. It also would provide greater regulatory certainty to external stakeholders for planning and budgeting for future 10 CFR part 170 service fees for advanced nuclear reactor applicants and pre-applicants.

b. Who Would Qualify for the Reduced Hourly Rate?

Section 201 of the ADVANCE Act amends NEIMA to require the NRC to assess a Reduced Hourly Rate to advanced nuclear reactor applicants and pre-applicants for certain activities. The ADVANCE Act sunsets the Reduced Hourly Rate for advanced nuclear reactor pre-applicants on September 30, 2030. As a result, prior to the September 30, 2030, sunset, only entities who meet the definition for the term "advanced nuclear reactor applicant" or the term "advanced nuclear reactor pre-applicant" would qualify for the Reduced Hourly Rate; after the sunset, only advanced nuclear reactor applicants would qualify for the Reduced Hourly Rate, and pre-applicants would no longer qualify for the Reduced Hourly Rate.

Section 201 of the ADVANCE Act amends NEIMA to add new definitions for the terms “advanced nuclear reactor applicant” and “advanced nuclear reactor pre-applicant.” These definitions are limited to provisions in NEIMA and do not alter the meaning of similar terms as used in other statutes, such as the Atomic Energy Act (AEA), or regulations implementing statutes other than NEIMA. The definition added to NEIMA for an advanced nuclear reactor pre-applicant is “an entity that has submitted to the [NRC] a licensing project plan for the purposes of submitting a future application for a license for an advanced nuclear reactor under the [AEA]” (Qualifying Licensing Project Plan).⁴ The definition added to NEIMA for an advanced nuclear reactor applicant is “an entity that has submitted to the [NRC] an application for a license for an advanced nuclear reactor under the [AEA]” (Qualifying License Application).⁵ After the NRC grants or denies the Qualifying License Application or if the application is withdrawn, the entity would no longer qualify as an advanced nuclear reactor applicant for that application.

The definitions added to NEIMA for both an advanced nuclear reactor applicant and an advanced nuclear reactor pre-applicant are not limited to commercial licenses under AEA section 103. These definitions apply to any advanced nuclear reactor, as defined by NEIMA section 3(1), for which an “application for a license” is pursued. Although neither NEIMA nor the ADVANCE Act includes a definition for the term “license,” the text of NEIMA demonstrates that for purposes of NEIMA’s provisions, the term “license” refers to an initial license that is not a permit (i.e., an operating license, combined license, and manufacturing license). NEIMA draws a clear distinction between the term “license” and the terms “permit,” “license amendment,” “license renewal,” and “design certification and approval,” as multiple provisions in NEIMA refer to licenses and separately to permits, license amendments, license renewals, and design certifications and approvals.

Accordingly, to qualify as an advanced nuclear reactor applicant under NEIMA, an entity must have submitted a Qualifying License Application—that is, an application

⁴ Pub. L. No. 118-67, div. B, § 201(a)(3) (to be codified at 42 U.S.C. 2215 note).

⁵ Pub. L. No. 118-67, div. B, § 201(a)(2) (to be codified at 42 U.S.C. 2215 note).

that is both for (1) an advanced nuclear reactor and (2) a “license” as that term is used in NEIMA (i.e., an operating license, combined license, or manufacturing license). To qualify as an advanced nuclear reactor pre-applicant under NEIMA, an entity must have submitted a Qualifying Licensing Project Plan—that is, “a licensing project plan for the purposes of submitting a future application” that is both for (1) an advanced nuclear reactor, and (2) a “license” as that term is used in NEIMA (i.e., an operating license, combined license, or manufacturing license). To be clear, the definition of an advanced nuclear reactor pre-applicant includes an entity that plans to submit or has submitted other types of applications, such as an application for a permit or design certification or approval, if the entity has submitted a Qualifying Licensing Project Plan.

Consistent with the definitions added by section 201 of the ADVANCE Act to NEIMA, the NRC proposes to amend § 170.3, “Definitions,” to include definitions for the terms “advanced nuclear reactor applicant” and “advanced nuclear reactor pre-applicant.” Specifically, the NRC is proposing to define the term “advanced nuclear reactor applicant” in § 170.3, “Definitions,” as an entity that has submitted to the Commission an application that (1) is for an advanced nuclear reactor as defined in section 3 of NEIMA; (2) is for an operating license, combined license, or manufacturing license under the AEA; and (3) is not for an amendment to or renewal of an existing license. The NRC is proposing to define the term “advanced nuclear reactor pre-applicant” in § 170.3, “Definitions,” as an entity that has submitted to the Commission a licensing project plan for the purposes of submitting a future application that (1) is for an advanced nuclear reactor as defined in section 3 of NEIMA; (2) is for an operating license, combined license, or manufacturing license under the AEA; and (3) is not for an amendment to or renewal of an existing license.

c. What Activities Would Qualify for the Reduced Hourly Rate?

Section 201 of the ADVANCE Act amends NEIMA to require the NRC to assess the Reduced Hourly Rate only for certain activities. For advanced nuclear reactor

applicants, section 201 requires the NRC to apply the Reduced Hourly Rate for fees assessed “relating to the review of [the] submitted application” (i.e., the NRC review of the Qualifying License Application). For advanced nuclear reactor pre-applicants, section 201 requires the NRC to apply the Reduced Hourly Rate for fees assessed “relating to the review of submitted materials as described in the licensing project plan” (i.e., the Qualifying Licensing Project Plan). In short, to qualify for the Reduced Hourly Rate, the activity must relate to the review of a Qualifying License Application or submitted materials as described in a Qualifying Licensing Project Plan.

For advanced nuclear reactor pre-applicants, activities must be encompassed by the Qualifying Licensing Project Plan in order to qualify for the Reduced Hourly Rate. For example, an entity that has submitted a construction permit application would qualify as an advanced nuclear reactor pre-applicant under NEIMA if it has submitted a licensing project plan for the purposes of submitting a future application for an operating license under the AEA for an advanced nuclear reactor as defined in NEIMA, as that would be a Qualifying Licensing Project Plan. Whether the review of submitted materials related to such a construction permit application would qualify for the Reduced Hourly Rate, however, would depend on whether those materials are encompassed by the Qualifying Licensing Project Plan.

Consistent with the language added by section 201 of the ADVANCE Act to NEIMA, the NRC is proposing to include language in § 170.20, “Average cost per professional staff-hour,” to make clear what activities would qualify for the Reduced Hourly Rate. Consistent with the statutory effective date, the NRC is proposing to specify in § 170.20(b)(2) that effective on October 1, 2025 (FY 2026), fees under § 170.21 relating to the review of the submitted application for the advanced nuclear reactor applicant will be calculated using the Reduced Hourly Rate. The NRC is proposing to specify in § 170.20(c)(2) that effective on October 1, 2025 (FY 2026), fees under § 170.21 relating to the review of submitted materials as described in the licensing project plan will be calculated using the Reduced Hourly Rate.

d. How Is the NRC Proposing to Calculate the Reduced Hourly Rate?

Section 201 of the ADVANCE Act amends NEIMA to specify that the Reduced Hourly Rate is the FTE rate for mission-direct program salaries and benefits for the Nuclear Reactor Safety Program, divided by the productive hours assumption, for that fiscal year. The methodology for calculating the Reduced Hourly Rate is similar to that of the professional hourly rate, discussed in Section III, “FY 2025 Fee Collection—Professional Hourly Rate,” but with certain budgeted resources not included. Under section 201 of the ADVANCE Act, the Reduced Hourly Rate does not include mission-direct program salaries and benefits for the Nuclear Materials and Waste Safety Program, mission-indirect program support for the Nuclear Reactor Safety Program and the Nuclear Materials and Waste Safety Program, and agency support.

The NRC is proposing to calculate the Reduced Hourly Rate by taking the budgeted resources for the mission-direct program salaries and benefits for the Nuclear Reactor Safety Program, then dividing this total by the mission-direct FTE for the Nuclear Reactor Safety Program converted to hours. This methodology follows section 201 of the ADVANCE Act because the FTE rate for mission-direct program salaries and benefits for the Nuclear Reactor Safety Program is derived by dividing the budgeted resources for the mission-direct program salaries and benefits for the Nuclear Reactor Safety Program by the mission-direct FTE for the Nuclear Reactor Safety Program. The mission-direct FTE for the Nuclear Reactor Safety Program converted to hours is the product of the mission-direct FTE for the Nuclear Reactor Safety Program multiplied by the estimated annual mission-direct FTE productive hours. The productive hours assumption refers to the estimated annual mission-direct FTE productive hours.

The following shows the proposed Reduced Hourly Rate calculation:

$$\begin{array}{rcccl} \text{Reduced} & & \text{Mission-Direct Budgeted} & & \\ \text{Hourly} & & \text{Resources for the Nuclear} & = & \\ \text{Rate} & & \text{Reactor Safety Program} & & \\ & & \underline{\hspace{2cm}} & & \underline{\hspace{2cm}} \\ & & & & \$289.0 \text{ million} \end{array} = \$146$$

Mission-Direct FTE for the
Nuclear Reactor Safety Program
Converted to Hours

1,309.3 x 1,507

Thus, the proposed Reduced Hourly Rate is \$146 per hour and represents an over 50 percent reduction from the full-cost professional hourly rate of \$323 per hour. The following table shows the proposed Reduced Hourly Rate calculation methodology.

REDUCED HOURLY RATE CALCULATION
[Dollars in millions, except as noted]

	FY 2025 Proposed Rule
Mission-Direct Budgeted Resources for the Nuclear Reactor Safety Program	\$289.0
Mission-Direct FTE for the Nuclear Reactor Safety Program	1,309.3
Annual Mission-Direct FTE Productive Hours (Whole numbers)	1,507
Mission-Direct FTE for the Nuclear Reactor Safety Program Converted to Hours (Mission-Direct FTE for the Nuclear Reactor Safety Program multiplied by Annual Mission-Direct FTE Productive Hours) (Whole Numbers)	1,973,115
Reduced Hourly Rate (Mission-Direct Budgeted Resources for the Nuclear Reactor Safety Program Divided by Mission-Direct FTE for the Nuclear Reactor Safety Program Converted to Hours) (Whole Numbers)	\$146

Both the professional hourly rate and the Reduced Hourly Rate would be reflected in revisions to § 170.20 in this proposed rule. Specifically, the NRC proposes to amend § 170.20 to establish two hourly rates: 1) the professional hourly rate at \$323 per hour, as described in Section III, “FY 2025 Fee Collection—Professional Hourly Rate” of this document; and 2) the Reduced Hourly Rate at \$146 per hour, as described here. The professional hourly rate is expected to be effective in August 2025, coinciding with the effective date of the FY 2025 fee rule once finalized. For the Reduced Hourly Rate, the proposed amendments to § 170.20 include language indicating that the Reduced Hourly Rate would not take effect until October 1, 2025 (FY 2026), consistent with the statutory effective date in section 201 of the ADVANCE Act. Further, the proposed revisions to § 170.20 include a statement sunsetting the applicability of the Reduced Hourly Rate for advanced nuclear reactor pre-applicants on September 30, 2030,

consistent with the statutory sunset date. In addition, the NRC proposes to amend footnote 2 to table 1 of § 170.21 to clarify that full cost fees will be determined based on either the professional hourly rate or the Reduced Hourly Rate, effective October 1, 2025 (FY 2026).

Both the proposed professional hourly rate and the Reduced Hourly Rate provided in this proposed rule are based on the FY 2025 budget request because a full-year appropriation for FY 2025 has not been enacted at this time. Thus, these rates may change if a full-year appropriation for FY 2025 is enacted.

FY 2025—Administrative Changes

The NRC is not proposing any administrative changes in FY 2025.

IV. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, as amended (RFA),⁶ the NRC has prepared a regulatory flexibility analysis related to this proposed rule. The regulatory flexibility analysis is available as indicated in the “Availability of Documents” section of this document.

V. Regulatory Analysis

Under NEIMA, the NRC is required to recover, to the maximum extent practicable, approximately 100 percent of its annual budget for FY 2025 less the budget authority for excluded activities. 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 this proposed rule, the NRC continues this longstanding approach. Therefore, the NRC did not identify any alternatives to the current fee structure guidelines and did not prepare a regulatory analysis for this proposed rule.

VI. Backfitting and Issue Finality

The NRC has determined that the backfit and issue finality provisions, §§ 50.109, “Backfitting”; 52.39, “Finality of early site permit determinations”; 52.63, “Finality of standard design certifications”; 52.83, “Finality of referenced NRC approvals; partial initial decision on site suitability”; 52.98, “Finality of combined licenses; information requests”; 52.145, “Finality of standard design approvals; information requests”; 52.171, “Finality of manufacturing licenses; information requests”; and 70.76, “Backfitting,” do not apply to this proposed rule and that a backfit analysis is not required because these amendments do not require the modification of, or addition to, (1) systems, structures, components, or the design of a facility; (2) the design approval or manufacturing license for a facility; or (3) the procedures or organization required to design, construct, or operate a facility.

VII. 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 wrote 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). The NRC requests comment on this document with respect to the clarity and effectiveness of the language used.

VIII. National Environmental Policy Act

The NRC has determined that this proposed rule is the type of action described in § 51.22(c)(1). Therefore, neither an environmental impact statement nor environmental assessment has been prepared for this proposed rule.

IX. Paperwork Reduction Act

This proposed rule does not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, et seq.). Existing collections of information were approved by the Office of Management and Budget, approval number 3150-0190.

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.

X. 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 proposed rule, the NRC proposes to amend the licensing, inspection, and annual fees charged to its licensees and applicants, as necessary, to recover, to the maximum extent practicable,

approximately 100 percent of its annual budget for FY 2025 less the budget authority for excluded activities, as required by NEIMA. This action does not constitute the establishment of a standard that contains generally applicable requirements.

XI. 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 2025 fee rule. The compliance guide was developed when the NRC completed the small entity biennial review. This compliance guide is available as indicated in the “Availability of Documents” section of this document.

XII. Public Meeting

The NRC will conduct a public meeting to describe the FY 2025 proposed rule and answer questions from the public on the proposed rule. The NRC will publish a notice of the location, time, and agenda of the meeting on the NRC’s public meeting website within 10 calendar days of the meeting. Stakeholders should monitor the NRC’s public meeting website for information about the public meeting at:
<https://www.nrc.gov/public-involve/public-meetings/index.cfm>.

XIII. 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.

DOCUMENTS	ADAMS ACCESSION NO. / FR CITATION / WEB LINK
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NUREG-1100, Volume 40, "Congressional Budget Justification: Fiscal Year 2025" (March 2024)	ML24061A093
Revision of Fee Schedules; Fee Recovery for FY 2024," dated June 20, 2024	89 FR 51789
Fiscal Year 2024 Final Fee Rule Work Papers	ML24155A214
Fiscal Year 2025 Proposed Rule Work Papers	ML25017A030
OMB Circular A-25, "User Charges"	https://www.whitehouse.gov/wp-content/uploads/2017/11/Circular-025.pdf
SECY-05-0164, "Annual Fee Calculation Method," dated September 15, 2005	ML052580332
"Revision of Fee Schedules; Fee Recovery for Fiscal Year 2015," dated June 30, 2015	80 FR 37432
SECY-24-0026, "Achieving Timely Completion of License Renewal Safety and Environmental Reviews (License Renewal Roadmap)," dated March 28, 2024	ML24059A131
"Variable Annual Fee Structure for Small Modular Reactors," dated May 24, 2016	81 FR 32617
"Revision of Fee Schedules; Fee Recovery for FY 2023," dated June 15, 2023	88 FR 39120
"Revision of Fee Schedules; 100% Fee Recovery for FY 1999," dated June 10, 1999	64 FR 31448
Revision of Fee Schedules; Fee Recovery for FY 2002," dated June 24, 2002	67 FR 42612
"Revision of Fee Schedules; Fee Recovery for FY 2006," dated May 30, 2006	71 FR 30722
Revision of Fee Schedules; Fee Recovery for FY 2024," dated June 20, 2024	89 FR 51789
FY 2025 Regulatory Flexibility Analysis	ML24341A009
FY 2025 U.S. Nuclear Regulatory Commission Small Entity Compliance Guide	ML24341A010
"Plain Language in Government Writing," dated June 10, 1998	63 FR 31885

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; 42 U.S.C. 2215; 31 U.S.C. 9701; and 5 U.S.C. 552 and 553, the NRC is proposing 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. 2215; 31 U.S.C. 901, 902, 9701; 44 U.S.C. 3504 note.

2. In § 170.3, add definitions for “Advanced nuclear reactor applicant” and “Advanced nuclear reactor pre-applicant” in alphabetical order to read as follows:

§ 170.3 Definitions.

* * * * *

Advanced nuclear reactor applicant means an entity that has submitted to the Commission an application that (1) is for an advanced nuclear reactor as defined in section 3 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215 note); (2) is for an operating license, combined license, or manufacturing license under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); and (3) is not for an amendment to or renewal of an existing license.

Advanced nuclear reactor pre-applicant means an entity that has submitted to the Commission a licensing project plan for the purposes of submitting a future application that (1) is for an advanced nuclear reactor as defined in section 3 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215 note); (2) is for an

operating license, combined license, or manufacturing license under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); and (3) is not for an amendment to or renewal of an existing license.

* * * * *

3. Revise § 170.20 to read as follows:

§ 170.20 Average cost per professional staff-hour.

(a) Except as provided in paragraphs (b) and (c), fees for permits, licenses, amendments, renewals, special projects, 10 CFR part 55 re-qualification and replacement examinations and tests, other required reviews, approvals, and inspections under §§ 170.21 and 170.31 will be calculated using the professional staff-hour rate of \$323 per hour.

(b) For advanced nuclear reactor applicants:

(1) Prior to October 1, 2025, fees under § 170.21 will be calculated using the professional staff-hour rate of \$323 per hour.

(2) Effective on October 1, 2025, fees under § 170.21 relating to the review of the submitted application for the advanced nuclear reactor applicant will be calculated using the reduced hourly rate of \$146 per hour.

(c) For advanced nuclear reactor pre-applicants:

(1) Prior to October 1, 2025, fees under § 170.21 will be calculated using the professional staff-hour rate of \$323 per hour.

(2) Effective on October 1, 2025, fees under § 170.21 relating to the review of submitted materials as described in the licensing project plan will be calculated using the reduced hourly rate of \$146 per hour.

(3) Paragraph (c) shall cease to be effective on September 30, 2030.

4. In § 170.21, in table 1, revise footnote 2 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.

* * * * *

Table 1 to § 170.21—Schedule of Facility Fees

[See footnotes at end of table]

Facility categories and type of fees	Fees^{1 2}
* * * * *	

¹ 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 hourly rate in effect when the service was provided. Effective October 1, 2025, the “full cost fees” described in the table for advanced nuclear reactor applicants and advanced nuclear reactor pre-applicants will be assessed consistent with § 170.20(b) and (c).

* * * * *

5. In § 170.31, revise table 1 to read as follows:

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

* * * * *

Table 1 to § 170.31 -- Schedule of Materials Fees

[See footnotes at end of table]

Category of materials licenses and type of fees¹	Fees^{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. ⁶ [Program Code(s): 21205]	Full Cost
(c) Others, including hot cell facilities. ⁶ [Program Code(s): 21130, 21131, 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 of this chapter in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers. ⁴ Application [Program Code(s): 22140]	\$1,500
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]	\$3,000
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]	\$1,400
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]	\$6,900
D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter. Application [Program Code(s): 11230, 11231]	\$3,200
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]	\$3,100
F. All other source material licenses. Application [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810, 11820]	\$3,100
3. Byproduct material: ¹¹	
A. 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: 1–5. Application [Program Code(s): 03211, 03212, 03213]	\$15,100
(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. Application [Program Code(s): 04010, 04012, 04014]	\$20,100
(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. Application [Program Code(s): 04011, 04013, 04015]	\$25,100
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. Application [Program Code(s): 03214, 03215, 22135, 22162]	\$4,200
(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. Application [Program Code(s): 04110, 04112, 04114, 04116]	5,600
(2). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items	\$6,900

containing byproduct material for commercial distribution. Number of locations of use: more than 20. Application [Program Code(s): 04111, 04113, 04115, 04117]	
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. Application [Program Code(s): 02500, 02511, 02513]	\$6,000
(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. Application [Program Code(s): 04210, 04212, 04214]	\$8,100
(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. Application [Program Code(s): 04211, 04213, 04215]	\$10,000
D. [Reserved]	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). Application [Program Code(s): 03510, 03520]	\$3,700
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. Application [Program Code(s): 03511]	\$7,600
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. Application [Program Code(s): 03521]	\$72,200
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. Application [Program Code(s): 03254, 03255, 03257]	\$7,700
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. 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. Application [Program Code(s): 03250, 03251, 03253, 03256]	\$11,900
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. Application [Program Code(s): 03240, 03241, 03243]	\$2,300
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. Application [Program Code(s): 03242, 03244]	\$1,300
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. Application [Program Code(s): 01100, 01110, 01120, 03610, 03611, 03612, 03613]	\$6,400
(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. Application [Program Code(s): 04610, 04612, 04614, 04616, 04618, 04620, 04622]	\$8,500
(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. Application [Program Code(s): 04611, 04613, 04615, 04617, 04619, 04621, 04623]	\$10,600
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. Application [Program Code(s): 03620]	\$9,600
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. ¹³ Application [Program Code(s): 03219, 03225, 03226]	\$10,300
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]	\$11,800
(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.	\$15,600

Application [Program Code(s): 04310, 04312]	
(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]	\$19,600
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]	\$7,900
(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]	\$10,700
(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]	\$13,300
Q. Registration of a device(s) generally licensed under part 31 of this chapter. Registration	\$600
R. Possession of items or products containing radium-226 identified in § 31.12 of this chapter which exceed the number of items or limits specified in that section. ⁵ 1. Possession of quantities exceeding the number of items or limits in § 31.12(a)(4) or (5) of this chapter but less than or equal to 10 times the number of items or limits specified. Application [Program Code(s): 02700]	\$3,000
2. Possession of quantities exceeding 10 times the number of items or limits specified in § 31.12(a)(4) or (5) of this chapter. Application [Program Code(s): 02710]	\$2,900
S. Licenses for production of accelerator-produced radionuclides. Application [Program Code(s): 03210]	\$16,500
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]	\$8,100
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]	\$5,800
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]	\$5,300
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 nuclear material. Application [Program Code(s): 03218]	\$25,800
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. 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): 02300, 02310]	\$12,900
(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. Number of locations of use: 6–20. Application [Program Code(s): 04510, 04512]	\$17,200
(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. Number of locations of use: more than 20. Application [Program Code(s): 04511, 04513]	\$21,500
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]	\$10,100
(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]	\$13,400

(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]	\$16,700
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.¹⁰ Number of locations of use: 1–5. Application [Program Code(s): 02120, 02121, 02200, 02201, 02210, 02220, 02230, 02231, 02240, 22160]	\$10,000
(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.¹⁰ Number of locations of use: 6–20. Application [Program Code(s): 04810, 04812, 04814, 04816, 04818, 04820, 04822, 04824, 04826, 04828]	\$14,700
(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.¹⁰ Number of locations of use: more than 20. Application [Program Code(s): 04811, 04813, 04815, 04817, 04819, 04821, 04823, 04825, 04827, 04829]	\$18,400
8. Civil defense:¹¹ A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities. Application [Program Code(s): 03710]	\$3,000
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	\$20,200
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	\$10,500
C. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution. Application -- each source	\$6,100
D. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance	\$1,200

with the unique specifications of, and for use by, a single applicant, except reactor fuel. Application -- each source	
10. Transportation of radioactive material:	
A. Evaluation of casks, packages, and shipping containers.	
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	\$4,500
Inspections	Full Cost
2. Users.	
Application	\$4,500
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, 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 § 110.40(b) of this chapter. 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 § 110.42(e)(4) of this chapter) 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 § 110.42(e)(4) of this chapter). 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 § 150.20 of this chapter. Application	\$3,700
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:

(1) *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.

(i) 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.

(ii) 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.

(2) *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).

(3) *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.

(4) *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).

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

²Fees 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.

³Full 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.

⁴Licensees 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.

⁵Persons 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.)

⁶Licensees 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.

⁷Licensees 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.

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

⁹Licensees 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.

¹⁰Licensees 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.

¹¹A 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.

¹²Because the resources for import and export licensing activities are identified as a fee-relief activity to be excluded from the fee-recoverable budget, import and export licensing actions will not incur fees.

¹³Licensees paying fees under 4.A., 4.B. or 4.C. are not subject to paying fees under 3.N. licenses that authorize services for other licensees authorized on the same license.

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

6. 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. 2215; 44 U.S.C. 3504 note.

7. In § 171.15, revise paragraphs (b)(1), (b)(2) introductory text, (c)(1), (c)(2) introductory text, and paragraph (e) to read as follows:

§ 171.15 Annual fees: Non-power production or utilization licenses, reactor licenses, and independent spent fuel storage licenses.

* * * * *

(b)(1) The FY 2025 annual fee for each operating power reactor that must be collected by September 30, 2025, is \$5,359,000.

(2) The FY 2025 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. 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 2025 base annual fee for operating power reactors are as follows:

* * * * *

(c)(1) The FY 2025 annual fee for each power reactor holding a 10 CFR part 50 license or combined license issued under 10 CFR part 52 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 or a 10 CFR part 52 combined license, is \$341,000.

(2) The FY 2025 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). The activities comprising the FY 2025 spent fuel storage/reactor decommissioning rebaselined annual fee are:

* * * * *

(e) The FY 2025 annual fee for licensees authorized to operate one or more non-power production or utilization facilities under a single 10 CFR part 50 license, unless the reactor is exempted from fees under § 171.11(b), is \$124,400.

8. In § 171.16, revise paragraphs (b) introductory text, (c), and (d) 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.

* * * * *

(b) The FY 2025 annual fee is comprised of a base annual fee and associated additional charges. The base FY 2025 annual fee is the sum of budgeted costs for the following activities:

* * * * *

(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 table 1 to this paragraph (c). 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:

Table 1 to Paragraph (c)

NRC Small Entity Classification	Maximum Annual Fee Per Licensed Category
Small Businesses Not Engaged in Manufacturing (Average gross receipts over the last 5 completed fiscal years):	
\$555,000 to \$8 million	\$5,800
Less than \$555,000	\$1,100
Small Not-For-Profit Organizations (Annual Gross Receipts):	
\$555,000 to \$8 million	\$5,800
Less than \$555,000	\$1,100
Manufacturing Entities that Have an Average of 500 Employees or Fewer:	
35 to 500 employees	\$5,800
Fewer than 35 employees	\$1,100

Small Governmental Jurisdictions (Including publicly supported educational institutions) (Population): 20,000 to 49,999	\$5,800
Fewer than 20,000	\$1,100
Educational Institutions that are not State or Publicly Supported, and have 500 Employees or Fewer 35 to 500 employees	\$5,800
Fewer than 35 employees	\$1,100

(d) The FY 2025 annual fees for materials licensees and holders of certificates, registrations, or approvals subject to fees under this section are shown in table 2 to this paragraph (d):

**Table 2 to Paragraph (d) - 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): 21213]	\$6,412,000
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel ¹⁵ [Program Code(s): 21210]	\$2,173,000
(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]	\$1,791,000
(b) Gas centrifuge enrichment demonstration facility ¹⁵ [Program Code(s): 21205]	N/A
(c) Others, including hot cell facility ¹⁵ [Program Code(s): 21130, 21131, 21133]	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]	\$3,500
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]	\$8,400
E. Licenses or certificates for the operation of a uranium enrichment facility ¹⁵ [Program Code(s): 21200]	\$2,794,000
F. Licenses for possession and use of special nuclear materials greater than critical mass, as defined in § 70.4 of this chapter, for development	\$6,200

and testing of commercial products, and other non-fuel cycle activities. ⁴ [Program Code: 22155]	
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]	\$1,361,000
(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): 11100]	N/A
(b) Basic <i>In Situ</i> Recovery facilities. ¹⁵ [Program Code(s): 11500]	\$51,900
(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
(f) Other facilities ⁶ [Program Code(s): 11700]	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]	\$3,800
C. Licenses to distribute items containing source material to persons exempt from the licensing requirements of part 40 of this chapter. [Program Code: 11240]	\$14,400
D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter. [Program Code(s): 11230 and 11231]	\$7,300
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]	\$9,200
F. All other source material licenses. [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810, 11820]	\$11,500
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]	\$39,700
(1). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for	\$52,800

processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20. [Program Code(s): 04010, 04012, 04014]	
(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]	\$65,900
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]	\$13,700
(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]	\$18,100
(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]	\$22,400
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) of this chapter. Number of locations of use: 1–5. [Program Code(s): 02500, 02511, 02513]	\$13,400
(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]	\$19,800
(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]	\$24,500
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]	\$12,800
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]	\$13,000

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]	\$108,800
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]	\$13,900
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, 03253, 03256]	\$18,900
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]	\$5,100
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 distribution to persons generally licensed under part 31 of this chapter. [Program Code(s): 03242, 03244]	\$3,800
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]	\$18,500
(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]	\$24,500
(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]	\$30,600
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]	\$19,100
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. ²¹ [Program Code(s): 03219, 03225, 03226]	\$20,900
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]	\$30,600
(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]	\$40,700
(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]	\$51,100
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]	\$15,100
(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]	\$20,300
(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]	\$25,300
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 § 31.12 of this chapter 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 § 31.12(a)(4), or (5) of this chapter but less than or equal to 10 times the number of items or limits specified. [Program Code(s): 02700]	\$8,800
(2). Possession of quantities exceeding 10 times the number of items or limits specified in § 31.12(a)(4) or (5) of this chapter. [Program Code(s): 02710]	\$9,200
S. Licenses for production of accelerator-produced radionuclides. [Program Code(s): 03210]	\$36,700
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, 03236, 06100, 06101]	\$32,900

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]	\$21,400
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]	\$12,600
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]	\$17,000
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]	\$40,700
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, 17} Number of locations of use: 1–5. [Program Code(s): 02300, 02310]	\$39,400
(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, 17} Number of locations of use: 6–20. [Program Code(s): 04510, 04512]	\$52,500
(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, 17} Number of locations of use: more than 20. [Program Code(s): 04511, 04513]	\$65,700
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, 17} Number of locations of use: 1–5. [Program Code(s): 02110]	\$56,300
(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, 17} Number of locations of use: 6–20. [Program Code(s): 04710]	\$74,700
(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. ^{9, 17} Number of locations of use: more than 20. [Program Code(s): 04711]	\$93,300
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, 17, 19} Number of locations of use: 1–5. [Program Code(s): 02120, 02121, 02200, 02201, 02210, 02220, 02230, 02231, 02240, 22160]	\$20,900
(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, 17, 19} Number of locations of use: 6–20. [Program Code(s): 04810, 04812, 04814, 04816, 04818, 04820, 04822, 04824, 04826, 04828]	\$29,600
(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, 17, 19} Number of locations of use: more than 20. [Program Code(s): 04811, 04813, 04815, 04817, 04819, 04821, 04823, 04825, 04827, 04829]	\$37,900
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]	\$8,800
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.	\$25,900
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.	\$13,500

C. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution.	\$7,800
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	⁶ N/A
2. Other Casks	⁶ N/A
B. Quality assurance program approvals issued under part 71 of this chapter.	
1. Users and Fabricators	⁶ N/A
2. Users	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 § 72.210 of this chapter	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, 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]	\$478,000
18. Department of Energy:	
A. Certificates of Compliance	¹⁰ \$2,566,000
B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities [Program Code(s): 03237, 03238]	\$353,000

¹Annual 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.

²Payment 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.

³Each 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.

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

⁵There 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.

⁶Standardized 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.

⁷Licensees 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.

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

⁹Separate 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.

¹⁰This includes Certificates of Compliance issued to the DOE that are not funded from the Nuclear Waste Fund.

¹¹See § 171.15(c).

¹²See § 171.15(c).

¹³No 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.

¹⁴Persons 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.)

¹⁵Licensees 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.

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

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

¹⁸Licensees 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.

¹⁹Licensees 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.

²⁰No 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.

²¹Licensees paying fees under 4.A., 4.B. or 4.C. are not subject to paying fees under 3.N. licenses that authorize services for other licensees authorized on the same license.

Dated: February 5, 2025.

For the Nuclear Regulatory Commission.

Owen Barwell,
Chief Financial Officer.

[FR Doc. 2025-02779 Filed: 2/18/2025 8:45 am; Publication Date: 2/19/2025]