

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

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AUTHORITY: 31 U.S.C. 9701; sec. 301, Pub. L. 92-314, 86 Stat. 222 (42 U.S.C. 2201w); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 205, Pub. L. 101-576, 104 Stat. 2842, (31 U.S.C. 902).

SOURCE: 33 FR 10924, Aug. 1, 1968; 33 FR 11587, Aug. 15, 1968, unless otherwise noted.

GENERAL PROVISIONS

**§ 170.1 Purpose.**

The regulations in this part set out fees charged for licensing services rendered by the Nuclear Regulatory Commission as authorized under title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290; 31 U.S.C. 483a) and provisions regarding their payment.

[33 FR 10924, Aug. 1, 1968; 33 FR 11587, Aug. 15, 1968, as amended at 40 FR 8794, Mar. 3, 1975]

**§ 170.2 Scope.**

Except for persons who apply for or hold the permits, licenses, or approvals exempted in §170.11, the regulations in this part apply to a person who is:

(a) An applicant for or holder of a specific byproduct material license issued pursuant to parts 30 and 32 through 36 and 39 of this chapter;

(b) An applicant for or holder of a specific source material license issued pursuant to part 40 of this chapter;

(c) An applicant for or holder of a specific special nuclear material license issued pursuant to part 70 of this chapter;

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

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

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

(g) An applicant for or holder of a production or utilization facility construction permit, operating license, or manufacturing license issued pursuant to part 50 of this chapter, or an early site permit, standard design certification, or combined license issued pursuant to part 52 of this chapter;

(h) Required to have examinations and tests performed to qualify or re-qualify individuals as part 55 reactor operators;

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

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

(k) Applying for or already has applied for review, under 10 CFR part 52, appendix Q, of a facility site prior to the submission of an application for a construction permit;

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

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

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

(o) Requesting preapplication/licensing review assistance by consulting with the NRC and/or by filing preliminary analyses, documents, or reports.

(p) An applicant for or a holder of a specific import or export license issued pursuant to 10 CFR part 110.

(q) An Agreement State licensee who files for or is holder of a general license under the reciprocity provisions of 10 CFR 150.20.

(r) An applicant for or a holder of a certificate of compliance issued under 10 CFR Part 76.

[49 FR 21301, May 21, 1984, as amended at 52 FR 8242, Mar. 17, 1987; 54 FR 15399, Apr. 18, 1989; 56 FR 31499, July 10, 1991; 58 FR 7737, Feb. 9, 1993; 64 FR 31469, June 10, 1999]

### § 170.3 Definitions.

As used in this part:

*Act* means the Atomic Energy Act of 1954 (68 Stat. 919) including any amendments thereto;

*Advanced reactor* means any nuclear reactor concept other than light water reactors and high temperature gas cooled reactors.

*Agreement State* means any State with which the Commission or the Atomic Energy Commission has entered into an effective agreement under subsection 274b of the Act. "Nonagreement State" means any other State.

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

*Balance of plant* consists of the remaining systems, components, and structures that comprise a complete nuclear power plant and are not included in the nuclear steam supply system.

*Byproduct material* means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

*Government agency* means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

*High Enriched Uranium* means uranium enriched to 20 percent or greater in the isotope uranium-235.

*Human use* means the internal or external administration of byproduct, source, or special nuclear material, or the radiation therefrom, to human beings.

*Indian organization* means any commercial group, association, partnership, or corporation wholly owned or controlled by an Indian tribe.

*Indian tribe* means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided by the Secretary of the Interior because of their status as Indians.

*Inspections* means:

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

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

(3) Reviews and assessments of licensee performance;

(4) Evaluations, such as those performed by Diagnostic Evaluation Teams; or

(5) Incident investigations.

*Low Enriched Uranium* means uranium enriched below 20 percent in the isotope uranium-235.

*Manufacturing license* means a license pursuant to Appendix M of part 52 of