[7590-01-P]

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 15, 170, and 171

[NRC-2023-0212]

RIN 3150-AL12

Fee Schedules; Fee Recovery for Fiscal Year 2026

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 establish fixed caps on service fees to implement section 5(a) of Executive Order 14300, “Ordering the Reform of the Nuclear Regulatory Commission.” The proposed fixed fee caps implementing Executive Order 14300 would drive increased efficiency and accountability in the NRC’s licensing activities and other activities requested by applicants and licensees.

DATES: Submit comments by **[INSERT DATE 30 DAYS AFTER THE DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**. Because the Nuclear Energy Innovation and Modernization Act requires the NRC to collect fees for fiscal year 2026 by September 30, 2026, 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: Submit your comments, identified by Docket ID **NRC-2023-0212**, at https://www.regulations.gov. If your material cannot be submitted using https://www.regulations.gov, call or email the individual listed in the FOR FURTHER INFORMATION CONTACT section of this document for alternate instructions.

Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received, and will not be deleted, modified, or redacted. Comments may be submitted anonymously.

Follow the search instructions on https://www.regulations.gov to view public comments.

You can read a plain language description of this proposed rule at https://www.regulations.gov/docket/NRC-2023-0212. 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: Freddy Chicaiza, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-5063; email: freddy.chicaiza@nrc.gov.

SUPPLEMENTARY INFORMATION:

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I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2023-0212 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-2023-0212.
- **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 "ADAMS Public 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-2023-0212 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

A. 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, Inspector General (IG) services for the Defense Nuclear Facilities Safety Board, research and development at universities in areas relevant to the NRC's mission, a nuclear science and engineering grant program, advanced reactor regulatory infrastructure activities, international nuclear export and innovation activities, mission-indirect program support and agency support costs that may not be included in the reduced hourly rate charged for fees assessed to advanced nuclear reactor applicants and pre-applicants (Reduced Hourly Rate), and costs for application reviews and pre-application activities related to an early site permit to demonstrate an advanced nuclear reactor on a Department of Energy (DOE) or critical national security infrastructure site. In fiscal year (FY) 2026, the NRC is expanding the

existing fee-relief activity, “Medical isotope production infrastructure,” to include additional non-power production or utilization facilities program budgeted resources to ensure the equitability and stability of annual fees for the non-power production or utilization facilities fee class since the majority of non-power production or utilization facilities licensees are exempt from annual fees under part 171 of title 10 of the *Code of Federal Regulations* (10 CFR), “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.” The remaining 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 10 CFR part 170, “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 this FY (less the budget authority for excluded activities), the NRC also assesses “annual fees” under 10 CFR part 171 to recover the remaining amount necessary to comply with NEIMA.

Additionally, on July 9, 2024, the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 (ADVANCE Act) was signed into law, and, among other things, it 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 pre-applicants for certain activities 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 DOE or “critical national security infrastructure” site.

The NRC implemented section 201 of the ADVANCE Act in the FY 2025 final fee rule (90 FR 26730; June 24, 2025) to provide greater regulatory certainty to external stakeholders and avoid burdens associated with having to delay billing for activities eligible for the Reduced Hourly Rate. As described in Section III, Discussion, “FY 2026 Fee Collection—Professional Hourly Rate and Reduced Hourly Rate,” of this document, in the FY 2025 final fee rule, the NRC amended § 170.20, “Average cost per professional staff-hour,” to establish two hourly rates: (1) the professional hourly rate; and (2) the Reduced Hourly Rate for advanced nuclear reactor applicants and pre-applicants. The amendments to § 170.20 in the FY 2025 final fee rule included language indicating that the Reduced Hourly Rate did not take effect until October 1, 2025, consistent with the statutory effective date in section 201 of the ADVANCE Act, and the professional hourly rate applied prior to October 1, 2025. This proposed rule includes proposed revisions to § 170.20 to reflect the continued implementation of the Reduced Hourly Rate and to ensure that proposed changes to the Reduced Hourly Rate coincide with the effective date of the final fee rule for the fiscal year.

In addition, this proposed rule includes proposed changes to implement sections 101 and 204 of the ADVANCE Act, as reflected in table I, “Excluded Activities.” This proposed rule also includes proposed revisions to footnote 12 in § 170.31, “Schedule of fees for materials licenses and other regulatory services, including

inspections, and import and export licenses," and footnote 8 in § 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," to reflect section 101 of the ADVANCE Act.

B. Executive Order 14300: "Ordering the Reform of the Nuclear Regulatory Commission"

On May 23, 2025, President Donald J. Trump signed Executive Order (E.O.) 14300, "Ordering the Reform of the Nuclear Regulatory Commission" (90 FR 22587; May 29, 2025). Section 5, "Reforming and Modernizing the NRC's Regulations," requires the NRC to undertake a review and wholesale revision of its regulations and guidance documents as guided by the policies set forth in section 2 of the E.O. This rulemaking addresses section 5(a), which requires, among other things, the NRC to establish "fixed deadlines" for final decisions for requested activities of the Commission "as directed under the Nuclear Energy Innovation and Modernization Act," as well as fixed caps on service fees to enforce those deadlines. As discussed in the "FY 2026—Policy Change" section of this document, the NRC is proposing a policy change to its fee regulations for FY 2026 to implement the policies mandated by E.O. 14300. This proposed rule would include revisions to 10 CFR part 15, "Debt Collection Procedures," and 10 CFR part 170 to establish fixed caps on service fees for requested activities of the Commission that involve the issuance of a final safety evaluation, consistent with NEIMA and E.O. 14300. The NRC will address the E.O. 14300 requirement to establish fixed deadlines for final decisions (including the 12- and 18-month periods cited in section 5(a) of E.O. 14300) in a separate rulemaking, given the nexus between those deadlines and other ongoing rulemakings implementing E.O. 14300, such as the direction in section 5(j) of E.O. 14300 to "[s]treamline the public hearings process."

III. Discussion

FY 2026 Fee Collection—Overview

The Commerce, Justice, Science; Energy and Water Development; and Interior and Environment Appropriations Act, 2026, Public Law 119-74 (the enacted budget) was signed into law on January 23, 2026, after the FY 2026 proposed fee rule was far along in the development process. In order to allow sufficient time for the NRC to issue the FY 2026 final fee rule during FY 2026, as required by NEIMA, the NRC is issuing this FY 2026 proposed fee rule based on the FY 2026 budget request as further described in the NRC's FY 2026 Congressional Budget Justification (CBJ) (NUREG–1100, Volume 41). The total budget authority in the FY 2026 budget request and the total budget authority used in the FY 2026 proposed fee rule is $971.5 million, which is an increase of $27.4 million from FY 2025. The increase is primarily to support advanced reactor pre-application and licensing activities and specialized construction costs associated with the Three White Flint North relocation project. The FY 2026 final fee rule will be based on the enacted budget. The enacted budget also includes a total budget authority of $971.5 million.

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 2026 budget request, these exclusions total $152.1 million, which is an increase of $15.0 million from FY 2025. These excluded activities consist of $75.7 million for fee-relief activities, $20.6 million for ADVANCE Act section 101 international nuclear export and innovation activities, $19.6 million for ADVANCE Act section 201 mission-indirect program support and agency support associated with the Reduced Hourly Rate, $19.3 million for advanced reactor regulatory infrastructure activities, $14.4 million for generic homeland security activities, $1.5 million for IG services for the Defense Nuclear Facilities Safety Board, and $1.0 million for waste incidental to reprocessing activities. Table I summarizes the excluded activities for the FY 2026 proposed fee rule. The FY 2025 amounts are provided for comparison purposes.

TABLE I—EXCLUDED ACTIVITIES
[Dollars in millions]

	FY 2025 Final Rule	FY 2026 Proposed Rule
Fee-Relief Activities:		
International activities	31.4	1.7
Agreement State oversight	12.7	10.5
Non-power production or utilization facilities program (including medical isotope production infrastructure)	1.3	4.6
Fee exemption for nonprofit educational institutions	18.2	15.6
Costs not recovered from small entities under 10 CFR 171.16(c)	10.1	10.3
Regulatory support to Agreement States	9.6	14.9
Generic decommissioning/reclamation activities (not related to the operating power reactors and spent fuel storage fee classes)	6.2	10.2
Uranium recovery program and unregistered general licensees	4.3	6.9
Potential Department of War remediation program Memorandum of Understanding activities	0.8	0.8
Non-military radium sites	0.2	0.2
Minority Serving Institutions Grant Program	2.0	0.0
Subtotal Fee-Relief Activities	96.8	75.7
Activities under section 102(b)(1)(B)(ii) of NEIMA (generic homeland security activities, waste incidental to reprocessing activities, and the Defense Nuclear Facilities Safety Board)	16.5	16.9
Activities under section 102(b)(1)(B)(iii) of NEIMA (advanced reactor regulatory infrastructure activities)	23.8	19.3
Activities under section 102(b)(1)(B)(iv)-(vii) of NEIMA, as amended by the ADVANCE Act (ADVANCE Act Section 101 international nuclear export and innovation activities, Section 201 mission-indirect program support and agency support associated with the Reduced Hourly Rate, and Section 204 activities related to advanced nuclear reactors on DOE or critical national security infrastructure sites)	N/A	40.2
Total Excluded Activities	137.1	152.1

After accounting for the exclusions from the fee recovery requirement and net 10 CFR part 171 billing adjustments (i.e., for FY 2026 invoices that the NRC estimates will not be paid during the FY, less payments received in FY 2026 for prior year invoices), the NRC estimates that it must recover approximately $819.7 million in fees in FY 2026. Of this amount, the NRC estimates that $189.4 million will be recovered through 10 CFR part 170 service fees and approximately $630.3 million will be recovered through 10 CFR part 171 annual fees. Table II of this document summarizes the fee recovery amounts for the FY 2026 proposed fee rule using the FY 2026 budget request and takes into account the budget authority for excluded activities and net 10 CFR part 171 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.

In order to allow sufficient time for the NRC to issue the FY 2026 final fee rule during FY 2026, as required by NEIMA, the FY 2026 proposed fee rule is based on the FY 2026 budget request. The FY 2025 amounts are provided for comparison purposes. The FY 2026 final fee rule will be based on the enacted budget.

TABLE II—BUDGET AND FEE RECOVERY AMOUNTS

[Dollars in millions]

	FY 2025 Final Rule	FY 2026 Proposed Rule
Total Budget Authority	$944.1	$971.5
Less Budget Authority for Excluded Activities:	-137.1	-152.1
Balance	807.0	819.4
Fee Recovery Percent	100.0	100.0
Total Amount to be Recovered:	807.0	819.4
Less Estimated Amount to be Recovered through 10 CFR part 170 Fees	-205.4	-189.4
Estimated Amount to be Recovered through 10 CFR part 171 Fees	601.6	630.0
10 CFR part 171 Billing Adjustments:		
Unpaid Current Year Invoices (estimated)	5.5	4.5
Less Payments Received in Current Year for Previous Year Invoices (estimated)	-3.7	-4.2
Adjusted 10 CFR part 171 Annual Fee Collections Required	603.4	630.3
Adjusted Amount to be Recovered through 10 CFR parts 170 and 171 Fees	808.8	819.7

FY 2026 Fee Collection—Professional Hourly Rate and Reduced Hourly Rate

This section discusses the methodology for calculating the NRC's professional hourly rate and the methodology for calculating the Reduced Hourly Rate.

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 materials 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 will be determined based on either the professional hourly rate or the Reduced Hourly Rate, which went into effect on October 1, 2025 (FY 2026). The FY 2026 professional hourly rate and the FY 2026 Reduced Hourly Rate will go into effect the first full pay period after the effective date of the FY 2026 final fee rule.

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).[1] 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). Consistent with the Office of Management and Budget (OMB) Circular A-25, "User Charges," the professional hourly rate encompasses the "full cost" of NRC review and thus includes the NRC's budgeted resources for mission-direct program salaries and benefits, mission-indirect contract resources along with salaries and benefits, plus the agency support program contract resources along with salaries and benefits. 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:

$$\text{Professional Hourly Rate} = \frac{\text{Budgeted Resources}}{\text{Mission-Direct FTE Converted to Hours}} = \frac{\$790.3 \text{ million}}{1{,}589.5 \times 1{,}481} = \$336$$

For FY 2026, the NRC is proposing to increase the professional hourly rate from $318 to $336. The approximately 5.7 percent increase in the professional hourly rate is primarily due to the decrease in mission-direct FTE compared to FY 2025. The professional hourly rate is inversely related to the mission-direct FTE amount; therefore,

[1] Please see the work papers for more detailed information on all the components of the professional hourly rate calculation.

as the number of mission-direct FTE decreases, the professional hourly rate may increase. Based on the FY 2026 budget request, the number of mission-direct FTE is expected to decrease by approximately 114, primarily due to the Deferred Resignation Program (DRP) and other voluntary resignations. In addition, there was a decrease in mission-direct FTE because section 101 of the ADVANCE Act created a new excluded activity for international nuclear export and innovation activities, causing the FTE for these activities to be removed from the professional hourly rate calculation.

Additionally, the professional hourly rate is increasing due to a reduction in the estimate for annual mission-direct FTE productive hours from 1,507 to 1,481, or 1.7 percent, compared to FY 2025. The professional hourly rate is also inversely related to the annual mission-direct FTE productive hours amount; therefore, as the annual mission-direct FTE productive hours amount decreases, the professional hourly rate may increase. The estimate for annual mission-direct FTE productive hours 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.

The decrease in the estimate for annual mission-direct FTE productive hours, compared to FY 2025, is attributable mainly to an increase in direct staff hours for annual leave and training attendance, which are excluded from the estimate for annual mission-direct FTE productive hours computation. The estimate for annual mission-direct FTE productive hours is developed during budget formulation and is currently based on a rolling average of actual hours to account for any fluctuations in any given year. The reduction in productive hours seen here is, in part, the result of abnormally high productivity rates (e.g., less use of annual leave) seen during the COVID-19 public health emergency being phased out of the rolling average. Table III of this document shows the professional hourly rate calculation methodology. The FY 2025 amounts are provided for comparison purposes.

The decrease in mission-direct FTE and in the annual mission-direct FTE productive hours amount is partially offset by a reduction in the budgeted resources of approximately $25.5 million, or 3.1 percent, compared to FY 2025.

TABLE III—PROFESSIONAL HOURLY RATE CALCULATION

[Dollars in millions, except as noted]

	FY 2025 Final Rule	FY 2026 Proposed Rule
Mission-Direct Program Salaries & Benefits	$380.5	$363.0
Mission-Indirect Program Support	$121.5	$115.2
Agency Support (Corporate Support and the IG)	$313.8	$312.1
Subtotal	$815.8	$790.3
Less Offsetting Receipts[2]	$0.0	$0.0
Total Budgeted Resources Included in the Professional Hourly Rate	$815.8	$790.3
Mission-Direct FTE	1,703.3	1,589.5
Annual Mission-Direct FTE Productive Hours (Whole numbers)	1,507	1,481
Mission-Direct FTE Converted to Hours (Mission-Direct FTE multiplied by Annual Mission-Direct FTE Productive Hours)	2,566,873	2,354,050
Professional Hourly Rate (Total Budgeted Resources Included in the Professional Hourly Rate Divided by Mission-Direct FTE Converted to Hours) (Whole numbers)	$318	$336

The FY 2025 final fee rule included revisions to 10 CFR part 170 to implement section 201 of the ADVANCE Act, which went into effect on October 1, 2025 (FY 2026). In short, the NRC has two hourly rates: (1) the professional hourly rate, as described above in this section; and (2) the Reduced Hourly Rate for advanced nuclear reactor applicants and pre-applicants, as described below in this section.

Section 201 of the ADVANCE Act amended 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

[2] 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.

fiscal year. The methodology for calculating the Reduced Hourly Rate is similar to that of the professional hourly rate, discussed above in this section, 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 calculates 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 Reduced Hourly Rate calculation:

$$\text{Reduced Hourly Rate} = \frac{\text{Mission-Direct Budgeted Resources for the Nuclear Reactor Safety Program}}{\text{Mission-Direct FTE for the Nuclear Reactor Safety Program Converted to Hours}} = \frac{\$284.2 \text{ million}}{1{,}242.5 \times 1{,}481} = \$154$$

Thus, in this FY 2026 proposed fee rule, the Reduced Hourly Rate is proposed at $154 per hour and represents an over 50 percent reduction from the proposed professional hourly rate of $336 per hour. The NRC is proposing to increase the

Reduced Hourly Rate from $148 to $154, or approximately 4.0 percent, primarily due to the decrease in mission-direct FTE for the Nuclear Reactor Safety Program compared to FY 2025. The Reduced Hourly Rate is inversely related to the number of mission-direct FTE for the Nuclear Reactor Safety Program; therefore, as the number of mission-direct FTE for the Nuclear Reactor Safety Program decreases, the Reduced Hourly Rate may increase. Based on the FY 2026 budget request, the number of mission-direct FTE for the Nuclear Reactor Safety Program is expected to decrease by approximately 90, primarily due to the DRP and other voluntary resignations.

Additionally, the Reduced Hourly Rate is increasing due to a reduction in the estimate for annual mission-direct FTE productive hours from 1,507 to 1,481, or 1.7 percent, compared to FY 2025. Similar to the professional hourly rate, the Reduced Hourly Rate is also inversely related to the annual mission-direct FTE productive hours amount; therefore, as the annual mission-direct FTE productive hours amount decreases, the Reduced Hourly Rate may increase. The estimate for annual mission-direct FTE productive hours used for the Reduced Hourly Rate is the same as the estimate for annual mission-direct FTE productive hours used for the professional hourly rate, as described above in this section.

The decrease in mission-direct FTE for the Nuclear Reactor Safety Program and in the annual mission-direct FTE productive hours amount is partially offset by a reduction in the mission-direct budgeted resources for the Nuclear Reactor Safety Program of approximately $13.3 million, or 4.8 percent, compared to FY 2025, primarily due to the DRP and other voluntary resignations.

TABLE IV—REDUCED HOURLY RATE CALCULATION

	FY 2025 Final Rule	FY 2026 Proposed Rule
Mission-Direct Budgeted Resources for the Nuclear Reactor Safety Program (Dollars in millions)	$297.5	$284.2
Mission-Direct FTE for the Nuclear Reactor Safety Program	1,332.9	1,242.5
Annual Mission-Direct FTE Productive Hours (Whole numbers)	1,507	1,481

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)	2,008,680	1,840,143
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)	$148	$154

Both the professional hourly rate and the Reduced Hourly Rate provided in this proposed rule are based on the FY 2026 budget request. The FY 2026 final fee rule will be based on the enacted budget.

FY 2026 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 proposed professional hourly rate of $336. The NRC charges 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 2026 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 higher professional hourly rate of $336 is the primary reason 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 2026 final fee rule will be subject to the revised fees in the final rule. Because section 101 of the ADVANCE Act created a new excluded activity for international nuclear export and innovation activities, which includes the budgeted resources under the Licensing Export/Import product, fees continue to not be assessed for import and export licensing actions under 10 CFR parts 170 and 171.

FY 2026 Fee Collection—Low-Level Waste Surcharge

The NRC proposes assessing a generic low-level waste (LLW) surcharge of $3.250 million. In comparison to FY 2025, the FY 2026 proposed surcharge is decreasing primarily due to a decline in budgeted resources requested in the FY 2026 budget request as a result of the DRP and other voluntary resignations. 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. Because the NRC does not regulate the existing LLW disposal facilities, the NRC proposes to allocate this surcharge for LLW budgeted resources to NRC licensees that generate LLW, based on data available in 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 operating power reactors, fuel facilities, and 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 V of this document shows the proposed allocation of the LLW surcharge and its allocation across the various fee classes.

TABLE V—ALLOCATION OF LLW SURCHARGE, FY 2026

[Dollars in millions]

Fee Classes	LLW Surcharge	
	Percent	$
Operating Power Reactors	85.6	2.782
Spent Fuel Storage/Reactor Decommissioning	0.0	0.000
Non-Power Production or Utilization Facilities	0.0	0.000
Fuel Facilities	11.4	0.370
Materials Users	3.0	0.097
Transportation	0.0	0.000
Rare Earth Facilities	0.0	0.000
Uranium Recovery	0.0	0.000
Total	100.0	3.250

FY 2026 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, 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 10 CFR part 171 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, “Annual fees: Non-power production or utilization licenses, reactor licenses, and independent spent fuel storage licenses,” and § 171.16 based on the FY 2026 budget request.

Table VI of this document shows the proposed rebaselined fees for FY 2026 for a sample of licensee categories. The FY 2025 amounts are provided for comparison purposes.

TABLE VI—REBASELINED ANNUAL FEES

[Actual dollars]

Class/Category of Licensees	FY 2025 Final Annual Fee	FY 2026 Proposed Annual Fee
Operating Power Reactors	$5,319,000	$5,553,000
+ Spent Fuel Storage/Reactor Decommissioning	$326,000	$323,000
Total, Combined Fee	$5,645,000	$5,876,000
Spent Fuel Storage/Reactor Decommissioning	$326,000	$323,000
Non-Power Production or Utilization Facilities	$96,800	$99,100
High Enriched Uranium Fuel Facility (Category 1.A.(1)(a))	$6,101,000	$5,869,000
Low Enriched Uranium Fuel Facility (Category 1.A.(1)(b))	$2,068,000	$1,989,000
Uranium Enrichment (Category 1.E)	$2,659,000	$2,558,000
UF_6 Conversion and Deconversion Facility (Category 2.A.(1))	$1,295,000	$1,246,000
Basic *In Situ* Recovery Facilities (Category 2.A.(2)(b))	$27,700	$47,200
Typical Users: Radiographers (Category 3.O.)	$31,700	$34,000
All Other Specific Byproduct Material Licensees (Category 3.P.)	$15,600	$16,600
Medical Other (Category 7.C.)	$21,600	$23,200
Device/Product Safety Evaluation - Broad (Category 9.A.)	$27,200	$28,200

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 describes 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 $527.6 million in annual fees from the operating power reactors fee class in FY 2026, as shown in table VII of this document. The FY 2025 operating power reactors fees are shown for comparison purposes.

TABLE VII—ANNUAL FEE SUMMARY CALCULATIONS FOR OPERATING POWER REACTORS

[Dollars in millions]

Summary Fee Calculations	FY 2025 Final Rule	FY 2026 Proposed Rule
Total budgeted resources	$668.9	$682.3
Less estimated 10 CFR part 170 receipts	-174.1	-158.7
Net 10 CFR part 171 resources	494.7	523.7
Allocated generic transportation	0.5	0.9
Allocated LLW surcharge	3.3	2.8
Billing adjustment	1.5	0.3
Total required annual fee recovery	500.0	527.6
Total operating reactors	94	95
Annual fee per operating reactor	$5.319	$5.553

In comparison to FY 2025, the FY 2026 proposed annual fee for the operating power reactors fee class is increasing primarily due to (1) an increase in the budgeted resources requested in the FY 2026 budget request that are allocated to the operating power reactors fee class; and (2) an expected decrease in the 10 CFR part 170 estimated billings. The increase in the proposed total required annual fee recovery amount for the operating power reactors fee class is offset primarily due to the transition of the Palisades Nuclear Plant (Palisades) back to the operating power reactors fee class, increasing the number of reactors in the operating power reactors fee class by one. Palisades has transitioned back to the operating power reactors fee class consistent with § 171.15 because (1) Palisades was previously included in the operating power reactors fee class; (2) it transitioned back to an operational licensing basis in late FY 2025; and (3) a notification was previously provided to the Atomic Energy Commission (the NRC’s predecessor) of the successful completion of power ascension testing for Palisades.

The FY 2026 CBJ explains that the increase in budgeted resources requested for the Operating Reactors Business Line is primarily due to resources for specialized, mission-related construction costs associated with the Three White Flint North relocation project. In addition, the FY 2026 CBJ explains that the increase in budgeted resources requested for the New Reactors Business Line is primarily due to increasing pre-application and application review workload to support the growing need for new civilian nuclear power. The FY 2026 CBJ notes that this includes increased resources to prepare for the influx of new entities in response to the ADVANCE Act, particularly the ADVANCE Act's Reduced Hourly Rate provisions.

The increase in budgeted resources is also mitigated by the following: (1) reduction in licensing resources due to efficiencies gained from the ADVANCE Act and E.O. 14300; (2) the transition of Palisades back to the operating power reactors fee class; (3) a reduction in oversight resources due to streamlining inspection workload that includes vendor inspections and event evaluations; (4) a reduction in research in areas including structural codes and standards, systems analysis research, external hazard research and risk analysis computer code development, and regulatory guide updates; and (5) a reduction in resources due to the excluded activities for ADVANCE Act section 201 mission-indirect program support and agency support associated with the Reduced Hourly Rate.

The 10 CFR part 170 estimated billings are expected to decrease primarily due to the following: (1) the staff completed implementation of the license renewal roadmap and other efficiency efforts, which significantly decreased the staff hours and contract resources needed to complete license renewal and subsequent license renewal application reviews; (2) the completion of NuScale Power LLC US460 small modular reactor (SMR) standard design approval application review in FY 2025; and (3) a decrease in 10 CFR part 170 estimated billings due to the government shutdown.

The proposed annual fee is also affected by the following contributing factors: (1) a decrease in the 10 CFR part 171 billing adjustment due to the collection of prior

year invoices; and (2) an increase in the generic transportation resources allocated to the operating power reactors fee class to support activities related to two new Certificates of Compliance (CoCs).

The proposed fee-recoverable budgeted resources are divided equally among the 95 reactors in the operating power reactors fee class, resulting in a proposed annual fee of $5,553,000 per operating power reactor. Additionally, the NRC estimates that each licensed operating power reactor will be assessed the FY 2026 spent fuel storage/reactor decommissioning proposed annual fee of $323,000 (see table VIII of this document and the discussion that follows). The NRC estimates that the combined FY 2026 proposed annual fee for each operating power reactor will be $5,876,000.

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 B, “Estimated Operating Power Reactors Annual Fee Per Licensee,” of the FY 2026 CBJ to increase transparency for stakeholders. The NRC developed this estimate based on the staff’s allocation of the FY 2026 budget request 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 2026 CBJ assumed 95 operating power reactors in FY 2026 and applied various data assumptions from the FY 2024 final fee rule. Based on these allocations and assumptions, the annual fee for the operating power reactors fee class included in the FY 2026 CBJ was estimated to be $5.540 million.

Although this proposed rule is based on the FY 2026 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 reactors fee class is $5.553 million, compared to the estimated $5.540 million in appendix B of

the FY 2026 CBJ. These changes are primarily due to the decrease in the 10 CFR part 170 estimated billings for the FY 2026 proposed fee rule compared to the estimates for 10 CFR part 170 billings at the time of the FY 2026 budget request. The proposed annual fee for the operating power reactors fee class in this proposed rule is $0.984 million below the FY 2015 operating power reactors annual fee amount adjusted for inflation of $6.537 million. The FY 2015 operating power reactors annual fee amount adjusted for inflation of $6.537 million included in this proposed rule differs from the amount included in appendix B of the FY 2026 CBJ of $6.681 million due to the CBJ using an average for inflation for multiple years to project the Consumer Price Index. The fee rule utilizes the Consumer Price Index for the most recent completed calendar year to build off the prior year annual fee amount adjusted for inflation.

In FY 2016, the NRC amended § 171.15 to establish a variable annual fee structure for light-water reactor (LWR) SMRs (81 FR 32617; May 24, 2016). In FY 2023, the NRC further amended § 171.5, “Definitions,” 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 does not expect to assess an annual fee in FY 2026 for this type of licensee.

b. Spent Fuel Storage/Reactor Decommissioning

The NRC proposes to collect $40.1 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 2026, as shown in table VIII of this document. The FY 2025 spent fuel storage/reactor decommissioning fees are shown for comparison purposes.

TABLE VIII—ANNUAL FEE SUMMARY CALCULATIONS FOR SPENT FUEL STORAGE/REACTOR DECOMMISSIONING

[Dollars in millions]

Summary Fee Calculations	FY 2025 Final Rule	FY 2026 Proposed Rule
Total budgeted resources	$50.7	$49.1
Less estimated 10 CFR part 170 receipts	-12.3	-11.0
Net 10 CFR part 171 resources	38.4	38.1
Allocated generic transportation	1.9	2.0
Billing adjustments	0.1	0.0
Total required annual fee recovery	40.4	40.1
Total spent fuel storage facilities	124	124
Annual fee per facility	$0.326	$0.323

In comparison to FY 2025, the FY 2026 proposed annual fee for the spent fuel storage/reactor decommissioning fee class is decreasing primarily due to a decrease in budgeted resources requested in the FY 2026 budget request that are allocated to the spent fuel storage/reactor decommissioning fee class.

The decrease in budgeted resources is primarily due to the following: (1) the potential restart of the Christopher M. Crane Clean Energy Center (CCEC) and Duane Arnold Energy Center, which, if approved, would result in these reactors transitioning back to the operating power reactors fee class; (2) completion of major decommissioning taskings at the Vallecitos Nuclear Center and Fort Calhoun Station; and (3) reduction in staffing due to the DRP and other voluntary resignations.

The decrease in budgeted resources is partially offset by an expected decrease in the 10 CFR part 170 estimated billings, which in turn is primarily due to the following: (1) the transition of Palisades back to the operating power reactors fee class; (2) the potential restart of CCEC and Duane Arnold; (3) completion of major decommissioning taskings at Vallecitos and Fort Calhoun; and (4) a decrease in 10 CFR part 170 estimated billings due to the government shutdown.

The proposed total required annual fee recovery amount is divided equally among 124 facilities, resulting in a proposed FY 2026 annual fee of $323,000 per facility.

c. Fuel Facilities

The NRC proposes to collect $23.1 million in annual fees from the fuel facilities fee class in FY 2026, as shown in table IX of this document. The FY 2025 fuel facilities fees are shown for comparison purposes.

TABLE IX—ANNUAL FEE SUMMARY CALCULATIONS FOR FUEL FACILITIES

[Dollars in millions]

Summary Fee Calculations	FY 2025 Final Rule	FY 2026 Proposed Rule
Total budgeted resources	$31.5	$29.9
Less estimated 10 CFR part 170 receipts	-10.0	-9.6
Net 10 CFR part 171 resources	21.5	20.3
Allocated generic transportation	2.0	2.5
Allocated LLW surcharge	0.4	0.4
Billing adjustments	0.1	0.0
Total remaining required annual fee recovery	$24.1	$23.1

In comparison to FY 2025, the FY 2026 proposed annual fee for the fuel facilities fee class is decreasing primarily due to a decrease in the budgeted resources requested in the FY 2026 budget request that are allocated to the fuel facilities fee class. This decrease in budgeted resources is partially offset by an expected decrease in the 10 CFR part 170 estimated billings and an increase in the allocated generic transportation resources. As a result, there is a decrease in the proposed annual fee for the fuel facilities fee class compared to FY 2025.

As discussed in the FY 2026 CBJ, the budgeted resources in the FY 2026 budget request that are allocated to the fee class decreased primarily to support the following: (1) reduction in resources for environmental reviews for routine license amendment requests and renewal applications, complex license amendment requests associated with major modifications of existing fuel cycle facilities, and new fuel cycle

facility license applications to reflect historical execution data and expected high confidence submittals; and (2) reduction in staffing due to the DRP and other voluntary resignations. These decreases are partially offset by increased resources for the maintenance and operation of the Nuclear Material Management and Safeguards System, a national database for special nuclear material reporting to fulfill domestic requirements and international agreements.

The 10 CFR part 170 estimated billings are expected to decrease compared to FY 2025 primarily due to the following: (1) the completion of 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 completion of the review of the Purdue University license renewal application for possession and use of special nuclear material; (3) the completion of the review of the Urenco USA license amendment request to increase its enrichment limit to less than 10 weight percent uranium-235; (4) the implementation of process improvements to decrease the schedule/resources for licensing reviews; and (5) a decrease in 10 CFR part 170 estimated billings due to the government shutdown. This expected decrease is partially offset by: (1) the review of several expected licensing actions; (2) the review of the Global Laser Enrichment, LLC, Paducah Laser Enrichment Facility application; (3) the continued review of the TRISO-X, LLC, Fuel Fabrication Facility application; (4) significant pre-application engagement activities for potential new fuel facilities; and (5) oversight for the production of high assay low enriched uranium at the American Centrifuge Plant.

The NRC continues to allocate 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 X 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 and 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 X—EFFORT FACTORS FOR FUEL FACILITIES, FY 2026

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 2026, the total remaining required annual fee recovery amount, $23.1 million, is attributable to safety activities, safeguards activities, and the LLW surcharge. For FY 2026, the total budgeted resources proposed to be recovered as annual fees for safety activities are approximately $12.2 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, $10.6 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—$0.4 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 XI of this document.

TABLE XI—ANNUAL FEES FOR FUEL FACILITIES

[Actual dollars]

Facility Type (fee category)	FY 2025 Final Annual Fee	FY 2026 Proposed Annual Fee
High Enriched Uranium Fuel (1.A.(1)(a))	$6,101,000	$5,869,000
Low Enriched Uranium Fuel (1.A.(1)(b))	$2,068,000	$1,989,000
Facilities with limited operations (1.A.(2)(a))	$1,704,000	$1,639,000
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.)	$2,659,000	$2,558,000
UF_6 Conversion and Deconversion (2.A.(1))	$1,295,000	$1,246,000

d. Uranium Recovery Facilities

The NRC proposes to collect $0.2 million in annual fees from the uranium recovery facilities fee class in FY 2026, as shown in table XII of this document. The FY 2025 uranium recovery facilities fees are shown for comparison purposes.

TABLE XII—ANNUAL FEE SUMMARY CALCULATIONS FOR URANIUM RECOVERY FACILITIES

[Dollars in millions]

Summary Fee Calculations	FY 2025 Final Rule	FY 2026 Proposed Rule
Total budgeted resources	$1.8	$2.2
Less estimated 10 CFR part 170 receipts	-1.6	-2.0
Net 10 CFR part 171 resources	0.2	0.2
Billing adjustments	0.0	0.0
Total required annual fee recovery	$0.2	$0.2

In comparison to FY 2025, the proposed total required annual fee recovery amount for the fee class is increasing slightly, primarily due to an increase in the budgeted resources requested in the FY 2026 budget request that are allocated to the uranium recovery facilities fee class. This increase in budgeted resources is primarily (1) to support the NRC's review of license renewal applications and (2) due to a projected increase in licensing actions for NRC-licensed facilities moving towards license termination. This increase in budgeted resources 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 the Crow Butte Resources, Inc. site; Powertech USA, Inc. Dewey-Burdock site; and NuFuels, Inc. Crownpoint Uranium Project.

As discussed in this document, the uranium recovery fee class includes DOE and non-DOE licensees. Compared to FY 2025, the proposed annual fee amount for DOE and the proposed annual fee amount for the non-DOE licensee are both increasing. The proposed annual fee amount for DOE is increasing primarily because of a decrease in 10 CFR part 170 estimated billings due to the government shutdown. The proposed annual fee amount for the non-DOE licensee is increasing primarily due to an increase in resources for inspection procedural modifications associated with improvements resulting from the ADVANCE Act.

The NRC regulates DOE's Title I and Title II activities under the Uranium Mill Tailings Radiation Control Act (UMTRCA).[3] The NRC described the overall methodology for determining fees for UMTRCA in the FY 2002 final fee rule (67 FR 42612; June 24, 2002), and the NRC continues to use this methodology. 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 assesses the remaining 90 percent of its budgeted resources to the non-DOE licensee in this fee class, which is reflected in table XIII. For additional information, please see the work papers.

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

[Actual dollars]

Summary of Costs	FY 2025 Final Annual Fee	FY 2026 Proposed Annual Fee

[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	$153,324	$170,939
10 percent of generic/other uranium recovery budgeted resources	$3,073	$5,241
Total Annual Fee Amount for DOE (rounded)	$156,000	$176,000
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	$27,654	$47,173
Total Annual Fee Amount for Other Uranium Recovery Licensees	$27,700	$47,200

Further, for any non-DOE licensees, the NRC continues to use 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 in the "c. Fuel Facilities" section of this document. 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 XIV of this document displays the benefit factors for the non-DOE licensee in that fee category.

TABLE XIV—BENEFIT FACTORS FOR URANIUM RECOVERY LICENSES, 2026

Fee Category	Number of Licensees	Benefit Factor Per Licensee	Total Value	Benefit Factor Percent Total
Conventional and Heap Leach facilities (2.A.(2)(a))	0			0
Basic *In Situ* Recovery facilities (2.A.(2)(b))	1	190	190	100
Expanded *In Situ* Recovery facilities (2.A.(2)(c))	0			0

Section 11e.(2) disposal incidental to existing tailings sites (2.A.(4))	0			0
Total	1	190	190	100

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 2026 proposed annual fee for the non-DOE licensee is $47,200 (rounded), as shown in table XV of this document. While the FY 2026 proposed annual fee for the non-DOE licensee reflects an increase of $19,500 compared to FY 2025, the proposed annual fee remains consistent with fiscal years prior to FY 2025 and is less than the annual fee included in the FY 2024 final fee rule for this fee category, which was $53,200. Additionally, as explained in the FY 2019 final fee rule (84 FR 22331; May 17, 2019), the NRC includes some uranium recovery program budgeted resources in a fee-relief activity to ensure the equitability and stability of annual fees for the uranium recovery fee class since the majority of uranium recovery licensees are currently in Agreement States.

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

Facility Type (fee category)	FY 2025 Final Annual Fee	FY 2026 Proposed Annual Fee
Conventional and Heap Leach facilities (2.A.(2)(a))	N/A	N/A
Basic *In Situ* Recovery facilities (2.A.(2)(b))	$27,700	$47,200
Expanded *In Situ* 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 $0.198 million in annual fees from the non-power production or utilization facilities fee class in FY 2026, as shown in table XVI of this document. The FY 2025 non-power production or utilization facilities fees are shown for comparison purposes.

TABLE XVI—ANNUAL FEE SUMMARY CALCULATIONS FOR NON-POWER PRODUCTION OR UTILIZATION FACILITIES

[Dollars in millions]

Summary Fee Calculations	FY 2025 Final Rule	FY 2026 Proposed Rule
Total budgeted resources	$0.782	$2.786
Less estimated 10 CFR part 170 receipts	-0.621	-2.626
Net 10 CFR part 171 resources	0.161	0.160
Allocated generic transportation	0.030	0.037
Billing adjustments	0.002	0.001
Total required annual fee recovery	0.194	0.198
Total non-power production or utilization facilities licensees	2	2
Total annual fee per licensee (rounded)	$0.096	$0.099

Compared to FY 2025, the FY 2026 proposed annual fee for the non-power production or utilization facilities fee class is increasing primarily due to an increase in allocated generic transportation surcharge for this fee class. The rise in the generic transportation allotment is due to the increase in budgeted resources within the transportation fee class in the FY 2026 proposed fee rule.

Although the budgeted resources requested in the FY 2026 budget request that are allocated to this fee class represent an increase compared to FY 2025, this increase in budgeted resources is offset by an increase in the 10 CFR part 170 estimated billings for this fee class overall. The increase in budgeted resources compared to FY 2025 is primarily due to work associated with application reviews for medical isotope production facilities and advanced reactors.

While the 10 CFR part 170 estimated billings for this fee class overall increased compared to FY 2025, the 10 CFR part 170 estimated billings for the current fleet subject to annual fees decreased. The 10 CFR part 170 estimated billings with respect to medical isotope production facilities and advanced reactors applicants (i.e., those not subject to annual fees) have increased when compared with FY 2025 primarily due to the following: (1) conducting pre-application activities for Eden Radioisotopes future

operating license application in addition to the anticipation of their construction permit application for review, and (2) the review of a new advanced non-power reactor application, including topical reports and white papers. The 10 CFR part 170 estimated billings associated with the current fleet of operating non-power production or utilization facilities licensees subject to annual fees have declined slightly compared to FY 2025 as a result of the NIST shutdown status extending into FY 2026, reducing the NRC's expected oversight workload.

The proposed 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 2026 proposed annual fee of $99,100 for each licensee.

f. Rare Earth

The NRC has not allocated any budgeted resources to this fee class; therefore, the NRC is not proposing an annual fee for this fee class in FY 2026.

g. Materials Users

The NRC proposes to collect $47.1 million in annual fees from materials users licensed under 10 CFR parts 30, 40, and 70 in FY 2026, as shown in table XVII of this document. The FY 2025 materials users fees are shown for comparison purposes.

TABLE XVII—ANNUAL FEE SUMMARY CALCULATIONS FOR MATERIALS USERS

[Dollars in millions]

Summary Fee Calculations	FY 2025 Final Rule	FY 2026 Proposed Rule
Total budgeted resources for licensees not regulated by Agreement States	$45.1	$45.1
Less estimated 10 CFR part 170 receipts	-0.8	-0.9
Net 10 CFR part 171 resources	44.3	44.2
Allocated generic transportation	2.2	2.8
LLW surcharge	0.1	0.1
Billing adjustments	0.1	0.0
Total required annual fee recovery	$46.7	47.1

In comparison to FY 2025, there is an increase in the proposed total required annual fee recovery amount primarily due to (1) an increase in the allocated generic transportation resources for this fee class as a result of an additional CoC in the materials users fee class; and (2) a decrease in the number of materials users licensees not regulated by Agreement States and thus the number of licensees in the fee class. In addition, there is a slight increase in the budgeted resources requested in the FY 2026 budget request that are allocated to the materials users fee class. This increase is primarily due to a rise in contract support to address skill gaps in health physics specialties and support the agency's strategic workforce planning. This increase in budgeted resources is offset by a reduction in staffing due to many materials users licensing actions nearing completion.

The NRC continues to use its established methodology for equitably and fairly allocating the proposed total required annual fee recovery amount of $47.1 million among approximately 2,200 diverse licensees in the fee class. The total number of licensees in the fee class decreased from approximately 2,300 to 2,200, compared to FY 2025, as a result of Connecticut becoming an Agreement State effective at the end of FY 2025. The NRC continues to calculate the annual fees for each fee category within this fee 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 methodology 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 considers application fees, inspection costs, inspection priority (or frequency), and unique category costs. This formula is described in detail in the work papers. 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 required annual fee recovery amount of $47.1 million for FY 2026, as shown in table XVII of this document, consists of $36.4 million for general costs (including the allocated generic transportation resources), and $10.6 million for inspection costs; there are no unique category costs for any fee categories in FY 2026.

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. A constant multiplier is established to recover the total general costs for the fee class (estimated to be $36.4 million in FY 2026). 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 2026 proposed professional hourly rate of $336. The inspection priority is the interval between routine inspections, expressed in years. This calculation results in a proposed constant multiplier of 1.35 for FY 2026.

The inspection multiplier is established to recover inspection costs for the fee class (estimated to be $10.6 million in FY 2026). To derive the inspection multiplier, the amount of 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 2.09 for FY 2026.

Additionally, the unique category costs would recover costs unique to a particular fee category; however, there are no unique category costs for FY 2026.

The FY 2026 proposed total required annual fee recovery amount of $47.1 million for the materials users fee class also includes approximately $0.1 million in LLW surcharge costs (see table V, “Allocation of LLW Surcharge, FY 2026,” of this document). The LLW surcharge costs for the fee class are not included in the formula described above; 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 these calculations, the proposed total required annual fee recovery amount for the materials users fee class is increasing compared to FY 2025. For the individual categories within the fee class, the FY 2026 proposed annual fees for all fee categories are increasing compared to FY 2025. The proposed increase for these fee categories is primarily due to the following: (1) an increase in the generic transportation resources allocated to this fee class; and (2) decrease in the number of licensees in the fee class due to Connecticut becoming an Agreement State. 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 $2.4 million in annual fees to recover generic transportation budgeted resources in FY 2026, as shown in table XVIII of this document. The FY 2025 fees are shown for comparison purposes.

TABLE XVIII—ANNUAL FEE SUMMARY CALCULATIONS FOR TRANSPORTATION

[Dollars in millions]

Summary Fee Calculations	FY 2025 Final Rule	FY 2026 Proposed Rule
Total budgeted resources	$11.8	$13.5
Less estimated 10 CFR part 170 receipts	-3.3	-3.0
Net 10 CFR part 171 resources	8.6	10.5
Less generic transportation resources	-6.6	-8.2
Billing adjustments	0.0	0.0
Total required annual fee recovery	$2.0	$2.4

In comparison to FY 2025, the FY 2026 proposed annual fee for the transportation fee class is increasing primarily due to (1) an increase in the budgeted resources requested in the FY 2026 budget request that are allocated to this fee class; and (2) a decrease in the 10 CFR part 170 estimated billings due to the completion of multiple transportation package reviews at the end of FY 2025 and the delay of an

anticipated submittal by Radiant Industries Kaleidos to late FY 2026. This increase in budgeted resources is primarily to support an increase in licensing and transportation certification activities for microreactors, including reviews associated with the Radiant Industries Kaleidos microreactor. This increase in budgeted resources is partially offset by (1) a rise in the transportation percentage distribution of resources for the operating power reactors fee class (to support activities related to CoCs) and for the materials users fee class (because of the new CoC under the materials users fee class) in FY 2026; and (2) the discontinuation of resources associated with the Project Pele application in FY 2025. 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 resources unrelated to DOE by including those resources 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 XIX 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 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 XIX—DISTRIBUTION OF TRANSPORTATION RESOURCES, FY 2026
[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	26.0	26.4	$2.8
Operating Power Reactors	8.0	8.1	$0.9
Spent Fuel Storage/Reactor Decommissioning	19.0	19.3	$2.0
Non-Power Production or Utilization Facilities	0.3	0.4	$0.04
Fuel Facilities	23.0	23.4	$2.5
Subtotal of Generic Transportation Resources	76.3	77.6	$8.2
DOE	22.0	22.4	$2.4
Total	98.3	100.0	$10.5

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

FY 2026—Policy Change

The NRC is proposing one policy change to its fee regulations for FY 2026 to implement the policy mandate of E.O. 14300.

Establishing Fixed Caps on Service Fees in Response to Executive Order 14300, "Ordering the Reform of the Nuclear Regulatory Commission," Section 5(a)

Section 5(a) of E.O. 14300 directs the NRC to replace its "nonbinding 'generic milestone schedules'" with "fixed deadlines" for requested activities of the Commission "as directed under the Nuclear Energy Innovation and Modernization Act." Section 5(a) also directs the NRC to establish fixed caps on service fees to enforce those deadlines. Section 5(a) further provides that the "regulations should not provide for tolling those deadlines except in instances of applicant failure, and must allow a reasonably diligent applicant" to complete the licensing process within the allotted time.

Section 5(a) references NEIMA specifically and the requirement in section 102(c) of NEIMA, as amended by section 504 of the ADVANCE Act. Section 102(c) requires development of performance metrics and milestone schedules for "requested activities of

the Commission" and imposes reporting requirements for certain delays in issuing a final safety evaluation for these activities. NEIMA section 3 defines "requested activity of the Commission" to include the processing of applications for design certifications or approvals, licenses, permits, license amendments, license renewals, CoCs, and power uprates, and "any other activity requested by a licensee or applicant." In contrast to NEIMA section 102(c), section 5(a) of E.O. 14300 refers to the "final decision on an application" and not the "final safety evaluation."

a. Purpose of This Proposed Change

The NRC is proposing this change for the FY 2026 fee rule to establish fixed caps on service fees for requested activities of the Commission that involve the issuance of a final safety evaluation, consistent with NEIMA and to implement the policy mandate of E.O. 14300. The proposed fixed fee caps would drive increased efficiency and accountability in the NRC's licensing activities and other activities requested by applicants and licensees. The NRC will address the E.O. 14300 requirement to establish fixed deadlines for final decisions (including the 12- and 18-month periods cited in section 5(a) of E.O. 14300) in a separate rulemaking, given the nexus between those deadlines and other ongoing rulemakings implementing E.O. 14300, such as the direction in section 5(j) of E.O. 14300 to "[s]treamline the public hearings process." After fixed deadlines are established, the NRC would not assess 10 CFR part 170 fees beyond the fixed deadline, even if the fixed fee cap has not been reached, consistent with section 5(a) of E.O. 14300, absent applicant failure. Consistent with section 5(a) of E.O. 14300, any exceedance of a fixed fee cap or fixed deadline not attributable to applicant failure would not be borne by applicants or licensees as either service fees or annual fees.

To implement fixed fee caps, the NRC proposes to establish § 170.33, "Executive Order 14300 fixed fee caps," and amend § 170.3, "Definitions," and § 15.31, "Disputed debts." The proposed changes would include a table of fixed fee caps for categories of requested activities of the Commission that involve the issuance of a final safety

evaluation (categorical caps); a process for lower tailored caps based on the specific application for the requested activity; a definition of applicant failure, which would be the sole basis for increasing the fixed fee cap; and procedures for fee cap disputes.

b. Tailored Caps

The proposed § 170.33 would provide a process for the NRC to set a tailored cap below the categorical cap based on the specific application for the requested activity, to the maximum extent practicable. Under the proposed § 170.33, the E.O. 14300 fixed fee cap would be the lesser of the categorical cap or the tailored cap. The NRC would communicate the E.O. 14300 fixed fee cap in its written communication on schedule and resources for the requested activity provided to the applicant.

The NRC recognizes that it may not be able to determine if it could set a fixed fee cap lower than the categorical cap until it receives a specific application because the resources needed for the NRC to review and issue a final decision on a requested activity depend, in part, on the specific application submitted, as the complexity, completeness, and quality of an application can vary. Allowing for tailored caps would encourage applicants to engage early with the NRC and submit a complete, high-quality application. Tailored caps would reflect the content and complexity of the specific application and would be provided to applicants as part of the NRC's established practice of communicating schedule and resource estimates. Consistent with E.O. 14300, section 5(a), the proposed § 170.33 would augment this established practice by directing the inclusion of a fixed fee cap in the written communication on schedule and resources and providing for a lower tailored cap to the maximum extent practicable, enhancing NRC accountability and efficiency.

To ensure proper management and control, the NRC would continue to closely monitor project resources, schedules, and early indicators to enable it to identify potential risks of exceeding estimates well in advance.

c. Starting and Ending Points for Fixed Fee Caps

Section 5(a) of E.O. 14300 specifies that the fixed deadlines enforced by the fixed fee caps "commenc[e] with the first required step in the regulatory process" and end with the "final decision on an application." Consistent with E.O. 14300, the starting point for the fixed fee cap is when a complete application for the requested activity has been accepted for review by the NRC. For a license application, for example, that would be when the NRC has completed its acceptance review and dockets the complete application. The ending point for the fixed fee cap is issuance of the final decision (i.e., the NRC's approval of the requested activity if the NRC's evaluation determines that pertinent requirements are met). For a license application, for example, that would be when the NRC issues the license if the NRC's evaluation determines that pertinent requirements are met. Consistent with longstanding policy, 10 CFR part 170 fees are assessed for mandatory hearings, but not contested hearings, except for limited circumstances. The application of fee policy changes associated with E.O. 14300 does not change this policy.

d. Applicant Failure

Section 5(a) of E.O. 14300 directs that the "regulations should not provide for tolling [the fixed] deadlines [enforced by the fixed fee caps] except in instances of applicant failure." Consistent with this requirement, the proposed § 170.33 would state that fixed fee caps would not be increased except in instances of applicant failure. If applicant failure occurs, the NRC would notify the applicant in writing of the new fixed fee cap and would set the new fixed fee cap equal to the lowest practicable amount necessary to account for the applicant failure.

In addition, the NRC proposes to add a definition for the term "applicant failure" to § 170.3. Given the focus on "*applicant* failure" and a "reasonably diligent applicant" in section 5(a) of E.O. 14300, the proposed definition would define applicant failure as actions or inaction that:

(1) are within the reasonable control of a diligent applicant;

(2) are not due to actions or inaction of the NRC; and

(3) will cause substantial delays or require a significant increase in resources.

The proposed definition would include, as an example of applicant failure, explicit applicant requests for the NRC to pause or delay review. The NRC plans to develop guidance in the future to provide further examples of applicant failure and support consistent application of the proposed definition of applicant failure.

e. Fee Cap Disputes

The proposed § 170.33(f) and proposed amendments to § 15.31 would clarify how applicants may submit disputes associated with the fixed fee cap by making clear that fee cap disputes must be submitted in accordance with the NRC's established processes for disputes of 10 CFR part 170 fees. The NRC established these processes in the FY 2021 final fee rule (86 FR 32146; June 16, 2021), in accordance with NEIMA section 102(d)(3), including creation of the NRC Form 529 for disputes of 10 CFR part 170 fees.

Consistent with the NRC's established dispute processes, and with § 170.51, "Right to dispute assessed fees," the proposed § 170.33(f) would state the following: "Consistent with § 170.51 of this part, any disputes associated with the Executive Order 14300 fixed fee cap must be submitted in accordance with § 15.31 of this chapter." The proposed revisions to § 15.31(a) would specify that (1) for disputes associated with the E.O. 14300 fixed fee cap, the applicant must submit an NRC Form 529 within 45 days of the NRC written communication pertaining to the cap; and (2) the form must be submitted to the Office of the Chief Financial Officer, consistent with existing regulatory requirements governing submission of fee disputes.

f. Proposed Effective Date of October 1, 2026

The NRC's current billing system, Financial Accounting and Integrated Management Information System, does not possess the capabilities required to support fixed fee caps. The NRC is currently in the process of implementing a new fee billing engine, which is expected to be operational on October 1, 2026, and will have the capabilities to track and administer the fixed fee caps. To avoid duplicative system

enhancements, the NRC is proposing an effective date of October 1, 2026, for the fixed fee caps. The categorical caps would not take effect before that date.

For requested activities for which a complete application has been accepted for review on or after that date, the E.O. 14300 fixed fee cap would be the lesser of the categorical cap or the tailored cap. Applications accepted for review before that date would receive a tailored cap representing the lowest practicable amount based on the specific application.

Because the proposed effective date would mean that the fixed fee caps would take effect before other rulemakings implementing E.O. 14300, the NRC anticipates issuing updated categorical caps to align with additional efficiencies realized as a result of the E.O. 14300 rulemakings. The NRC would also evaluate categorical caps biennially, consistent with the Chief Financial Officers Act of 1990. Updated categorical caps would apply only to applications accepted for review after the effective date for the updated categorical cap.

g. Methodology for Categories of Requested Activities

The NRC developed the categories of requested activities for table 1 in the proposed § 170.33 by aligning them with the requested activities with established NEIMA milestone schedules and creating separate categories and subcategories where significant variations could support development of significantly different categorical caps. For example, table 1 includes separate rows for construction permits, early site permits, and limited work authorizations because the data supported development of significantly different categorical caps for these categories of requested activities. As an example of new subcategories, table 1 has separate rows for two subcategories for standard design approvals because significantly different categorical caps would apply for an application referencing an approved design certification or standard design approval, in comparison to an application with no prior approvals. Table 1 would be updated to reflect any new requested activities that involve the issuance of a final safety

evaluation, including any resulting from the 10 CFR part 53 rulemaking or other future rulemakings.

h. Methodology for Categorical Caps

Table 1 in the proposed § 170.33 includes two sets of categorical caps: (1) Fixed Caps on Service Fees; and (2) Fixed Caps on Service Fees for Advanced Nuclear Reactor Applicants. The Fixed Caps on Service Fees are based on staff hours multiplied by the professional hourly rate, plus contract costs. The Fixed Caps on Service Fees for Advanced Nuclear Reactor Applicants are based on the Reduced Hourly Rate established by the ADVANCE Act and apply only to qualifying applications and not to amendments and renewals due to the definition of advanced nuclear reactor applicant included in the ADVANCE Act's Reduced Hourly Rate provisions and the legislative history.

The categorical caps proposed in table 1 reflect a data-driven evaluation of future resource needs for requested activities, based on a detailed analysis of actual past performance, current execution experience, and expected improvements. These caps are based on historical, inflation-adjusted data for the range of activities included in each category; removal of outliers in the historical data (e.g., a review that did not involve a reasonably diligent applicant consistent with the focus of E.O. 14300, section 5(a)); efficiencies achieved to date; additional efficiencies from E.O. 14300 and the ADVANCE Act not requiring rulemaking; alignment with the updated NEIMA milestone schedules that took effect on May 23, 2025; and current execution experience. For categories with limited historical data, the categorical caps were developed using recent comparable data, such as execution data from recent activities or estimated resources data from recent applications accepted for review.

In terms of expected improvements, the proposed categorical caps reflect efficiencies that the NRC expects to realize from implementation of the ADVANCE Act, particularly those in response to section 505, and E.O. 14300 that do not require rulemaking. Some examples of these efficiencies are associated with streamlined

licensing processes (such as the use of dedicated core review teams), improved regulatory guidance, and greater standardization in application content and review procedures. Future updates to the categorical caps would reflect additional efficiencies that are realized as a result of implementation of E.O. 14300 and the ADVANCE Act—both from E.O. 14300 rulemakings and other actions taken by the NRC.

FY 2026—Administrative Changes

The NRC is proposing three administrative changes in FY 2026:

1. Amend § 171.15(d)(1) to clarify the frequency with which the SMR variable rate will be calculated and updated, as appropriate.

The NRC proposes to amend § 171.15(d)(1) by adding "Each fiscal year, the variable rate will be calculated based on October 1 of the fiscal year and updated, as appropriate, to determine the variable fee for the current fiscal year." Currently, § 171.15(d)(1) does not include language about the frequency with which the SMR variable rate will be calculated for potential updates. Since § 171.15(d)(1) applies to all SMR annual fees, this proposed amendment would provide additional clarity to all licensees paying SMR annual fees for their annual fee payments under 10 CFR part 171.

2. Amend § 170.11(d) to update where a fee exemption request submitted via email should be sent.

The NRC proposes to amend paragraph (d) of § 170.11, "Exemptions," by adding a generic resource email box to ensure that the processing of fee exemption requests submitted via email would not be delayed in the event of a change of the Chief Financial Officer (CFO). Currently, a person, including a licensee or applicant, can submit a fee exemption request via email to the CFO, and if that individual is no longer working at the NRC, there can be a short-term delay in processing the fee exemption request. With this proposed change, the NRC can ensure that a person interested in requesting a fee exemption via email would not have to identify the current CFO and would be able to

submit their fee exemption request directly to the generic resource email box. The NRC proposes to amend § 170.11(d) to add a new sentence clarifying that fee exemption requests submitted via email should be submitted to the NRC at cfofeeexemptionrequests.resource@nrc.gov. This proposed amendment would eliminate the possibility that the processing of fee exemption requests via email would be delayed.

3. Add § 171.11(f) to include where a fee exemption request submitted via email should be sent to be consistent with proposed fee exemption requirements in § 170.11.

The NRC proposes adding a new paragraph (f) to § 171.11, "Exemptions," to include a generic resource email box and ensure that the processing of fee exemption requests via email would not be delayed if there is a change in the CFO. Currently, § 171.11 does not specify how fee exemption requests must be submitted. If the proposed new language is added to § 171.11, the fee exemption regulations in both § 171.11 and § 170.11 would be consistent and clarify how a person should submit a fee exemption request via email. With this proposed change, the NRC can ensure that a person interested in requesting a fee exemption via email would not have to identify the current CFO and would be able to submit their fee exemption request directly to the generic resource email box. This proposed amendment would eliminate the possibility that the processing of fee exemption requests via email would be delayed.

IV. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[4] 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

[4] 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).

Under NEIMA, the NRC is required to recover, to the maximum extent practicable, approximately 100 percent of its annual budget for FY 2026 less the budget authority for excluded activities. The NRC assesses two types of fees to meet the requirements of NEIMA. First, service fees, established in 10 CFR part 170 under the authority of the IOAA and NEIMA, recover the NRC's costs of providing specific benefits to identifiable recipients (such as licensing work, inspections, and special projects). Second, annual fees, established in 10 CFR part 171 under the authority of NEIMA, recover generic and other regulatory costs not otherwise recovered through 10 CFR part 170 fees.

With respect to 10 CFR part 170 service fees, this rule was developed under the IOAA and NEIMA and consistent with OMB Circular A-25. NEIMA requires the NRC to "assess and collect fees," in accordance with the IOAA, "from any person who receives a service or thing of value from the [NRC] to cover the costs to the [NRC] of providing the service or thing of value."

With respect to 10 CFR part 171 annual fees, this rule was developed under NEIMA. NEIMA requires the NRC to "establish by rule a schedule" of annual fees that "fairly and equitably" allocate the aggregate amount of annual fees among licensees and certificate holders. NEIMA also requires that annual fees, "to the maximum extent practicable, shall be reasonably related to the cost of providing regulatory services." Because 10 CFR part 170 service fees will not equal 100 percent of the agency's total budget authority for the fiscal year (less the budget authority for excluded activities), the NRC assesses 10 CFR part 171 annual fees to recover the remaining amount necessary to comply with NEIMA.[5]

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[5] The assessment of annual fees by the NRC began in FY 1987 to meet the requirements of Public Law 99-272, the Consolidated Omnibus Budget Reconciliation Act of 1985, which required the NRC to recover 33 percent of its budget authority. Subsequent legislation required the NRC to recover an increasing percentage of its budget authority. *See e.g.,* Public Law 100-203, Omnibus Budget Reconciliation Act of 1987 (requiring that the NRC, for FYs 1988 and 1989, recover at least 45 percent of its budget authority in each fiscal year); Public Law 101-508, Omnibus Budget Reconciliation Act of 1990 (OBRA-90) (requiring that the NRC, for FYs 1991 through 1995, recover approximately 100 percent of its budget authority in each fiscal year less excluded amounts); Public Law 106-377, Energy and Water Development Appropriations Act, 2001 (amending OBRA-90 to decrease the NRC's fee recovery amount by 2 percent per fiscal year beginning in FY 2001, ending at 90 percent in FY 2005).

In the annual fee rule, the NRC adjusts its fees to recover its annual budget authority to ensure that the NRC complies with the statutory requirements for cost recovery. Similarly, in this proposed rule, the NRC has made adjustments to recover its annual budget authority consistent with the statutory fee recovery requirement. For this proposed rule, the NRC did not identify any alternatives to the current statutorily required fee structure. Further, NEIMA requires the NRC to establish its fee schedule by rule and thus the NRC did not identify any alternatives to rulemaking. However, the NRC did consider several alternatives to alleviate the significant impact of annual fees on a substantial number of small entities, in accordance with the RFA. Those alternatives include:

1. Basing fees on the amount of radioactivity possessed by the licensee (e.g., number of sources).
2. Basing fees on the frequency of use of licensed radioactive material (e.g., volume of patients).
3. Basing fees on the NRC size standards for small entities.

The NRC has reexamined its previous evaluations of these alternatives and continues to believe that a maximum fee for small entities is the most appropriate and effective option for reducing the impact of fees on small entities.

The NRC also performed an analysis of the costs and benefits over FY 2026.[6] Consistent with OMB Circular A-4, the fees charged by the NRC are considered transfer payments and therefore not part of the costs of this rulemaking.

OMB Circular A-4 directs agencies to report transfer payments from and to government agencies separately.[7] The two primary government agencies assessed fees are DOE and NIST. The NRC assesses fees to DOE to recover costs related to regulating DOE's Title I and Title II activities under UMTRCA as part of the uranium

[6] The NRC selected FY 2026 as the time horizon for this rule because, consistent with NEIMA, this rule amends the NRC's fee regulations to allow the NRC to recover, to the maximum extent practicable, approximately 100 percent of its FY 2026 budget authority, minus the budget authority for excluded activities, by September 30, 2026 (the end of FY 2026).

[7] Currently there are no State government agencies that hold an NRC license or are an NRC applicant and thus, no State government agencies are assessed fees under this rule.

recovery fee class. Additionally, the NRC assesses an annual fee to DOE based on the number of 10 CFR part 71 CoCs held by DOE as part of the transportation fee class. The NRC also assesses fees to DOE as part of the spent fuel storage/reactor decommissioning fee class; these costs were inadvertently not included in the Regulatory Analysis in tables XX and XXI in the FY 2025 final fee rule but have been added to tables XX and XXI in the Regulatory Analysis in the FY 2026 proposed fee rule. The NRC assesses fees to NIST as a member of the fuel facilities fee class for its license for possession and use of special nuclear material and as a member of the non-power production or utilization facilities fee class for its research reactor. The NRC also assesses fees to several federal agencies for a variety of small materials licenses. The fees assessed to government agencies, including both 10 CFR parts 170 and 171 fees, are identified below.

Table XX—Fees Charged to Government Agencies
[Dollars in millions]

	FY 2025 Final Rule	FY 2026 Proposed Rule
DOE (Uranium Recovery)	$0.361	$0.423
DOE (Transportation)	2.576	2.580
DOE (Spent Fuel Storage/Reactor Decommissioning)	1.238	0.704
NIST (Fuel Facilities)	0.134	0.111
NIST (Non-Power Production or Utilization Facilities)	0.187	0.198
Other Agencies (Materials Users)	1.473	4.430
Total	5.969	8.446

After accounting for the fees assessed to government agencies, the “adjusted amount to be recovered through 10 CFR parts 170 and 171 fees” assessed to applicants and licensees was $804.1 million in the FY 2025 final fee rule. This amount has been corrected to $802.8 million in table XXI, “Fee Totals,” of this document by adding the missing $1.2 million in fees assessed to DOE as part of the spent fuel storage/reactor decommissioning fee class in the Regulatory Analysis to tables XX and XXI. After accounting for the fees assessed to government agencies, the “adjusted amount to be

recovered through 10 CFR parts 170 and 171 fees" assessed to applicants and licensees is $811.3 million in the FY 2026 proposed fee rule, resulting in a proposed difference of $8.4 million in FY 2026 compared to FY 2025. Table XXI shows this calculation.

Table XXI—Fee Totals

[Dollars in millions]

	FY 2025 Final Rule	FY 2026 Proposed Rule
Adjusted amount to be recovered through 10 CFR parts 170 and 171 fees	$808.8	$819.7
Less government agency fees (see table XX)	-6.0	-8.4
Total	802.8	811.3

As indicated, both the amount of fees assessed to federal government agencies in FY 2026 ($8.4 million) as well as the fees assessed to non-government licensees and applicants in FY 2026 ($811.3 million) are considered transfer payments under OMB Circular A-4 and, therefore, not part of the costs of this rulemaking.

Therefore, the costs of this proposed rule constitute the resources for licensees to read the annual rule and resultant changes to their internal processes for payment. The NRC expects that this proposed rule would affect 2,458 licensees, each spending a maximum of 1 hour reading the rule and 1 hour updating their accounting software. For the purpose of this analysis, the NRC developed a labor rate of $148, which includes only labor and material costs that are directly related to the implementation of the annual rule.[8] The proposed rule results in a net cost to licensees of approximately $730,000, undiscounted.[9] In addition, the Office of Information and Regulatory Affairs (OIRA)

[8] The NRC used the BLS data tables to select appropriate hourly labor rates for the roles performing work necessary following issuance of the final rule, calculating a blended mean wage based on the estimated proportion of work performed by each role from BLS, "May 2024 National Industry-Specific Occupational Employment and Wage Estimates" (BLS, 2025). This labor rate includes wages paid for the individuals performing the work plus the associated fringe benefit component of labor cost.

[9] For FY 2025, the rule affected 3,072 licensees under the same assumptions. Due to a calculation error, the correct cost should have been $906,000 (3,072 times 2 hours times $148), not $453,000 as reported in the Regulatory Analysis included in the FY 2025 final fee rule.

requires agencies to report results as a perpetual stream once a rule is implemented, which in this case reflects annualized cost of about $47,757, at a 7 percent discount rate.

Additionally, this proposed rule proposes to establish fixed caps on service fees for requested activities of the Commission that involve the issuance of a final safety evaluation, consistent with NEIMA and E.O. 14300. The NRC will address the E.O. 14300 requirement to establish fixed deadlines for final decisions in a separate rulemaking. After fixed deadlines are established, the NRC would not assess 10 CFR part 170 fees beyond the fixed deadline, even if the fixed fee cap has not been reached, absent applicant failure.

To implement fixed caps, the NRC proposes to establish § 170.33, “Executive Order 14300 fixed fee caps,” and amend § 170.3, “Definitions,” and § 15.31, “Disputed debts.” The proposed changes would include a table of categorical caps for requested activities of the Commission that involve the issuance of a final safety evaluation; a process for lower tailored caps based on the specific application; a definition of applicant failure, which would be the sole basis for increasing the fixed fee cap; and procedures for fee cap disputes.

The NRC does not expect that the proposed rule will result in any behavioral changes related to market entry or exit among licensees on which the NRC assesses 10 CFR parts 170 and 171 fees. There is only a small increase in the adjusted amount to be recovered through 10 CFR parts 170 and 171 fees, and the way in which the NRC assesses these fees is well established. It is possible that the implementation of the fixed caps on service fees may induce current licensees to submit further licensing actions, or may increase the rate of market entry of new licensees as applicants.

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 has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, "Plain Language in Government Writing," published June 10, 1998 (63 FR 31885). 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 OMB, 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. Executive Orders

The following are Executive orders that are related to this proposed rule:

A. Executive Order 12866: Regulatory Planning and Review (as amended by Executive Order 14215, Ensuring Accountability for All Agencies)

The OIRA has determined that this proposed rule is a significant regulatory action under section 3(f) of E.O. 12866. Accordingly, the NRC submitted this proposed rule to OIRA for review. The NRC is required to conduct an economic analysis in accordance with section 6(a)(3)(B) of E.O. 12866. More can be found in Section V, of this document, “Regulatory Analysis.”

B. Executive Order 14154: Unleashing American Energy

The NRC has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154.

C. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is a regulatory action as defined by E.O. 14192. This regulatory action generates $47,757 in annualized costs at a 7 percent discount rate, over a perpetual time horizon. Details on the estimated costs of this proposed rule can be found in Section V, of this document, “Regulatory Analysis.”

XI. 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 2026 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.

XII. 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 for FY 2025. The NRC plans to continue to use this compliance guide for FY 2026 and has relabeled the compliance guide to reflect the current FY. This compliance guide is available as indicated in the “Availability of Documents” section of this document.

XIII. Public Meeting

The NRC will conduct a public meeting to describe the FY 2026 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.

XIV. 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

NUREG-1100, Volume 41, “Congressional Budget Justification: Fiscal Year 2026” (June 2025)	ML25162A035
Final rule, “Fee Schedules; Fee Recovery for Fiscal Year 2025,” dated June 24, 2025	90 FR 26730
FY 2025 Final Fee Rule Work Papers	ML25129A153
Fiscal Year 2026 Proposed Rule Work Papers	ML26021A012
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
Final rule, “Revision of Fee Schedules; Fee Recovery for Fiscal Year 2015,” dated June 30, 2015	80 FR 37432
Final rule, “Variable Annual Fee Structure for Small Modular Reactors,” dated May 24, 2016	81 FR 32617
Final Rule, “Revision of Fee Schedules; Fee Recovery for Fiscal Year 2019,” dated May 17, 2019	84 FR 22331
Final rule, “Revision of Fee Schedules; Fee Recovery for Fiscal Year 2021,” dated June 16, 2021	86 FR 32146
Final rule, “Revision of Fee Schedules; Fee Recovery for Fiscal Year 2023,” dated June 15, 2023	88 FR 39120
Final rule, “Revision of Fee Schedules; 100% Fee Recovery, FY 1999,” dated June 10, 1999	64 FR 31448
Final rule, “Revision of Fee Schedules; Fee Recovery for FY 2002,” dated June 24, 2002	67 FR 42612
Final rule, “Revision of Fee Schedules; Fee Recovery for FY 2006,” dated May 30, 2006	71 FR 30722
Final rule, “Fee Schedules; Fee Recovery for Fiscal Year 2024,” dated June 20, 2024	89 FR 51789
Fiscal Year 2026 Regulatory Flexibility Analysis	ML25363A090
Fiscal Year 2026 U.S. Nuclear Regulatory Commission Small Entity Compliance Guide	ML25363A091
Executive Order 12866, “Regulatory Planning and Review,” October 4, 1993	58 FR 51735
Executive Order 14154, “Unleashing American Energy,” January 29, 2025	90 FR 8353
Executive Order 14192, “Unleashing Prosperity Through Deregulation,” February 6, 2025	90 FR 9065
Executive Order 14300, “Ordering the Reform of the Nuclear Regulatory Commission,” May 29, 2025	90 FR 22587
Presidential Memorandum, “Plain Language in Government Writing,” dated June 10, 1998	63 FR 31885

List of Subjects

10 CFR Part 15

Administrative practice and procedure, Claims, Debt collection.

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, Non-payment 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 15, 170, and 171:

PART 15–DEBT COLLECTION PROCEDURES

1. The authority citation for part 15 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 161, 186 (42 U.S.C. 2201, 2236); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 5 U.S.C. 5514; 26 U.S.C. 6402; 31 U.S.C. 3701, 3713, 3716, 3719, 3720A; 42 U.S.C. 664; 44 U.S.C. 3504 note; 31 CFR parts 900 through 904; 31 CFR part 285; E.O. 12146, 44 FR 42657, 3 CFR, 1979 Comp., p. 409; E.O. 12988, 61 FR 4729, 3 CFR, 1996 Comp., p. 157.

2. In § 15.31, revise paragraph (a) to read as follows:

§ 15.31 Disputed debts.

(a) Submitting a dispute.

(1) For any type of charges assessed by the NRC, a debtor may submit a dispute of debt within 45 days from the date of the initial demand letter. The debtor shall explain why the debt is incorrect in fact or in law and may support the explanation by affidavit, cancelled checks, or other relevant evidence. The dispute must be submitted to the Office of the Chief Financial Officer via the eBilling system, by email to

FeeBillingInquiries.Resource@nrc.gov, or by mail to the Office of the Chief Financial Officer at: U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attn: Chief Financial Officer. For debt disputes related to charges for 10 CFR part 170 fees, the debtor must complete and submit an NRC Form 529 with the required information.

(2) For disputes associated with the Executive Order 14300 fixed fee cap, the debtor must complete and submit an NRC Form 529 with the required information within 45 days of the NRC written communication pertaining to the cap. The NRC Form 529 must be submitted to the Office of the Chief Financial Officer via the eBilling system, by email to *FeeBillingInquiries.Resource@nrc.gov*, or by mail to the Office of the Chief Financial Officer at: U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attn: Chief Financial Officer.

* * * * *

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

3. 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.

4. In § 170.3, add the definition for *Applicant failure* in alphabetical order.

§ 170.3 Definitions.

* * * * *

Applicant failure means actions or inaction that—

(1) are within the reasonable control of a diligent applicant;

(2) are not due to actions or inaction of the Commission; and

(3) will cause substantial delays or require a significant increase in resources, including explicit requests by the applicant to the Commission to pause or delay review.

* * * * *

5. In § 170.11, revise paragraph (d) to read as follows:

§ 170.11 Exemptions.

* * * * *

(d) All fee exemption requests must be submitted in writing to the Chief Financial Officer in accordance with § 170.5, and the Chief Financial Officer will grant or deny such requests in writing. Fee exemption requests submitted via email should be submitted to the NRC at cfofeeexemptionrequests.resource@nrc.gov.

* * * * *

6. Revise and republish § 170.20 to read as follows:

§ 170.20 Average cost per professional staff-hour.

(a) Except as provided in paragraphs (b) and (c) of this section, 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 $336 per hour.

(b) For advanced nuclear reactor applicants:

(1) 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 $154 per hour.

(c) For advanced nuclear reactor pre-applicants:

(1) 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 $154 per hour.

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

7. 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.

* * * * *

[2]Full 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).

* * * * *

8. 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 fees[1]	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]	$3,100
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, *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.[6]	
(a) Conventional and Heap Leach facilities.[6] [Program Code(s): 11100]	Full Cost
(b) Basic *In Situ* Recovery facilities.[6] [Program Code(s): 11500]	Full Cost
(c) Expanded *In Situ* Recovery facilities.[6] [Program Code(s): 11510]	Full Cost
(d) *In Situ* 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]	$1,500
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]	$7,200
D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter. Application [Program Code(s): 11230, 11231]	$3,300
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]	$3,200
F. All other source material licenses. Application [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810, 11820]	$3,200
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]	$15,700
(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]	$20,900
(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]	$26,100
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]	$4,300
(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]	$5,800
(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. Application [Program Code(s): 04111, 04113, 04115, 04117]	$7,200
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]	$6,300
(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]	$8,400
(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]	$10,400

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]	$3,900
F. Licenses for possession and use of less than or equal to 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes. Application [Program Code(s): 03511]	$7,900
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]	$74,900
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]	$8,000
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]	$12,400
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]	$2,400
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]	$1,400
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]	$6,600

(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]	$8,800
(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]	$11,000
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]	$10,000
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]	$10,700
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]	$12,200
(1). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. Number of locations of use: 6–20. Application [Program Code(s): 04310, 04312]	$16,200
(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]	$20,300
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]	$8,200
(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]	$11,100
(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]	$13,800
Q. Registration of a device(s) generally licensed under part 31 of this chapter. Registration	$900

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]	$3,100
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]	$3,000
S. Licenses for production of accelerator-produced radionuclides. Application [Program Code(s): 03210]	$17,200
4. Waste disposal and processing:[11] A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material. Application [Program Code(s): 03231, 03233, 03236, 06100, 06101]	Full Cost
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material. Application [Program Code(s): 03234]	$8,400
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. Application [Program Code(s): 03232]	$6,000
5. Well logging:[11] A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies. Application [Program Code(s): 03110, 03111, 03112]	$5,500
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]	$26,800
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]	$13,400
(1). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear	$17,900

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]	
(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]	$22,300
B. Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: 1–5. Application [Program Code(s): 02110]	$10,500
(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]	$13,900
(2). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter 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]	$17,400
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]	$10,400
(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]	$15,300
(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]	$19,100
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]	$3,100
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	$20,900
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	$10,900
C. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution. Application -- each source	$6,400
D. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel. Application -- each source	$1,300
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	$4,700
Inspections	Full Cost
2. Users. Application	$4,700
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.). *Category 1 (Appendix P, 10 CFR part 110) Exports:* 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
Category 2 (Appendix P, 10 CFR part 110) Exports: 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
Minor Amendments (Category 1 and 2, appendix P, 10 CFR part 110, Export): 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	$3,800
17. MMLs 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.

[2]Fees will be charged for approvals issued under a specific exemption provision of the Commission's regulations under title 10 of the *Code of Federal Regulations* (e.g., 10 CFR 30.11, 40.14, 70.14, 73.5, and any other sections in effect now or in the future), regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form. In addition to the fee shown, an applicant may be assessed an additional fee for sealed source and device evaluations as shown in fee categories 9.A. through 9.D.

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

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

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

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

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

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

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

[10]Licensees paying fees under 7.B., 7.B.1, or 7.B.2 are not subject to paying fees under 7.C., 7.C.1, or 7.C.2. for broad scope licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices authorized on the same license.

[11]A materials license (or part of a materials license) that transitions to fee category 14.A is assessed full cost fees under 10 CFR part 170 but is not assessed an annual fee under 10 CFR part 171. If only part of a materials license is transitioned to fee category 14.A, the licensee may be charged annual fees (and any

applicable 10 CFR part 170 fees) for other activities authorized under the license that are not in decommissioning status.

[12]Because section 101 of the ADVANCE Act created an excluded activity for international nuclear export and innovation activities, import and export licensing actions will not incur fees.

[13]Licensees 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.

9. Add new § 170.33 to read as follows:

§ 170.33 Executive Order 14300 fixed fee caps.

(a) Fees under §§ 170.21 and 170.31 of this part will not exceed the Executive Order 14300 fixed fee cap, except as provided in paragraph (e) of this section. The activities for which the Executive Order 14300 fixed fee cap applies are only requested activities of the Commission that involve the issuance of a final safety evaluation, consistent with the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215 note) and Section 5(a) of Executive Order 14300.

(b) For requested activities for which a complete application has been accepted for review by the Commission on or after October 1, 2026, the Executive Order 14300 fixed fee cap is the lesser of:

(1) The amount associated with the requested activity in Table 1, in effect when a complete application for the requested activity has been accepted for review by the Commission; or

(2) An amount that is lower, to the maximum extent practicable, than the amount in Table 1 and is determined by the Commission based on the specific application for the requested activity.

(c) For requested activities for which a complete application has been accepted for review by the Commission before October 1, 2026, the Executive Order 14300 fixed fee cap is the lowest practicable amount determined by the Commission based on the specific application for the requested activity.

(d) The Commission will communicate the Executive Order 14300 fixed fee cap in the NRC written communication on schedule and resources for the requested activity.

(e) The Executive Order 14300 fixed fee cap will not be increased except in instances of applicant failure. If applicant failure applies, the Commission will provide a written communication informing the applicant of the new Executive Order 14300 fixed fee cap that applies to the requested activity. The new Executive Order 14300 fixed fee cap will be the lowest practicable amount determined by the Commission to account for the applicant failure.

(f) Consistent with § 170.51 of this part, any disputes associated with the Executive Order 14300 fixed fee cap must be submitted in accordance with § 15.31 of this chapter.

Table 1 in 10 CFR 170.33—Fixed Caps on Service Fees

Activity	Type	Fixed Caps on Service Fees[10] (Rounded)	Fixed Caps on Service Fees for Advanced Nuclear Reactor Applicants[11] (Rounded)
Standard Design Approvals	Standard Design Approval (SDA) with no prior approvals – Part 52	$32,568,000	$16,552,000
	SDA referencing an approved Design Certification (DC) or SDA – Part 52	$16,120,000	$7,930,000
Design Certifications (including incorporation of approved design into 10 CFR Part 52)	DC with no prior approvals – Part 52	$33,475,000	$16,968,000
	DC referencing an approved DC or SDA – Part 52	$16,777,000	$8,096,000
Licenses	Combined License (COL) with no prior approvals – Part 52	$30,060,000	$14,590,000

[10] The fixed caps on service fees include professional staff hours multiplied by the appropriate professional hourly rate established in § 170.20(a), and contractual support services.
[11] The fixed caps on service fees for advanced nuclear reactor applicants include professional staff hours multiplied by the reduced hourly rate for advanced nuclear reactor applicants established in § 170.20(b), and contractual support services.

Activity	Type		Fixed Caps on Service Fees[10] (Rounded)	Fixed Caps on Service Fees for Advanced Nuclear Reactor Applicants[11] (Rounded)
	COL referencing only an approved DC – Part 52		$20,988,000	$10,432,000
	COL referencing only an Early Site Permit – Part 52		$24,012,000	$11,818,000
	COL referencing an Early Site Permit and an approved DC – Part 52		$14,940,000	$7,660,000
	Operating License – Part 50		$21,660,000	$10,740,000
	Manufacturing License – Part 52		$32,568,000	$16,552,000
	Fuel Cycle Facilities – Parts 40 and 70		$7,884,000	N/A
	Uranium Recovery – Part 40		$3,566,000	N/A
Construction Permits	All Facilities – Part 50		$18,288,000	$10,007,000
Early Site Permits	All Facilities – Part 52		$8,048,000	$4,772,000
Limited Work Authorizations	All Facilities – Part 50		$2,611,000	$1,847,000
License Amendments (including power uprates) and DC Amendments	Decommissioning – Parts 30, 40, 50, and 70		$1,075,000	N/A
	Uranium Recovery – Part 40	Expansions (e.g., new site)	$1,660,000	N/A
		All Others	$464,000	N/A
	Fuel Cycle Facilities – Parts 40 and 70		$1,391,000	N/A
	Operating – Parts 50 and 52	Adopting a Technical Specifications Task Force (TSTF) using the Consolidated Line-Item Improvement Process	$59,000	N/A

Activity	Type		Fixed Caps on Service Fees[10] (Rounded)	Fixed Caps on Service Fees for Advanced Nuclear Reactor Applicants[11] (Rounded)
		All Other TSTFs	$822,000	N/A
		Measurement Uncertainty Recapture Uprate (MUR) (non-bundled)[12]	$411,000	N/A
		Stretch Power Uprate (SPU) (non-bundled)	$772,000	N/A
		SPU bundled with other related changes[13]	$1,108,000	N/A
		Extended Power Uprate (EPU) (non-bundled)	$1,830,000	N/A
		EPU bundled with other related changes	$2,838,000	N/A
		Emergency and Exigent	$184,000	N/A
		All Others	$2,180,000	N/A
	Construction Permit – Part 50		$705,000	N/A
	Early Site Permit – Part 52		$705,000	N/A
	Design Certification – Part 52		$9,042,000	N/A
	COL (under construction) – Part 52		$705,000	N/A
	COL (construction not commenced) – Part 52		$705,000	N/A

[12] The term “non-bundled,” as used in this table, refers to a license amendment request that includes a power uprate request and requests NRC approval for changes with a scope similar to requests approved by the Commission as of August 14, 2017.

[13] The term “bundled,” as used in this table, refers to a license amendment request that includes a power uprate request and requests NRC approval for changes that exceed the scope of requests approved by the Commission as of August 14, 2017, such as Maximum Extended Load Line Limit Analysis Plus; cycle extensions; fuel transitions, including accident tolerant fuel, and increased enrichment and high burnup fuel; and new accident and source term methodologies.

Activity	Type		Fixed Caps on Service Fees[10] (Rounded)	Fixed Caps on Service Fees for Advanced Nuclear Reactor Applicants[11] (Rounded)
Restart Activities	All Facilities – Part 50		$3,102,000	N/A
License Renewals	All Facilities – Parts 50, 52, and 54		$5,404,000	N/A
	Fuel Cycle Facilities – Parts 40 and 70		$1,458,000	N/A
	Uranium Recovery – Part 40		$1,329,000	N/A
Certificates of Compliance (CoC)	Transportation – Part 71	New	$634,000	N/A
		Amendment	$528,000	N/A
		Renewal	$3,000	N/A
	Storage – Part 72	New	$740,000	N/A
		Amendment or Renewal	$898,000	N/A
Topical Reports[14]	All Facilities – Parts 50 and 52		$3,188,000	N/A
Independent Spent Fuel Storage Installation (ISFSI)	Storage – Parts 50, 52, and 72	New	$6,868,000	N/A
		Amendment or Renewal	$512,000	N/A
Exemptions	All Parts of 10 CFR		$335,000	N/A
Code Reliefs	COL (under construction) – Part 52		$769,000	N/A
	All Other Facilities – Parts 50 and 52		$402,000	N/A
License Transfers	All Materials – Parts 30, 40, 70, and 72		$168,000	N/A
	All Facilities – Parts 50 and 52		$335,000	N/A

PART 171–ANNUAL FEES FOR REACTOR LICENSES AND FUEL CYCLE LICENSES AND MATERIALS LICENSES, INCLUDING HOLDERS OF

[14] Consistent with the definition of requested activity of the Commission in section 3 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215 note), this activity includes only topical reports submitted by licensees or applicants (i.e., persons or entities that either hold a current license or have a license application under NRC review).

CERTIFICATES OF COMPLIANCE, REGISTRATIONS, AND QUALITY ASSURANCE PROGRAM APPROVALS AND GOVERNMENT AGENCIES LICENSED BY THE NRC

10. 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.

11. In § 171.11, add new paragraph (f) to read as follows:

§ 171.11 Exemptions.

* * * * *

(f) All fee exemption requests must be submitted in writing to the Chief Financial Officer in accordance with § 171.9, and the Chief Financial Officer will grant or deny such requests in writing. Fee exemption requests submitted via email should be submitted to the NRC at cfofeeexemptionrequests.resource@nrc.gov.

* * * * *

12. In § 171.15, revise paragraphs (b)(1), (b)(2) introductory text, (c)(1), (c)(2) introductory text, (d)(1), and (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 2026 annual fee for each operating power reactor that must be collected by September 30, 2026, is $5,553,000.

(2) The FY 2026 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 2026 base annual fee for operating power reactors are as follows:

* * * * *

(c)(1) The FY 2026 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 $323,000.

(2) The FY 2026 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 2026 spent fuel storage/reactor decommissioning rebaselined annual fee are:

* * * * *

(d)(1) Each person holding an operating license for an SMR issued under 10 CFR part 50 or a combined license issued under 10 CFR part 52 that has provided notification to the NRC of the successful completion of startup testing, shall pay the annual fee for all licenses held for an SMR site. The annual fee will be determined using the cumulative licensed thermal power rating of all SMR units and the bundled unit concept, during the fiscal year in which the fee is due. Each fiscal year, the variable rate will be calculated based on October 1 of the fiscal year and updated, as appropriate, to determine the variable fee for the current fiscal year. For a given site, the use of the bundled unit concept is independent of the number of SMR plants, the number of SMR licenses issued, or the sequencing of the SMR licenses that have been issued.

* * * * *

(e) The FY 2026 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 $99,100.

13. 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 2026 annual fee is comprised of a base annual fee and associated additional charges. The base FY 2026 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 2026 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 the 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]	$5,869,000
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel.[15] [Program Code(s): 21210]	$1,989,000
(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]	$1,639,000
(b) Gas centrifuge enrichment demonstration facility.[15] [Program Code(s): 21205]	[5]N/A
(c) Others, including hot cell facility.[15] [Program Code(s): 21130, 21131, 21133]	[5]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]	$3,800
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]	$9,200
E. Licenses or certificates for the operation of a uranium enrichment facility.[15] [Program Code(s): 21200]	$2,558,000
F. Licenses for possession and use of special nuclear materials greater than critical mass, as defined in § 70.4 of this chapter, for development and testing of commercial products, and other non-fuel-cycle activities.[4] [Program Code: 22155]	$6,700
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]	$1,246,000
(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]	[5]N/A
(b) Basic *In Situ* Recovery facilities.[15] [Program Code(s): 11500]	$47,200
(c) Expanded *In Situ* Recovery facilities.[15] [Program Code(s): 11510]	[5]N/A
(d) *In Situ* 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] [15] [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]	[5]N/A
B. Licenses which authorize the possession, use, and/or installation of source material for shielding.[16, 17] [Program Code(s): 11210]	$4,400
C. Licenses to distribute items containing source material to persons exempt from the licensing requirements of part 40 of this chapter. [Program Code: 11240]	$16,000
D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter. [Program Code(s): 11230, 11231]	$8,000
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]	$10,300
F. All other source material licenses. [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810, 11820]	$12,800
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]	$44,100
(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. [Program Code(s): 04010, 04012, 04014]	$58,600
(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]	$73,100
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. [Program Code(s): 03214, 03215, 22135, 22162]	$15,000
(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]	$20,000
(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]	$24,900
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]	$14,900
(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]	$21,800
(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]	$27,100
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]	$14,300
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]	$14,300
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]	$119,200
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, 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]	$15,300
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]	$20,900
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]	$5,600
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]	$4,300
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. [Program Code(s): 01100, 01110, 01120, 03610, 03611, 03612, 03613]	$20,400
(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. [Program Code(s): 04610, 04612, 04614, 04616, 04618, 04620, 04622]	$27,200
(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]	$33,900
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]	$21,000
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]	$23,000
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]	$34,000
(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]	$45,300
(2). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when authorized on the same license. Number of locations of use: more than 20. [Program Code(s): 04311, 04313]	$56,600
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, 03130, 03140, 03220, 03221, 03222, 03800, 03810, 22130]	$16,600
(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]	$22,400
(2). All other specific byproduct material licenses, except those in categories 4.A. through 9.D.[18] Number of locations of use: more than 20. [Program Code(s): 04411, 04413, 04415, 04417, 04419, 04421, 04423, 04425, 04427, 04429, 04431, 04433, 04435, 04437, 04439]	$27,900
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]	$9,800
(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]	$10,200
S. Licenses for production of accelerator-produced radionuclides. [Program Code(s): 03210]	$40,800
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]	$36,200
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]	$23,800

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]	$13,900
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]	$19,000
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]	$44,800
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]	$43,900
(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.[9, 17] Number of locations of use: 6–20. [Program Code(s): 04510, 04512]	$58,600
(2). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9, 17] Number of locations of use: more than 20. [Program Code(s): 04511, 04513]	$73,100
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]	$62,900
(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]	$83,700
(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]	$104,500
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]	$23,200
(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]	$32,800
(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]	$42,100
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]	$9,800
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.	$28,200
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.	$14,700
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.	$8,600
D. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear	$1,800

material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel.	
10. Transportation of radioactive material: A. Certificates of Compliance or other package approvals issued for design of casks, packages, and shipping containers. 1. Spent Fuel, High-Level Waste, and plutonium air packages. 2. Other Casks.	 [6]N/A [6]N/A
B. Quality assurance program approvals issued under part 71 of this chapter. 1. Users and Fabricators. 2. Users.	 [6]N/A [6]N/A
C. Evaluation of security plans, route approvals, route surveys, and transportation security devices (including immobilization devices).	[6]N/A
11. Standardized spent fuel facilities.	[6]N/A
12. Special Projects. [Program Code(s): 25110]	[6]N/A
13. A. Spent fuel storage cask Certificate of Compliance.	[6]N/A
B. General licenses for storage of spent fuel under § 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. MMLs of broad scope issued to Government agencies.[15] [Program Code(s): 03614]	$531,000
18. Department of Energy: A. Certificates of Compliance.	[10]$2,355,000
B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities. [Program Code(s): 03237, 03238]	$176,000

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

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

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

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

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

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

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

[8]No annual fee is charged because it is not practical to administer due to the relatively short life or temporary nature of the license. Because section 101 of the ADVANCE Act created an excluded activity for international nuclear export and innovation activities, no annual fee is charged for import and export licenses.

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

[10]This includes Certificates of Compliance issued to DOE that are not funded from the Nuclear Waste Fund.
[11]See § 171.15(c).

[12]See § 171.15(c).

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

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

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

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

[17]Licensees paying fees under 7.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.

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

[19]Licensees paying fees under 7.B., 7.B.1, or 7.B.2 are not subject to paying fees under 7.C., 7.C.1, or 7.C.2 for broad scope licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices authorized on the same license.

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

[21]Licensees 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: March 2, 2026.

For the Nuclear Regulatory Commission.

Christopher Carroll,
Chief Financial Officer.
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