

## Nuclear Regulatory Commission

## § 170.12

noncommercial public displays or scientific collections.

[33 FR 10924, Aug. 1, 1968, as amended at 36 FR 146, Jan. 6, 1971; 36 FR 18173, Sept. 10, 1971; 37 FR 24029, Nov. 11, 1972; 38 FR 18443, July 11, 1973; 43 FR 7218, Feb. 21, 1978; 45 FR 50718, July 31, 1980; 49 FR 21302, May 21, 1984; 55 FR 21179, May 23, 1990; 56 FR 31499, July 10, 1991; 59 FR 36917, July 20, 1994; 60 FR 32238, June 20, 1995; 62 FR 29207, May 29, 1997; 64 FR 31469, June 10, 1999]

### § 170.12 Payment of fees.

(a) *Application fees.* Each application for which a fee is prescribed must be accompanied by a remittance for the full amount of the fee. The NRC will not issue a new license or an amendment increasing the scope of an existing license to a higher fee category or adding a new fee category prior to receiving the prescribed application fee. The application fee(s) is charged whether the Commission approves the application or not. The application fee(s) is also charged if the applicant withdraws the application.

(b) *Licensing fees.* (1) Licensing fees will be assessed to recover full costs for—

(i) The review of applications for new licenses and approvals;

(ii) The review of applications for amendments to and renewal of existing licenses or approvals;

(iii) Preapplication consultations and reviews; and

(iv) The full cost for project managers assigned to a specific plant or facility, excluding leave time and time spent on generic activities (such as rulemaking).

(2) Full cost fees will be determined based on the professional staff time and appropriate contractual support services expended. The full cost fees for professional staff time will be determined at the professional hourly rates in effect the time the service was provided. The full cost fees are payable upon notification by the Commission.

(3) The NRC intends to bill each applicant or licensee at quarterly intervals for all accumulated costs for each application the applicant or licensee has on file for NRC review, until the review is completed, except for costs that were deferred before August 9, 1991. The deferred costs will be billed as described in paragraphs (b)(5), (b)(6) and

(b)(7) of this section. Each bill will identify the applications and documents submitted for review and the costs related to each.

(4) The NRC intends to bill each applicant or licensee for costs related to project manager time on a quarterly basis. Each bill will identify the costs related to project manager time.

(5) Costs for review of an application for renewal of a standard design certification which have been deferred prior to the effective date of this rule must be paid as follows: The full cost of review for a renewed standard design certification must be paid by the applicant for renewal or other entity supplying the design to an applicant for a construction permit, combined license issued under 10 CFR Part 52, or operating license, as appropriate, in five (5) equal installments. An installment is payable each of the first five times the renewed certification is referenced in an application for a construction permit, combined license, or operating license. The applicant for renewal shall pay the installment, unless another entity is supplying the design to the applicant for the construction permit, combined license, or operating license, in which case the entity shall pay the installment. If the design is not referenced, or if all of the costs are not recovered, within fifteen years after the date of renewal of the certification, the applicant for renewal shall pay the costs for the renewal, or remainder of those costs, at that time.

(6) Costs for the review of an application for renewal of an early site permit which have been deferred prior to the effective date of this rule will continue to be deferred as follows: The holder of the renewed permit shall pay the applicable fees for the renewed permit at the time an application for a construction permit or combined license referencing the permit is filed. If, at the end of the renewal period of the permit, no facility application referencing the early site permit has been docketed, the permit holder shall pay any outstanding fees for the permit.

(7)(i) The full cost of review for a standardized design approval or certification that has been deferred prior to the effective date of the rule must be

paid by the holder of the design approval, the applicant for certification, or other entity supplying the design to an applicant for a construction permit, combined license issued under 10 CFR Part 52, or operating license, as appropriate, in five (5) equal installments. An installment is payable each of the first five times the approved/certified design is referenced in an application for a construction permit, combined license issued under 10 CFR Part 52, or operating license. In the case of a standard design certification, the applicant for certification shall pay the installment, unless another entity is supplying the design to the applicant for the construction permit, combined license, or operating license, in which case the other entity shall pay the installment.

(ii)(A) In the case of a design which has been approved but not certified and for which no application is pending, if the design is not referenced, or if all costs are not recovered within five years after the date of the preliminary design approval (PDA), or the final design approval (FDA), the applicant shall pay the costs, or the remainder of those costs, or remainder of those costs, at that time.

(B) In the case of a design which has been approved and for which an application for certification is pending, no fees are due until after the certification is granted. If the design is not referenced, or if all costs are not recovered, within fifteen years after the date of certification, the applicant shall pay the costs, or remainder of those, at the time.

(C) In the case of a design for which a certification has been granted, if the design is not referenced, or if all costs are not recovered, within fifteen years after the date of the certification, the applicant shall pay the costs for the review of the application, or remainder of those costs, at that time.

(c) *Inspection fees.* (1) Inspection fees will be assessed to recover full cost for each resident inspector (including the senior resident inspector), assigned to a specific plant or facility. The fees assessed will be based on the number of hours that each inspector assigned to the plant or facility is in an official duty status (*i.e.*, all time in a non-leave

status), excluding time spent by a resident inspector in support of activities at another site. The hours will be billed at the appropriate hourly rate established in 10 CFR 170.20. Resident inspectors' time related to a specific inspection will be included in the fee assessed for the specific inspection in accordance with paragraph (c)(2) of this section.

(2) Inspection fees will be assessed to recover the full cost for each specific inspection, including plant- or licensee-specific performance reviews and assessments, evaluations, and incident investigations. For inspections that result in the issuance of an inspection report, fees will be assessed for costs incurred up to approximately 30 days after the inspection report is issued. The costs for these inspections include preparation time, time on site, documentation time, and follow-up activities and any associated contractual service costs, but exclude the time involved in the processing and issuance of a notice of violation or civil penalty.

(3) The NRC intends to bill for resident inspectors' time and for specific inspections subject to full cost recovery on a quarterly basis. The fees are payable upon notification by the Commission.

(d) *Special Project Fees.* (1) Fees for special projects are based on the full cost of the review. Special projects includes activities such as—

- (i) Topical reports;
- (ii) Financial assurance submittals that do not require a license amendment;
- (iii) Responses to Confirmatory Action Letters;
- (iv) Uranium recovery licensees' land-use survey reports; and (v) 10 CFR 50.71 final safety analysis reports.

(2) The NRC intends to bill each applicant or licensee at quarterly intervals until the review is completed. Each bill will identify the documents submitted for review and the costs related to each. The fees are payable upon notification by the Commission.

(e) *Part 55 review fees.* Fees for Part 55 review services are based on NRC time spent in administering the examinations and tests and any related contractual costs. The fees assessed will also include related activities such as

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preparing, reviewing, and grading of the examinations and tests. The NRC intends to bill the costs at quarterly intervals to the licensee employing the operators.

(f) *Method of payment.* All license fee payments are to be made payable to the U.S. Nuclear Regulatory Commission. The payments are to be made in U.S. funds by electronic funds transfer such as ACH (Automated Clearing House) using E.D.I. (Electronic Data Interchange), check, draft, money order, or credit card. Payment of invoices of \$5,000 or more should be paid via ACH through NRC's Lockbox Bank at the address indicated on the invoice. Credit card payments should be made up to the limit established by the credit card bank at the address indicated on the invoice. Specific written instructions for making electronic payments and credit card payments may be obtained by contacting the License Fee and Accounts Receivable Branch at 301-415-7554. In accordance with Department of the Treasury requirements, refunds will only be made upon receipt of information on the payee's financial institution and bank accounts.

[64 FR 31469, June 10, 1999, as amended at 65 FR 11204, Mar. 2, 2000; 65 FR 36959, June 12, 2000]

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

Fees for permits, licenses, amendments, renewals, special projects, 10 CFR Part 55 requalification and replacement examinations and tests, other required reviews, approvals, and inspections under §§170.21 and 170.31 will be calculated using the following applicable professional staff-hour rates:

- Reactor Program (§170.21 Activities)—\$144 per hour
- Nuclear Materials and Nuclear Waste Program (§170.31 Activities)—\$143 per hour

[65 FR 36959, June 12, 2000]

SCHEDULE OF FEES

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

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

SCHEDULE OF FACILITY FEES

[See footnotes at end of table]

Facility categories and type of fees	Fees <sup>1, 2</sup>
<b>A. Nuclear Power Reactors</b>	
Application for Construction Permit .....	\$125,000.
Early Site Permit, Construction Permit, Combined License, Operating License.	Full Cost.
Amendment, Renewal, Dismantling-Decommissioning and Termination, Other Approvals.	Full Cost.
Inspections <sup>3</sup> .....	Full Cost.
<b>B. Standard Reference Design Review</b>	
Preliminary Design Approvals, Final Design Approvals, Certification.	Full cost.
Amendment, Renewal, Other Approvals .....	Full cost.
<b>C. Test Facility/Research Reactor/Critical Facility</b>	
Application for Construction Permit .....	\$5,000.
Construction Permit, Operating License .....	Full cost.
Amendment, Renewal, Dismantling-Decommissioning and Termination, Other Approvals.	Full cost.
Inspections <sup>3</sup> .....	Full cost.
<b>D. Manufacturing License</b>	
Application .....	\$125,000.
Preliminary Design Approval, Final Design Approval.	Full cost.
Amendment, Renewal, Other Approvals .....	Full cost.
Inspections <sup>3</sup> .....	Full cost.
<b>E. [Reserved]</b>	
<b>F. Advanced Reactors</b>	
Application for Construction Permit .....	\$125,000.
Early Site Permit, Construction Permit, Combined License, Operating License.	Full Cost.
Amendment, Renewal, Other Approvals .....	Full cost.
Inspections <sup>3</sup> .....	Full cost.
<b>G. Other Production and Utilization Facility</b>	
Application for Construction Permit .....	\$125,000.
Construction Permit, Operating License .....	Full cost.
Amendment, Renewal, Other Approvals .....	Full cost.