Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1280

[Document No. AMS–LP–19–0093]

RIN 0581–AC06

Lamb Promotion, Research, and Information Order; Activity Changes; Comment Period Reopened

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Agricultural Marketing Service (AMS) is providing an additional 30 days for public comments on the proposed rule that would amend the Lamb Promotion, Research, and Information Order (Order). Reopening the comment period gives interested persons an additional opportunity to comment on the proposal. Comments are solicited from all stakeholders, notably those who would be impacted by the proposed amendments.

DATES: The comment period for the proposed rule published on October 5, 2020, at 85 FR 62617, is reopened. Comments must be received by March 24, 2021.

ADDRESSES: Comments should be posted online at *www.regulations.gov.* Comments received will be posted without change, including any personal information provided. All comments should reference the docket number AMS–LP–19–0093, the date of publication, and the page number of this issue of the **Federal Register**. Comments may also be sent to Jason Julian, Agricultural Marketing Specialist; Research and Promotion Division; Livestock and Poultry Program, AMS, USDA; Room 2610–S, STOP 0251, 1400 Independence Avenue SW, Washington, DC 20250–0251. Comments will be made available for public inspection at the above address during regular business hours or via the internet at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jason Julian, Agricultural Marketing Specialist, Research and Promotion Division, Livestock and Poultry Program, AMS, USDA; telephone: (202) 731–2149; fax: (202) 720–1125; or email: *jason.julian@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background and Proposed Action

AMS proposed revisions to the assessment collection procedures that would require market agencies to collect the full assessment on sales of live lambs, including the first-handler assessment portion, for remittance to the Board. The proposed assessment collection change would only apply to lambs sold through market agencies (*e.g.,* commission merchant, auction market, or livestock market). Other modes of sale, such as traditional markets (*e.g.,* first handler purchases from a producer or feeder, independent of a market agency, direct sales) would continue to have assessments remitted through the pass-through collection process.

This document notifies the public of the reopening of the comment period from February 22, 2021 to March 24, 2021. Comments previously submitted during the initial 60-day comment period [October 5, 2020, through December 4, 2020] need not be resubmitted, as these comments are already incorporated into the public record and will be considered in the final rule.

Public Comment Requested

AMS received 11 comments from stakeholders during the initial sixty-day comment period. These comments represent the perspectives of various organizations and individuals within the stakeholder community and provided AMS additional context for decision making. AMS is reopening the comment period to encourage additional input on a topic identified by one commenter during the initial comment period.

The commenter requested AMS consider allowing flexibility in the remittance of collected assessments by lower-volume or seasonal market agencies. The commenter suggested that requiring smaller market agencies to remit assessments every month, regardless of their sales volume, could be burdensome for those entities with very small volumes. The commenter asked AMS to consider additional flexibility for small market agencies by allowing them to remit accumulated assessments on a quarterly or annual basis. The proposed rule would require that remittances occur by the 15th day of the month following the month in which lambs were purchased for slaughter or export, regardless of sales volume for that month. The commenter suggested such flexibilities for small market agencies could be based on the average head of lamb sold annually, allowing markets below a specific threshold to remit on a quarterly or annual basis.

AMS seeks additional information from stakeholders to consider this type of flexibility. AMS seeks comments on the following questions:

1. What level or threshold should AMS consider as a low-volume market agency that might be eligible for additional flexibility?

2. Approximately how many market agencies would fit into such a category?

3. How would this type of flexibility reduce regulatory burden for those market agencies?

AMS seeks input on other appropriate thresholds—such as monthly or quarterly sales volume—to identify market agencies that might be eligible for regulatory flexibility regarding assessment remittance under the amended regulations. Any comments should be supported by data that is clearly quantified and explained.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2021–03470 Filed 2–19–21; 8:45 am]

BILLING CODE P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 15, 170 and 171

[NRC–2018–0292]

RIN 3150–AK24

Revision of Fee Schedules; Fee Recovery for Fiscal Year 2021

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. These proposed amendments are necessary to implement the Nuclear Energy Innovation and Modernization Act (NEIMA), which, starting in fiscal year (FY) 2021, 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 also proposing improvements associated with fee invoicing to implement provisions in NEIMA.

DATES: Submit comments by March 24, 2021. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received before this date. Because NEIMA requires the NRC to collect fees for FY 2021 by September 30, 2021, the NRC must finalize any revisions to its fee schedules promptly, and thus is unable to grant any extension request of the comment period.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2018–0292. Address questions about NRC dockets to Dawn Forder; telephone: 301–415–3407; email: *Dawn.Forder@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

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: Anthony Rossi, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–7341; email: *Anthony.Rossi@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0292 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–2018–0292.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209 or 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. For the convenience of the reader, the ADAMS accession numbers are also provided in a table in the ''Availability of Documents'' section of this document.
- *Attention:* The Public Document Room (PDR), where you may examine and order copies of public documents, is currently closed. You may submit your request to PDR staff via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

B. Submitting Comments

Please include Docket ID NRC–2018–0292 in the subject line of your comment submission in order to ensure that the NRC is able to make your comment submission publicly available in this docket.

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 posts all comment submissions at *https://www.regulations.gov* as well as entering 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 submissions. 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 comment submissions into ADAMS.

II. Background Statutory Authority

A. Statutory Authority

Revised Fee-Recovery Framework for FY 2021 and Subsequent Fiscal Years

The NRC is proposing to amend the licensing, inspection, special project, and annual fees charged to its applicants and licensees. These proposed amendments are necessary to implement Public Law 115–439, NEIMA (42 U.S.C. 2215), which the President signed into law on January 14, 2019. The NEIMA fee-related changes, effective October 1, 2020, include (1) repealing the prior fee-recovery framework and replacing it with a revised framework and (2) requirements to improve the invoice accuracy for service fees.

Effective October 1, 2020, NEIMA repealed Section 6101 of the Omnibus Budget Reconciliation Act of 1990, as amended (OBRA–90) (42 U.S.C. 2214) and put in place a revised fee-recovery framework for FY 2021 and subsequent fiscal years, requiring the NRC to recover, to the maximum extent practicable, approximately 100 percent of its total budget authority for the fiscal year, less the budget authority for excluded activities. For FYs 2005 through 2020, OBRA–90 required the NRC to recover approximately 90 percent of its budget authority for the fiscal year, less amounts for the activities excluded from fee recovery under OBRA–90 or other legislation, through fees. The 10 percent of the remaining budget authority not recovered through fees was historically referred to as fee-relief activities. In this proposed rule, the NRC would establish a revised fee-recovery framework, which would eliminate the 10 percent limit on

fee-relief activities. Accordingly, the NRC would no longer provide a fee-relief credit (when the amount budgeted for fee-relief activities is less than the 10 percent threshold, which would have decreased annual fees for licensees) or assess a fee-relief surcharge (when the amount budgeted for fee-relief activities is greater than the 10 percent threshold, which would have increased annual fees for licensees) as part of the calculation of annual fees for each licensee fee class.

In FY 2021, 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) NEIMA (42 U.S.C. 2215). The IOAA authorizes and encourages Federal agencies to recover—to the fullest extent possible—costs attributable to services provided to identifiable recipients. Under NEIMA, the NRC must recover, to the maximum extent practicable, approximately 100 percent of its annual budget, less the budget authority for excluded activities. Under Section 102(b)(1)(B) of NEIMA, ''excluded activities'' include any fee-relief activity as identified by the Commission, generic homeland security activities, waste incidental to reprocessing activities, Nuclear Waste Fund activities, advanced reactor regulatory infrastructure activities, Inspector General services for the Defense Nuclear Facilities Safety Board, research and development at universities in areas relevant to the NRC's mission, and a nuclear science and engineering grant program.

In FY 2021, the fee-relief activities identified by the Commission are consistent with prior final fee rules and include Agreement State oversight, regulatory support to Agreement States, medical isotope production infrastructure, fee exemptions for non-profit educational institutions, costs not recovered from small entities under 10 CFR 171.16(c), generic decommissioning/reclamation activities, the NRC's uranium recovery program and unregistered general licenses, potential U.S. Department of Defense Program Memorandum of Understanding activities (Military Radium-226), and non-military radium sites. In addition, for FY 2021, the Commission identified international activities, not including the resources for import and export licensing, as fee-relief activities to be excluded from the fee-recovery requirement.

Under NEIMA, the NRC must use its IOAA authority first to collect service fees for NRC work that provides specific benefits to identifiable recipients (such as licensing work, inspections, and special projects). The NRC's regulations in part 170 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Fees for Facilities, Materials, Import and Export Licenses, and Other Regulatory Services Under the Atomic Energy Act of 1954, as Amended,'' explain how the agency collects service fees from specific beneficiaries. Because the NRC's fee recovery under the IOAA (10 CFR part 170) will not equal 100 percent of the agency's budget authority for the fiscal year, the NRC also assesses ''annual fees'' under 10 CFR part 171, ''Annual Fees for Reactor Licenses and Fuel Cycle Licenses and Materials Licenses, Including Holders of Certificates of Compliance, Registrations, and Quality Assurance Program Approvals and Government Agencies Licensed by the NRC,'' to recover the remaining amount necessary to comply with NEIMA.

In addition, Section 102(b)(3)(B)(i) of NEIMA establishes a new 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 (see Section III, Discussion, ''FY 2021 Fee Collection—Revised Annual Fees,'' of this proposed rule).

B. Accurate Invoicing

Section 102(d) of NEIMA requires three sets of actions related to NRC invoices for service fees assessed under 10 CFR part 170. First, as stated in Section 102(d)(1) of NEIMA, the NRC must ''ensure appropriate review and approval prior to the issuance of invoices'' for service fees. Second, as stated in Section 102(d)(2) of NEIMA, the NRC must ''develop and implement processes to audit invoices [for 10 CFR part 170 service fees] to ensure accuracy, transparency, and fairness.'' Third, as stated in Section 102(d)(3) of NEIMA, the NRC is required to ''modify regulations to ensure fair and appropriate processes to provide licensees and applicants an opportunity to efficiently dispute or otherwise seek review and correction of errors in invoices'' for service fees.

The NRC developed and implemented process improvements to ensure accurate invoicing for the first two actions. First, in July 2019, the NRC implemented a new agencywide process to standardize the validation of fees, which fully satisfies Section 102(d)(1) and partially addresses Section 102(d)(2) of NEIMA. The new standardized process improved accountability and oversight within the NRC to ensure that fee billing data is correct before appearing on a licensee's invoice. Standardizing the fee validation process defines roles and responsibilities for performing fee billing validation and certification; this standardization process also improves accountability and internal controls by adding management oversight to improve the accuracy of fee billing data. The NRC's new process will lead to improved internal and external auditing of service fee invoices to ensure accuracy, transparency, and fairness of invoices. The process requires offices with fee billable charges to regularly review and certify hours and costs to validate the charges before the NRC sends a bill for service fees. On an annual basis, external financial statement auditors will conduct an audit of a sample of invoices to determine whether the NRC is accurately invoicing in accordance with the NRC's fee schedules. Therefore, NRC's invoices will be reviewed and audited by both internal and external parties.

The second NEIMA accurate invoicing action also concerns the transparency and fairness of the overall billing process. The NRC is firmly committed to the application of fairness and equity in the assessment of fees. All 10 CFR part 170 service fees are reassessed and published in the **Federal Register** on a yearly basis. In January 2018, the NRC redesigned its invoices to add clarity and transparency for its stakeholders; new features included an invoice legend of NRC acronyms and the names of individual NRC staff and/or contractor company, if applicable, who had performed the work associated with the charges were added. In addition, the NRC's staff hours and contractor costs were listed separately on invoices so the recipient could view the subtotals for the two different categories of costs. Finally, the NRC implemented a new data structure to more effectively account for and track all billable work at the project level. The structure included a data element called an Enterprise Project Identifier (EPID), which provides useful details regarding the type of project or work that is being billed. Inspection report numbers were converted to EPIDs to provide more information, and descriptions of inspection activities were added to the invoice. Using this data structure enabled the NRC's licensees and other persons assessed service fees to identify how many hours are being expended on each of the various activities within a project. To further these efforts, the NRC standardized its Cost Activity Codes

(CACs) for all agency activities to clearly provide licensees with consistent descriptions of the work being performed across licensing actions, inspections, and over multiple dockets. Invoices for service fees are now presented in a more useful and readable manner and hours and costs are no longer commingled. As a result, the NRC's invoices provide stakeholders greater transparency regarding fees.

In addition, in October 2019, the NRC released an electronic billing (eBilling) system. This public facing, web-based application provides persons assessed service fees, including licensees, immediate delivery of NRC invoices, customizable email notifications, the capability to view and analyze invoice details, and access to the U.S. Department of the Treasury systems to pay invoices. The eBilling application provides persons assessed service fees, including licensees increased billing process transparency and has increased applicant and licensee confidence in the assessed fees and charges.

To address the third action, the NRC is proposing a policy change to modify the regulations in 10 CFR chapter I to provide a standard process for licensees and applicants to efficiently dispute or otherwise seek review and correction of errors in invoices for services fees (see Section III, Discussion, ''FY2021—Policy Changes,'' of this proposed rule).

III. Discussion

FY 2021 Fee Collection—Overview

The NRC is issuing this FY 2021 proposed fee rule based on the Consolidated Appropriations Act, 2021 (the enacted budget). The proposed fee rule reflects a total budget authority in the amount of $844.4 million, a decrease of $11.2 million from FY 2020. As explained previously, certain portions of the NRC's total budget authority for the fiscal year are excluded from NEIMA's fee-recovery requirement under Section 102(b)(1)(B) of NEIMA. Based on the FY 2021 enacted budget, these exclusions total $123.0 million, consisting of $91.2 million for fee-relief activities; $17.7 million for advanced reactor regulatory infrastructure activities; $11.7 million for generic homeland security activities; $1.2 million for waste incidental to reprocessing activities; and $1.2 million for Inspector General services for the Defense Nuclear Facilities Safety Board. Table I summarizes the excluded activities for the FY 2021 proposed rule.

TABLE I—EXCLUDED ACTIVITIES

[Dollars in millions]

	FY 2021 proposed rule
Fee-Relief Activities:	.....
International activities (not including the resources for import and export licensing)	24.7
Agreement State oversight	10.4
Medical isotope production infrastructure	5.9
Fee exemption for nonprofit educational institutions	9.3
Costs not recovered from small entities under 10 CFR 171.16(c)	7.7
Regulatory support to Agreement States	12.3
Generic decommissioning/reclamation activities (not related to the power reactor and spent fuel storage fee classes)	16.1
Uranium recovery program and unregistered general licensees	3.6
Potential Department of Defense remediation program Memorandum of Understanding activities	1.0
Non-military radium sites	0.2
Subtotal Fee-Relief Activities	91.2
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)	14.1
Advanced reactor regulatory infrastructure activities	17.7
Total Excluded Activities	123.0

After accounting for the exclusions from the fee-recovery requirement and net billing adjustments (*i.e.,* for FY 2021 invoices that the NRC estimates will not be paid during the fiscal year, less payments received in FY 2021 for prior year invoices and current year collections made for the termination of one operating power reactor), the NRC must recover approximately $708.8 million in fees in FY 2021. Of this amount, the NRC estimates that $185.9 million will be recovered through 10 CFR part 170 service fees and approximately $522.9 million will be recovered through 10 CFR part 171 annual fees. Table II summarizes the fee-recovery amounts for the FY 2021 proposed fee rule using the enacted budget, and taking into account the budget authority for excluded activities and net billing adjustments. For all information presented in the following tables, individual values may not sum to totals due to rounding. Please see the work papers (ADAMS Accession No. ML20346A173) for actual amounts.

In FY 2021, the explanatory statement associated with the Consolidated Appropriations Act, 2021, also includes direction for the NRC to use $35.0 million in prior-year unobligated carryover funds, including $16.0 million to fund the Integrated University Program for FY 2021. The NRC does not assess fees in the current fiscal year for any carryover funds because, consistent with the requirements of NEIMA, fees are calculated based on the budget authority enacted for the current fiscal year and fees were already assessed in the fiscal year in which the carryover funds were appropriated.

TABLE II—BUDGET AND FEE RECOVERY AMOUNTS [1]

[Dollars in millions]

	FY 2021 proposed rule
Total Budget Authority	$844.4
Less Budget Authority for Excluded Activities:	−123.0
Balance	721.4
Fee Recovery Percent	100
Total Amount to be Recovered:	721.4
Less Estimated Amount to be Recovered through 10 CFR part 170 Fees	−185.9
Estimated Amount to be Recovered through 10 CFR part 171 Fees	535.5
10 CFR part 171 Billing Adjustments:	
Unpaid Current Year Invoices (estimated)	3.0
Less Current Year Collections from a Terminated Reactor—Indian Point Nuclear Generating, Unit 2 in FY 2020 and Indian Point Nuclear Generating, Unit 3 in FY 2021	−2.7
Less Payments Received in Current Year for Previous Year Invoices (estimated)	−12.9
Adjusted Amount to be Recovered through 10 CFR parts 170 and 171 Fees	708.8
Adjusted 10 CFR part 171 Annual Fee Collections Required	522.9

FY 2021 Fee Collection—Professional 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 license applications). This rate is applicable to all activities for which fees are assessed under §§ 170.21 and 170.31.

The NRC's professional hourly rate is derived by adding budgeted resources for: (1) Mission-direct program salaries and benefits, (2) mission-indirect program support, and (3) agency support (corporate support and the Inspector General). The NRC then subtracts certain offsetting receipts and divides this total by the mission-direct full-time equivalent (FTE) converted to hours (the mission-direct FTE converted to hours is the product of the mission-direct FTE multiplied by the estimated annual mission-direct FTE productive hours). The only budgeted resources excluded from the professional hourly rate are those for mission-direct contract resources, which are generally billed to licensees separately. The following shows the professional hourly rate calculation:

$$\text{Professional Hourly Rate} = \frac{\text{Budgeted Resources}}{\text{Mission-Direct FTE Converted to Hours}} = \frac{\$732.2 \text{ million}}{1{,}684 \times 1{,}510} = \$288$$

For FY 2021, the NRC is proposing to increase the professional hourly rate from $279 to $288. The 3.2 percent increase in the FY 2021 professional hourly rate is primarily due to a 2.1 percent increase in budgetary resources of approximately $15.0 million. The increase in budgetary resources is, in turn, primarily due to an increase in salaries and benefits to support Federal pay raises for NRC employees. The anticipated decline in the number of mission-direct FTE compared to FY 2020 also contributed to the increase in the professional hourly rate. The hourly rate is inversely related to the mission-direct FTE amount; therefore, as the number of mission-direct FTE decrease the hourly rate can increase. The number of mission-direct FTE is expected to decline by 17, primarily due to: (1) The completion of probabilistic risk assessment reviews related to lessons learned from the accident at Fukushima Dai-ichi in Japan; (2) the closure of Duane Arnold Energy Center (Duane Arnold); and (3) the reduced workload associated with significance determinations, operating experience evaluations, and generic communications development.

The FY 2021 estimate for annual mission-direct FTE productive hours is 1,510 hours, which is unchanged from FY 2020. This estimate, also referred to as the productive hours assumption, reflects the average number of hours that a mission-direct employee spends on mission-direct work in a given year. This estimate therefore excludes hours charged to annual leave, sick leave, holidays, training, and general administrative tasks. Table III shows the professional hourly rate calculation methodology. The FY 2020 amounts are provided for comparison purposes.

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

TABLE III—PROFESSIONAL HOURLY RATE CALCULATION

[Dollars in millions, except as noted]

	FY 2020 final rule	FY 2021 proposed rule
Mission-Direct Program Salaries & Benefits	$314.6	$335.3
Mission-Indirect Program Support	$110.8	$113.2
Agency Support (Corporate Support and the IG)	$291.5	$283.7
Subtotal	$716.9	$732.2
Less Offsetting Receipts [2]	$0.0	$0.0
Total Budgeted Resources Included in Professional Hourly Rate	$716.9	$732.2
Mission-Direct FTE (Whole numbers)	1,701	1,684
Annual Mission-Direct FTE Productive Hours (Whole numbers)	1,510	1,510
Mission-Direct FTE Converted to Hours (Mission-Direct FTE multiplied by Annual Mission-Direct FTE Productive Hours) (In Millions)	2,568,510	2,542,840
Professional Hourly Rate (Total Budgeted Resources Included in Professional Hourly Rate Divided by Mission-Direct FTE Converted to Hours) (Whole Numbers)	$279	$288

FY 2021 Fee Collection—Flat Application Fee Changes

The NRC proposes to amend the flat application fees it charges in its schedule of fees in §§ 170.21 and 170.31 to reflect the revised professional hourly rate of $288. 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 these flat fees by multiplying the average professional staff hours needed to process the licensing actions by the professional hourly rate for FY 2021. As part of its calculations, 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 as part of its biennial review of fees; these actions are required by Section 205(a) of the Chief Financial Officers Act of 1990 (31 U.S.C. 902(a)(8)). The NRC performed this review in FY 2021 and will perform this review again in FY 2023. The biennial review adjustments and the higher professional hourly rate of $288 are the primary reasons for the increase in 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 that any rounding effects are minimal. Accordingly, fees under $1,000 are rounded to the nearest $10, fees between $1,000 and $100,000 are rounded to the nearest $100, and fees greater than $100,000 are rounded to the nearest $1,000.

The proposed licensing flat fees are applicable for import and export licensing actions (see fee categories K.1. through K.5. of § 170.21 and fee categories 15.A. through 15.R. of § 170.31), as well as 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 2021 final fee rule will be subject to the revised fees in the final rule.

FY 2021 Fee Collection—Low-Level Waste Surcharge

As in prior years, the NRC proposes to assess a generic low-level waste (LLW) surcharge of $3.4 million. Disposal of LLW occurs at commercially operated LLW disposal facilities that are licensed by either the NRC or an Agreement State. Four existing LLW disposal facilities in the United States accept various types of LLW. All are located in Agreement States and, therefore, are regulated by an Agreement State, rather than the NRC. The NRC proposes to allocate this surcharge to its licensees based on data available in the U.S. Department of Energy's (DOE) Manifest Information Management System. This database contains information on total LLW volumes disposed of by four generator classes: Academic, industrial, medical, and utility. The ratio of waste volumes disposed of by these generator classes to total LLW volumes disposed over a period of time is used to estimate the portion of this surcharge that will be allocated to the power reactors, fuel facilities, and the materials users fee classes. The materials users fee class portion is adjusted to account for the large percentage of materials licensees that are licensed by the Agreement States rather than the NRC.

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

TABLE IV—ALLOCATION OF LLW SURCHARGE FY 2021

[Dollars in millions]

	LLW surcharge	
	Percent	$
Operating Power Reactors	87.4	2.938
Spent Fuel Storage/Reactor Decommissioning	0.0	0.000
Non-Power Production or Utilization Facilities	0.0	0.000

[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 the Office of Management and Budget (OMB) Circular A–25, *User Charges.* The budgeted resources for FOIA activities are allocated under the product for Information Services within the Corporate Support business line. The budgeted resources for indemnity activities are allocated under the Licensing Actions and Research and Test Reactors products within the Operating Reactors business line.

TABLE IV—ALLOCATION OF LLW SURCHARGE FY 2021—Continued

[Dollars in millions]

	LLW surcharge	
	Percent	$
Fuel Facilities	10.0	0.336
Materials Users	2.6	0.087
Transportation	0.0	0.000
Rare Earth Facilities	0.0	0.000
Uranium Recovery	0.0	0.000
Total	100.0	3.361

FY 2021 Fee Collection—Revised Annual Fees

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

The NRC proposes to revise its annual fees in §§ 171.15 and 171.16 to recover approximately 100 percent of the NRC's FY 2021 enacted budget (less the budget authority for excluded activities and the estimated amount to be recovered through 10 CFR part 170 fees). The total estimated 10 CFR part 170 collections for this proposed rule are $185.9 million, which is a decrease of $34.2 million from the FY 2020 final rule (see the specific fee class sections for a discussion of this decrease). The NRC, therefore, proposes to recover $522.9 million through annual fees from its licensees, which is an increase of $14.9 million from the FY 2020 final rule.

Table V shows the proposed rebaselined fees for FY 2021 for a sample of licensee categories. The FY 2020 amounts are provided for comparison purposes.

TABLE V—REBASELINED ANNUAL FEES

[Actual dollars]

Class/category of licenses	FY 2020 final annual fee	FY 2021 proposed annual fee
Operating Power Reactors	$4,621,000	$4,809,000
+ Spent Fuel Storage/Reactor Decommissioning	188,000	246,000
Total, Combined Fee	4,804,000	5,050,000
Spent Fuel Storage/Reactor Decommissioning	188,000	246,000
Non-Power Production or Utilization Facilities	81,300	78,700
High Enriched Uranium Fuel Facility (Category 1.A.(1)(a))	5,067,000	4,835,000
Low Enriched Uranium Fuel Facility (Category 1.A.(1)(b))	1,717,000	1,639,000
Uranium Enrichment (Category 1.E)	2,208,000	2,107,000
UF_6 Conversion and Deconversion Facility (Category 2.A.(1)	510,000	486,000
Basic *In Situ* Recovery Facilities (Category 2.A.(2)(b))	49,200	45,900
Typical Users:		
Radiographers (Category 3O)	29,900	29,000
All Other Specific Byproduct Material Licensees (Category 3P)	9,700	9,800
Medical Other (Category 7C)	14,800	16,700
Device/Product Safety Evaluation—Broad (Category 9A)	13,800	17,800

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

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

a. Operating Power Reactors

The NRC proposes to collect $446.8 million in annual fees from the operating power reactors fee class in FY 2021, as shown in Table VI. The FY 2020 operating power reactor fees are shown for comparison purposes.

TABLE VI—ANNUAL FEE SUMMARY CALCULATIONS FOR OPERATING POWER REACTORS

[Dollars in millions]

Summary fee calculations	FY 2020 final	FY 2021 proposed
Total budgeted resources	$623.9	$611.8
Less estimated 10 CFR part 170 receipts	−186.7	−157.0

TABLE VI—ANNUAL FEE SUMMARY CALCULATIONS FOR OPERATING POWER REACTORS—Continued

[Dollars in millions]

Summary fee calculations	FY 2020 final	FY 2021 proposed
Net 10 CFR part 171 resources	437.2	454.8
Allocated generic transportation	0.2	0.3
Fee-relief adjustment	−1.2	N/A
Allocated LLW surcharge	3.1	2.9
Billing adjustment	2.4	−8.4
Adjustment: Estimated current year collections from terminated reactor (Indian Point Generating, Unit 2 in FY 2020 and Indian Point Generating, Unit 3 in FY 2021)	−2.7	−2.7
Total required annual fee recovery	439.0	446.8
Total operating reactors	95	93
Annual fee per reactor	4.621	4.804

In comparison to FY 2020, the FY 2021 proposed annual fee for the operating power reactors fee class is increasing primarily due to the following: (1) The decline in 10 CFR part 170 estimated billings; (2) the reduction in the fleet due to the closure of Duane Arnold and Indian Point Energy Center (Indian Point Unit 3); and (3) the absence of the fee-relief adjustment. The increase in the proposed annual fee for the operating power reactors fee class is partially offset due to the following: (1) The decrease in budgeted resources and (2) a billing adjustment and current year collection adjustment. These components are discussed below.

The 10 CFR part 170 estimated billings declined primarily due to the following: (1) The decrease due to the plant closures of Indian Point Unit 3 closing in April 2021 and Duane Arnold closing in October 2020; (2) the completion of construction activities at Vogtle Electric Generating Plant, Unit 3 (Vogtle Unit 3); and (3) the completion of the NuScale small modular reactor (SMR) Design Certification review. This decrease in the 10 CFR part 170 estimated billings is partially offset by increased work to support the following: (1) The review of the Oklo Power LLC combined license application for the Aurora micro reactor, which was docketed in June 2020; and (2) inspection activities in order to perform inspections that were deferred due to the COVID–19 public health emergency.

In addition, as a result of the revised fee-recovery framework under NEIMA, the FY 2021 proposed annual fee increased due to the absence of the fee-relief adjustment that was made for FY 2020. Because NEIMA eliminated the approximately 90 percent requirement for fee recovery and, in turn, the 10 percent limit on fee-relief activities, the NRC will no longer provide a fee-relief credit or assess a fee-relief surcharge as part of the calculation of annual fees for each licensee fee class.

The increase in the annual fee is partially offset by a decline in FTEs that includes, but is not limited to, the following: (1) The completion of probabilistic risk assessment reviews related to lessons learned from the accident at Fukushima Dai-ichi in Japan; (2) the closure of Duane Arnold; (3) reduced workload associated with significance determinations, operating experience evaluations, and generic communications development; (4) the completion of the NuScale SMR Design Certification review; (5) a decrease in licensing actions resulting from the completion of construction of Vogtle Unit 3 and reduced demand for operator licensing and vendor inspection work as Vogtle Unit 3 will be transitioning to operational; and (6) decreases in research workload in areas of flooding, high energy arc faulting testing, and the near completion of the Level 3 probabilistic risk assessment project. The decrease in the budgeted resources is offset by an increase for certain contract costs due to a reduction in the utilization of prior-year unobligated carryover funding and an increase in the fully costed FTE rate compared to FY 2020.

In addition, the increase in the annual fee is partially offset by the $8,444,731 billing adjustment that was included in the operating power reactors calculation due to the deferral of annual fees and fees for services due to the COVID–19 public health emergency, and a $2,700,000 current year collection adjustment in the operating power reactors fee class calculation due to the shutdown of Indian Point Unit 3.

The recoverable budgeted costs are divided equally among the 93 licensed operating power reactors, a decrease of two operating power reactors compared to FY 2020 due to the closure of Duane Arnold and Indian Point Unit 3, resulting in an annual fee of $4,804,000 per reactor. Additionally, each licensed operating power reactor is assessed the FY 2021 spent fuel storage/reactor decommissioning annual fee of $246,000 (see Table VII and the discussion that follows). The combined FY 2021 annual fee for each operating power reactor is $5,050,000.

The NRC included an estimate of the operating power reactors annual fee in Appendix C, ''Estimated Operating Power Reactors Annual Fee,'' of the FY 2021 CBJ, with the intent to increase transparency with stakeholders. The NRC developed this estimate based on the staff's allocation of the FY 2021 budget request to fee classes under 10 CFR part 170, and allocations within the operating power reactors fee class under 10 CFR part 171. In addition, the estimated annual fee assumed 93 operating power reactors in FY 2021 and applied various data assumptions from the FY 2019 final fee rule. Based on these allocations and assumptions, the operating power reactor annual fee included in the FY 2021 CBJ was estimated to be $4.8 million, approximately $0.6 million below the FY 2015 operating power reactors annual fee amount adjusted for inflation of $5.4 million. Collectively, these actions serve to mitigate impacts resulting from licensees leaving the fee class and help the NRC continue to develop budgets that account for a fee class with a declining number of licensees. Although the FY 2021 CBJ included the estimated operating power reactors annual fee, the assumptions made above between budget formulation and the development of the FY 2021 proposed rule have changed, as shown in Table VI.

In FY 2016, the NRC amended its licensing, inspection, and annual fee

regulations to establish a variable annual fee structure for light-water SMRs (81 FR 32617). Under the variable annual fee structure, an SMR's annual fee would be calculated as a function of its licensed thermal power rating. Currently, there are no operating SMRs; therefore, the NRC will not assess an annual fee in FY 2021 for this type of licensee.

b. Spent Fuel Storage/Reactor Decommissioning

The NRC proposes to collect $30.1 million in annual fees from 10 CFR part 50 power reactor licensees, and from 10 CFR part 72 licensees that do not hold a 10 CFR part 50 license, to recover the budgeted costs for the spent fuel storage/reactor decommissioning fee class in FY 2021, as shown in Table VII. The FY 2020 spent fuel storage/reactor decommissioning fees are shown for comparison purposes.

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

[Dollars in millions]

Summary fee calculations	FY 2020 final	FY 2021 proposed
Total budgeted resources	$37.9	$42.2
Less estimated 10 CFR part 170 receipts	−15.9	−12.4
Net 10 CFR part 171 resources	22.1	29.8
Allocated generic transportation costs	0.8	0.8
Fee-relief adjustment	−0.1	N/A
Billing adjustments	0.1	−0.6
Total required annual fee recovery	22.9	30.1
Total spent fuel storage facilities	122	122
Annual fee per facility	$0.188	$0.246

In comparison to FY 2020, the FY 2021 proposed annual fee for the spent fuel storage/reactor decommissioning fee class is increasing primarily due to the increase in the budgeted resources and the decline in the 10 CFR part 170 estimated billings.

The budgeted resources for the spent fuel storage/reactor decommissioning fee class increased primarily to support of the following: (1) Decommissioning activities associated with power reactors in decommissioning, including the transition of Duane Arnold from operation to the power reactor decommissioning program; and (2) waste research activities associated with accident tolerant fuel, high burnup, and enrichment extension fuels.

The 10 CFR part 170 estimated billings for FY 2021 decreased primarily due to the following: (1) A reduction in hours associated with the staff's review of renewals and amendments for independent spent fuel storage installation (ISFSI) licenses and dry cask storage certificates of compliance (CoCs); (2) the near completion of the staff's review of the Interim Storage Partners consolidated interim storage facility application; (3) the completion of certain follow-up inspections and other inspection activities for San Onofre Nuclear Generating Station; (4) the completion of licensing actions, partial site release requests, and a decrease in confirmatory survey work at multiple sites; (5) the near completion of the license termination for the La Crosse Boiling Water Reactor; (6) a reduction in contract support due to a decrease in confirmatory survey contractor work expected; and (7) a decrease in billable hours for the Pilgrim Nuclear Power Station due to the site converting to decommissioning. This decrease in the 10 CFR part 170 estimated billings is partially offset by increased work to support the following: (1) The review of renewals and amendments for dry cask storage certificates of compliance, and inspection activities for ISFSI licenses and dry cask storage CoCs; (2) the staff's safety and environmental review of the Holtec HI–STORE consolidated interim storage facility application; (3) the staff's review of the Holtec Thermal Topical Report on the HI–STORM 100 and HI–STORM FW Systems; (4) activities within the power reactor decommissioning program associated with the plant closures of Duane Arnold, Indian Point Units 2 and 3, and Three Mile Island Nuclear Generating Station, Unit 1; and (5) the review of decommissioning license amendments, exemptions, and inspection activities at multiple sites.

The increase in the annual fee is partially offset by an approximate $0.6 million 10 CFR part 171 billing adjustment that was included in the spent fuel storage/reactor decommissioning calculation due to the deferral of annual fees and fees for services due to the COVID–19 public health emergency.

The required annual fee recovery amount is divided equally among 122 licensees, resulting in a proposed FY 2021 annual fee of $246,000 per licensee.

c. Fuel Facilities

The NRC proposes to collect $17.2 million in annual fees from the fuel facilities fee class in FY 2021, as shown in Table VIII. The FY 2020 fuel facilities fees are shown for comparison purposes.

TABLE VIII—ANNUAL FEE SUMMARY CALCULATIONS FOR FUEL FACILITIES

[Dollars in millions]

Summary fee calculations	FY 2020 final	FY 2021 proposed
Total budgeted resources	$23.2	$23.3
Less estimated 10 CFR part 170 receipts	−6.8	−7.4
Net 10 CFR part 171 resources	16.5	16.0

TABLE VIII—ANNUAL FEE SUMMARY CALCULATIONS FOR FUEL FACILITIES—Continued

[Dollars in millions]

Summary fee calculations	FY 2020 final	FY 2021 proposed
Allocated generic transportation	1.1	1.2
Fee-relief adjustment	−0.1	N/A
Allocated LLW surcharge	0.4	0.3
Billing adjustments	0.1	−0.3
Total remaining required annual fee recovery	$18.0	$17.2

In comparison to FY 2020, the FY 2021 proposed annual fee for the fuel facilities fee class is decreasing primarily due to the increase in 10 CFR part 170 estimated billings and the 10 CFR part 171 billing adjustment that was included in the fuel facilities calculation due to the deferral of annual fees and fees for services due to the COVID–19 public health emergency. The decrease in the proposed annual fee is offset by an increase in the budgeted resources as discussed below.

The 10 CFR part 170 estimated billings increased as a result of the following: (1) The increased workload to support the staff's review of a license amendment application associated with high assay low enriched uranium and the associated security plans, and (2) the review of the Westinghouse environmental impact statement being developed for the license renewal. As part of the proposed annual fee, an approximate $0.3 million billing adjustment was included in the fuel facilities calculation due to the deferral of annual fees and fees for services due to the COVID–19 public health emergency.

The decrease in the proposed annual fee is offset in part by an increase in the resources for contract costs budgeted for the fuel facilities fee class primarily due to a reduction in the utilization of prior-year unobligated carryover compared to FY 2020.

The NRC will continue allocating annual fees to individual fuel facility licensees based on the effort/fee determination matrix developed in the FY 1999 final fee rule (64 FR 31447; June 10, 1999). To briefly recap, the matrix groups licensees within this fee class into various fee categories. The matrix lists processes that are conducted at licensed sites and assigns effort factors for the safety and safeguards activities associated with each process (these effort levels are reflected in Table IX). The annual fees are then distributed across the fee class based on the regulatory effort assigned by the matrix. The effort factors in the matrix represent regulatory effort that is not recovered through 10 CFR part 170 fees (*e.g.,* rulemaking, guidance). Regulatory effort for activities that are subject to 10 CFR part 170 fees, such as the number of inspections, is not applicable to the effort factor.

TABLE IX—EFFORT FACTORS FOR FUEL FACILITIES, FY 2021

Facility type (fee category)	Number of facilities	Effort factors	
		Safety	Safeguards
High-Enriched Uranium Fuel (1.A.(1)(a))	2	88	91
Low-Enriched Uranium Fuel (1.A.(1)(b))	3	70	21
Limited Operations (1.A.(2)(a))	0	0	0
Gas Centrifuge Enrichment Demonstration (1.A.(2)(b))	0	0	0
Hot Cell (and others) (1.A.(2)(c))	0	0	0
Uranium Enrichment (1.E.)	1	16	23
UF_6 Conversion and Deconversion (2.A.(1))	1	7	2

In FY 2021, the total remaining amount of annual fees proposed to be recovered, $17.2 million, is attributable to safety activities, safeguards activities, and the LLW surcharge. For FY 2021, the total budgeted resources proposed to be recovered as annual fees for safety activities are $9.6 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 to be recovered as annual fees for safeguards activities, $7.2 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—$0.3 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 total allocated budgeted resources for the fee category by the number of licensees in that fee category. The fee for each facility is summarized in Table X.

TABLE X—ANNUAL FEES FOR FUEL FACILITIES

[Actual dollars]

Facility type (fee category)	FY 2020 final annual fee	FY 2021 proposed annual fee
High-Enriched Uranium Fuel (1.A.(1)(a))	$5,067,000	$4,835,000
Low-Enriched Uranium Fuel (1.A.(1)(b))	1,717,000	1,639,000

TABLE X—ANNUAL FEES FOR FUEL FACILITIES—Continued

[Actual dollars]

Facility type (fee category)	FY 2020 final annual fee	FY 2021 proposed annual fee
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.)	2,208,000	2,107,000
UF_6 Conversion and Deconversion (2.A.(1))	510,000	486,000

d. Uranium Recovery Facilities

The NRC proposes to collect $0.1 million in annual fees from the uranium recovery facilities fee class in FY 2021, as shown in Table XI. The FY 2020 uranium recovery fees are shown for comparison purposes.

TABLE XI—ANNUAL FEE SUMMARY CALCULATIONS FOR URANIUM RECOVERY FACILITIES

[Dollars in millions]

Summary fee calculations	FY 2020 final	FY 2021 proposed
Total budgeted resources	$0.6	$0.5
Less estimated 10 CFR part 170 receipts	−0.4	−0.3
Net 10 CFR part 171 resources	0.2	0.1
Allocated generic transportation	N/A	N/A
Fee-relief adjustment	0.0	N/A
Billing adjustments	0.0	0.0
Total required annual fee recovery	0.2	0.1

In comparison to FY 2020, the FY 2021 proposed annual fee for the uranium recovery fee class is decreasing primarily due to a decline in the budgeted resources because of an expected decrease in casework associated with uranium recovery policy issues, environmental review coordination activities, and guidance development.

The NRC regulates DOE's Title I and Title II activities under the Uranium Mill Tailings Radiation Control Act (UMTRCA).[3] The annual fee assessed to DOE includes the costs specifically budgeted for the NRC's UMTRCA Title I and II activities, as well as 10 percent of the remaining budgeted costs for this fee class. The NRC described the overall methodology for determining fees for UMTRCA in the FY 2002 fee rule (67 FR 42625; June 24, 2002), and the NRC continues to use this methodology. The DOE's UMTRCA annual fee decreased compared to FY 2020 due to an increase in the 10 CFR part 170 estimated billings for the anticipated workload increases at various DOE UMTRCA sites. The NRC assesses the remaining 90 percent of its budgeted costs to the remaining licensee in this fee class, as described in the work papers. This is reflected in Table XII:

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

[Actual dollars]

Summary of costs	FY 2020 final annual fee	FY 2021 proposed annual fee
DOE Annual Fee Amount (UMTRCA Title I and Title II) General Licenses:		
UMTRCA Title I and Title II budgeted costs less 10 CFR part 170 receipts	$114,577	$75,442
10 percent of generic/other uranium recovery budgeted costs	5,573	5,103
10 percent of uranium recovery fee-relief adjustment	−107	N/A
Total Annual Fee Amount for DOE (rounded)	120,000	81,000
Annual Fee Amount for Other Uranium Recovery Licenses:		
90 percent of generic/other uranium recovery budgeted costs less the amounts specifically budgeted for UMTRCA Title I and Title II activities	50,153	45,923
90 percent of uranium recovery fee-relief adjustment	−959	N/A
Total Annual Fee Amount for Other Uranium Recovery Licenses	49,194	45,923

[3] The 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.

Further, for any non-DOE licensees, the NRC will continue using a matrix to determine the effort levels associated with conducting generic regulatory actions for the different licensees in the uranium recovery fee class; this is similar to the NRC's approach for fuel facilities, described previously. The matrix methodology for uranium recovery licensees first identifies the licensee categories included within this fee class (excluding DOE). These categories are: Conventional uranium mills and heap leach facilities, uranium *in situ* recovery (ISR) and resin ISR facilities, and mill tailings disposal facilities. The matrix identifies the types of operating activities that support and benefit these licensees, along with each activity's relative weight (See the work papers). Currently, there is only one remaining non-DOE licensee, which is a non-resin *in situ* recovery facility. Table XIII displays the benefit factors for the non-DOE licensee in that fee category:

TABLE XIII—BENEFIT FACTORS FOR URANIUM RECOVERY LICENSES

Fee category	Number of licensees	Benefit factor per licensee	Total value	Benefit factor percent total
Conventional and Heap Leach mills (2.A.(2)(a))	0	0	0	0
Basic *In Situ* Recovery facilities (2.A.(2)(b))	1	190	190	100.0
Expanded *In Situ* Recovery facilities (2.A.(2)(c))	0	0	0	0
Section 11e.(2) disposal incidental to existing tailings sites (2.A.(4))	0	0	0	0
Total	1	190	190	100.0

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

TABLE XIV—ANNUAL FEES FOR URANIUM RECOVERY LICENSEES

(Other than DOE)

[Actual dollars]

Facility type (fee category)	FY 2020 final annual fee	FY 2021 proposed annual fee
Conventional and Heap Leach mills (2.A.(2)(a))	N/A	N/A
Basic *In Situ* Recovery facilities (2.A.(2)(b))	$49,200	$45,900
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 $0.315 million in annual fees from the non-power production or utilization facilities fee class in FY 2021, as shown in Table XV. The non-power production or utilization facility fee class replaces the research and test reactor fee class from previous fiscal years. This revised fee class accounts for commercial non-reactor production and utilization facilities expected to be used for the production of medical isotopes. The final FY 2020 research and test reactors fees are shown for comparison purposes.

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

[Actual dollars]

Summary fee calculations	FY 2020 final	FY 2021 proposed
Total budgeted resources	$3,317,830	$3,992,782
Less estimated 10 CFR part 170 receipts	−3,030,000	−3,655,000
Net 10 CFR part 171 resources	287,830	337,782
Allocated generic transportation	30,713	32,585
Fee-relief adjustment	−6,183	N/A
Billing adjustments	12,980	−55,539
Total required annual fee recovery	325,341	314,827
Total non-power production or utilization facilities licenses	4	4
Total annual fee per license (rounded)	81,300	78,700

In comparison to FY 2020, the proposed annual fee for the non-power production or utilization facilities fee class is decreasing, primarily due to a rise in 10 CFR part 170 estimated billings to support the following: (1) Activities associated with the review of the GE Nuclear Test Reactor license renewal application; (2) activities

associated with reviewing operating license application(s), construction permit application(s); and (3) conducting pre-application activities for non-power production or utilization facilities. The budgeted resources for the non-power production or utilization facilities fee class increased primarily to support an increased workload for initial licensing activities.

The annual fee-recovery amount is divided equally among the four non-power production or utilization facilities licensees subject to annual fees and results in an FY 2021 proposed annual fee of $78,700 for each licensee.

f. Rare Earth

The NRC has not allocated any budgeted resources to this fee class; therefore, the NRC is not proposing to assess an annual fee for this fee class in FY 2021.

g. Materials Users

The NRC proposes to collect $35.1 million in annual fees from materials users licensed under 10 CFR parts 30, 40, and 70, as shown in Table XVI. The FY 2020 materials users fees are shown for comparison purposes.

TABLE XVI—ANNUAL FEE SUMMARY CALCULATIONS FOR MATERIALS USERS

[Dollars in millions]

Summary fee calculations	FY 2020 final	FY 2021 proposed
Total budgeted resources for licensees not regulated by Agreement States	$33.7	$35.1
Less estimated 10 CFR part 170 receipts	−1.0	−1.0
Net 10 CFR part 171 resources	32.8	34.1
Allocated generic transportation	1.2	1.3
Fee-relief adjustment	0.0	N/A
LLW surcharge	0.0	0.1
Billing adjustments	0.1	−0.4
Total required annual fee recovery	34.1	35.1

The formula for calculating 10 CFR part 171 annual fees for the various categories of materials users is described in detail in the work papers. Generally, the calculation results in a single annual fee that includes 10 CFR part 170 costs, such as amendments, renewals, inspections, and other licensing actions specific to individual fee categories.

The total annual fee recovery of $35.1 million proposed for FY 2021 shown in Table XVI consists of $27.3 million for general costs and $7.7 million for inspection costs. To equitably and fairly allocate the $35.1 million required to be collected among approximately 2,500 diverse materials users licensees, the NRC continues to calculate the annual fees for each fee category within this class based on the 10 CFR part 170 application fees and estimated inspection costs for each fee category. Because the application fees and inspection costs are indicative of the complexity of the materials license, this approach provides a proxy for allocating the generic and other regulatory costs to the diverse fee categories. This fee calculation method also considers the inspection frequency (priority), which is indicative of the safety risk and resulting regulatory costs associated with the categories of licenses.

In comparison to FY 2020, the proposed annual fees for the materials users fee class are increasing due to the following: (1) The NRC is proposing an increase in the fully costed FTE rate compared to FY 2020; (2) an increase in the budgeted resources for contract costs due to a reduction in the utilization of prior-year unobligated carryover funding compared to FY 2020; and (3) the realignment of budgeted resources that supports contract funding for general license tracking, the materials event database, and rulemaking information technology activities. In addition, the results of the biennial review of fees resulted in some increases and decreases in the proposed annual fees.

A constant multiplier is established to recover the total general costs (including allocated generic transportation costs) of $27.3 million. To derive the constant multiplier, the general cost amount is divided by the sum of all fee categories (application fee plus the inspection fee divided by inspection priority) then multiplied by the number of licensees. This calculation results in a constant multiplier of 0.99 for FY 2021. The average inspection cost is the average inspection hours for each fee category multiplied by the professional hourly rate of $288. The inspection priority is the interval between routine inspections, expressed in years. The inspection multiplier is established in order to recover the $7.7 million in inspection costs. To derive the inspection multiplier, the inspection costs amount is divided by the sum of all fee categories (inspection fee divided by inspection priority) then multiplied by the number of licensees. This calculation results in an inspection multiplier of 1.43 for FY 2021. The unique category costs are any special costs that the NRC has budgeted for a specific category of licenses. Please see the work papers for more detail about this classification.

The proposed annual fee assessed to each licensee also takes into account a share of approximately $0.087 million in LLW surcharge costs allocated to the materials users fee class (see Table IV, ''Allocation of LLW Surcharge, FY 2021,'' in Section IV, ''Discussion,'' of this document). The proposed annual fee for each fee category is shown in the revision to § 171.16(d).

h. Transportation

The NRC proposes to collect $1.0 million in annual fees to recover generic transportation budgeted resources in FY 2021, as shown in Table XVII. The FY 2020 fees are shown for comparison purposes.

TABLE XVII—ANNUAL FEE SUMMARY CALCULATIONS FOR TRANSPORTATION

[Dollars in millions]

Summary fee calculations	FY 2020 final	FY 2021 proposed
Total Budgeted Resources	$7.2	$8.3
Less Estimated 10 CFR part 170 Receipts	−2.8	−3.6
Net 10 CFR part 171 Resources	4.4	4.6
Less Generic Transportation Resources	−3.4	−3.6
Fee-relief adjustment	0.0	N/A
Billing adjustments	0.0	−0.1
Total required annual fee recovery	1.0	1.0

In comparison to FY 2020, the proposed annual fee for the transportation fee class is decreasing primarily due to the 10 CFR part 171 billing adjustment and the rise in the 10 CFR part 170 estimated billings to support multiple amendment requests related to new amendment packages.

An offset to the decrease in the annual fee transportation fee class is due to the following: (1) An increase in the budgeted resources for contract costs due to a reduction in the utilization of prior-year unobligated carryover funding compared to FY 2020; (2) an increase in the number and complexities of transportation package applications as a result of rising power reactors in decommissioning; and (3) the expanded use of accident tolerant fuels.

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

This resource distribution to the licensee fee classes and DOE is shown in Table XVIII. Note that for the 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 4 out of 31 non-power production or utilization facilities licensees are subject to annual fees. Consequently, the number of CoCs used to determine the proportion of generic transportation resources allocated to annual fees for the non-power production or utilization facilities fee class has been adjusted to 0.7 so these licensees are charged a fair and equitable portion of the total fees (See the work papers).

TABLE XVIII—DISTRIBUTION OF TRANSPORTATION RESOURCES, FY 2021

[Dollars in millions]

Licensee fee class/DOE	Number of CoCs benefiting fee class or DOE	Percentage of total CoCs	Allocated generic transportation resources
Materials Users	25.0	27.3	1.3
Operating Power Reactors	5.0	5.5	0.3
Spent Fuel Storage/Reactor Decommissioning	16.0	17.5	0.8
Non-Power Production or Utilization Facilities	0.7	0.7	0.0
Fuel Facilities	24.0	26.2	1.2
Sub-Total of Generic Transportation Resources	70.7	77.1	3.6
DOE	21.0	22.9	1.1
Total	91.7	100.0	4.6

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

FY 2021—Policy Changes

The NRC is proposing two policy changes for FY 2021:

Process for Disputing Errors in Invoices for Service Fees

Section 102(d)(3) of NEIMA requires the NRC to ''modify regulations to ensure fair and appropriate processes to provide licensees and applicants an opportunity to efficiently dispute or otherwise seek review and correction of errors in invoices'' for service fees. The NRC is proposing requirements for a standard method for licensees and applicants to efficiently dispute or seek review and correction of errors in invoices. The proposed process is illustrated in the process map, ''NRC Form 529, Processing Dispute of Fees-For-Service Charges'' (ADAMS Accession No. ML20311A159). This proposed process follows the established method for licensees and applicants to submit requests for the review of fees assessed under 10 CFR part 170 (ADAMS Accession No. ML20104C055). The NRC Form 529 will be available in the agency's eBilling system, on the agency's public site, and

can be found under ADAMS Accession No. ML20339A673. Standard use of an NRC form and amendments to the current regulations in § 15.31 will increase efficiency by providing the licensees and applicants with clear guidelines and expectations for submitting a fee dispute. It will also eliminate ambiguity regarding the appropriate information needed for the NRC to consider and make a determination on a fee dispute.

In response to NEIMA's requirement that the NRC modify its regulations to provide licensees and applicants an opportunity to efficiently dispute or otherwise seek review and correction of errors in service fee invoices. The NRC proposes to revise its regulations in 10 CFR part 15. Specifically the NRC is proposing revisions to § 15.31, ''Disputed debts,'' with conforming amendments in §§ 15.37, ''Interest, penalties, and administrative costs,'' 15.53, ''Reasons for suspending collection action,'' and changing § 170.51, ''Right to review and appeal of prescribed fees,'' to ''Right to dispute assessed fees.'' The NRC also proposes to add a new regulation, § 171.26, ''Right to dispute assessed fees,'' to 10 CFR part 171. These proposed changes outline the interactions between the submitter and the NRC. The proposed process will enhance understanding of the dispute process by setting out the process for submitting a fee dispute, the stages of the decisionmaking process while the dispute is under review, and the manner by which the NRC will notify a debtor after it makes a final determination on a dispute. Additionally, the proposed revisions provide consistent terminology to differentiate fee disputes under 10 CFR part 15 from fee exemptions under 10 CFR parts 170 and 171.

Assessment of Annual Fees for Future 10 CFR Part 50 Non-Power Production or Utilization Facility Licensees and for Small Modular Reactor Licensees

The NRC proposes to amend § 171.15(a) so that the assessment of annual fees commences after future non-power production or utilization facility (NPUF) licensees have successfully completed startup testing and have provided written notification to the NRC. In addition, the NRC is proposing to rename the ''research and test reactors'' fee class the ''non-power production and utilization facility'' fee class, which would include currently operating research and test reactors and future NPUFs, such as non-reactor NPUF technologies. Finally, the NRC is proposing to amend § 171.15(e) so that the assessment of annual fees for a small modular reactor (SMR) licensee commences after the successful completion of power ascension testing and the licensee provides written notification to the NRC. These proposed policy changes are consistent with the FY 2020 final fee rule that amended the timing of the assessment of annual fees for future 10 CFR part 50 power reactors and 10 CFR part 52 COL holders.

Currently, § 171.15(a), requires the NRC to assess annual fees to a test or research reactor (excluding test or research reactors exempted under § 171.11(b)) when the NRC authorizes the licensee to use nuclear materials (*i.e.,* begin operating the reactor in accordance with its license). The NRC has not established a policy for assessing 10 CFR part 171 annual fees to future non-reactor NPUF licensees (*e.g.,* SHINE Medical Technologies, LLC (SHINE)); at this time, the NRC currently assesses only 10 CFR part 170 service fees to prospective applicants for preapplication activities, construction permit holders (*i.e.,* SHINE and Northwest Medical Isotopes, LLC (NWMI)) and applicants for operating licenses (*i.e.,* SHINE) for commercial NPUFs. While the NRC's fee regulations do not have a fee class for future non-reactor NPUF licensees, the NRC historically has included budgeted resources for NWMI and SHINE within the research and test reactor fee class. The budgeted resources for NWMI and SHINE not recovered in 10 CFR part 170 service fees previously were included in fee-relief. These resources for the development of a medical isotope production infrastructure are now excluded from the fee-recovery requirement under NEIMA as a fee-relief activity identified by the Commission.

In anticipation that the NRC could issue an operating license in the future, the NRC is proposing to assess annual fees under § 171.15(a) to non-reactor NPUFs when they have notified the NRC of the successful completion of startup testing. As discussed previously, the NRC is also proposing to rename the ''research and test reactors'' fee class the ''non-power production and utilization facility'' fee class to account for new NPUF technologies not included in the research and test reactors fee class. This rule uses the term ''non-power production or utilization facility'' to have the same meaning as the definition used in SECY–19–0062, ''Final Rule: Non-power Production or Utilization Facility License Renewal'' (ADAMS Accession No. ML18031A000), dated June 17, 2019.[4] The definition would include production or utilization facilities, licensed under § 50.21(a), § 50.21(c), or § 50.22, as applicable, that are not nuclear power reactors or production facilities within the meaning of paragraphs (1) and (2) of § 50.2, which defines ''Production facility.'' This definition includes currently operating and future research and test reactors and proposed medical radioisotope facilities that would be licensed under 10 CFR part 50. As such, non-reactor NPUF licensees, such as SHINE, would be included in the same annual fee class as currently operating research and test reactors that pay 10 CFR part 171 annual fees. This proposed approach is consistent with the current approach of combining limited numbers of similar facilities into a single annual fee category, where ''test reactors'' (of which only one is currently operational) are assessed the same 10 CFR part 171 annual fees as ''research reactors.'' In addition, the NRC expects that NPUF facilities will request that a single license under 10 CFR part 50 authorize the operation of multiple utilization and/or production facilities. Based on the number of facilities authorized to operate under a single license, the number of staff hours dedicated to licensing and oversight activities for these facilities is not expected to differ significantly compared to those for the current operating fleet of NPUFs. Furthermore, stakeholders have previously supported this approach regarding the assessment of 10 CFR part 171 annual fees for future NPUFs. Therefore, a single annual fee would be appropriate even where an NPUF licensee has multiple facilities operating under a single 10 CFR part 50 license.

SMR licenses can be issued under 10 CFR part 50 or 10 CFR part 52. Currently, § 171.15, requires the NRC to assess annual fees to a 10 CFR part 50 SMR licensee upon issuance of an operating license, or to a 10 CFR part 52 SMR COL holder after the Commission has made the finding under § 52.103(g) for all licenses held for an SMR site. The annual fee would be determined using the cumulative licensed thermal power rating of all SMR units and the bundled unit concept. For a given site, the use of the bundled unit concept is

[4] The NPUF final rule would also revise the definition of *research reactor* in §§ 170.3 and 171.5 to conform to other definitions in 10 CFR chapter I. The NRC is not proposing to change the definition of *Research reactor* in the specific exemption for federally-owned and State-owned research reactors in § 170.11(a)(9) or § 171.11(b)(2). The current definition in § 171.11(b)(2) is based on the language of OBRA–90. Further, a substantively similar definition of *research reactor* was included in the provisions of NEIMA that relate to the NRC's fee recovery structure. Changing the definition of *research reactor* in § 171.11(b)(2) would therefore be inconsistent with NEIMA.

independent of the number of SMR plants, the number of SMR licenses issued, and the sequencing of the SMR licenses that have been issued. There are currently no operating SMRs; therefore, the NRC has not yet assessed an annual fee for this type of licensee.

The NRC recognizes that, after the issuance of an operating license under 10 CFR part 50 for NPUFs and SMRs, or a COL and § 52.103(g) finding under 10 CFR part 52 for SMRs, fuel or targets (or both) must be loaded and startup testing (for NPUFs) and power ascension testing (for SMRs) must be completed before the facility begins full licensed operation. As discussed in the statement of considerations for the FY 2020 final fee rule, 10 CFR part 52 COLs for power reactors contain a standard license condition that requires the submittal of written notification to the NRC upon successful completion of power ascension testing. Therefore, the NRC proposes to incorporate a similar license condition into all future 10 CFR part 50 operating licenses for NPUFs and SMRs, and 10 CFR part 52 COLs for SMRs to ensure that the licensee will promptly notify the NRC of the successful completion of startup testing or power ascension testing. The proposed annual fee assessment for future NPUFs and SMR licenses under 10 CFR part 50, and SMRs under 10 CFR part 52, would begin on the date of the licensee's written notification of the successful completion of startup testing or power ascension testing.

Accordingly, the NRC proposes to amend § 171.15(a) and § 171.15(e) so that annual fees commence upon written notification to the NRC of successful completion of startup testing and power ascension testing, rather than upon issuance of the operating license for 10 CFR part 50 NPUFs and SMRs, or issuance of the § 52.103(g) finding for 10 CFR part 52 COL holders for SMRs, but upon written notification to the NRC of successful completion of startup testing and/or power ascension testing. The NRC finds this proposed change to 10 CFR part 171 to be reasonable, fair, and equitable, and to be supported by the public comments the NRC received on PRM–171–1 and on the FY 2020 proposed rule. The NRC also proposes conforming changes to revise § 170.3, ''Definitions,'' § 171.3, ''Scope,'' § 171.5, ''Definitions,'' and § 171.17, ''Proration.''

FY 2021—Administrative Changes

The NRC proposes to make six administrative changes:

1. Change Small Entity Fees

As stated in SECY–08–0174, ''Fiscal Year 2009 Proposed Fee Rule and Advance Rulemaking for Grid-Appropriate Reactor Fees,'' dated November 7, 2008 (ADAMS Accession No. ML083120518), the NRC determined that the maximum small entity fee should be adjusted biennially using a fixed percentage of 39 percent applied to the prior 2-year weighted average of materials users' fees for all fee categories which have small entity licensees. The 39 percent was based on the small entity annual fee for 2005, which was the first year the NRC was required to recover only 90 percent of its budget authority. This methodology remains in place; however, the NRC does also consider whether or not implementing an increase will have a disproportionate impact on the NRC's small licensees when compared to other licensees. Therefore, the increase for the upper and lower tier fees were capped at a 21 percent increase.

For the FY 2021 proposed fee rule, the NRC conducted a biennial review of small entity fees to determine whether the NRC should change those fees. The NRC used the fee methodology, developed in FY 2009, which applies a fixed percentage of 39 percent to the prior 2-year weighted average of materials users' fees, when performing its biennial review. Based on this methodology and as a result of the FY 2021 biennial review, the NRC is now proposing to increase the upper tier small entity fee from $4,500 to $4,900 and increase the lower tier fee from $900 to $1,000.

This would constitute a 9 percent and 11 percent increase, respectively. The NRC believes these fees are reasonable and provide relief to small entities while at the same time recovering from those licensees some of the NRC's costs for activities that benefit them.

2. Amend § 170.1, ''Purpose,'' To Change the Reference to the Independent Offices Appropriation Act, 1952

The NRC proposes to amend § 170.1 to replace the ''of'' after Independent Offices Appropriation Act with a comma to make the reference to the legislation consistent with references in other NRC contexts.

3. Amend § 170.3, ''Definitions,'' To Eliminate Definitions for ''Balance of Plants,'' ''Nuclear Steam Supply System,'' and ''Reference Systems Concept''

The NRC proposes to amend § 170.3 to eliminate definitions for ''Balance of plants,'' ''Nuclear Steam Supply System,'' and ''Reference systems concept.'' These definitions are no longer applicable in 10 CFR part 170. These definitions were added in the FY 1977 final fee rule (43 FR 7210; March 23, 1978) to resolve issues concerning assessing fees for balance of plant reviews, related to a previous fee category (category A.4.b in the table at § 170.21 for standardized design-reference systems concept), that was not subject to full cost recovery. In the FY 1991 final fee rule, the NRC amended 10 CFR parts 52 and 170 to assess licensing fees for the review of standardized reactor designs, which would be subject to full cost recovery (56 FR 31472; July 10, 1991). This proposed amendment to eliminate these definitions will not impact the NRC's assessment of 10 CFR part 170 fees for service.

4. Remove Footnote 6 to the Table in § 170.21, and Footnote 12 to the Table in § 170.31

The NRC proposes to remove footnote 6 to the table in § 170.21 and footnote 12 to the table in § 170.31 because (1) Congress has not enacted legislation that would exclude import and export activities from the fee-recoverable budget in FY 2021; and (2) in accordance with NEIMA, for FY 2021, the NRC identified international activities as fee-relief activities, but it did not include resources for import and export licensing. The NRC is therefore proposing to charge fees for import and export licensing actions.

5. Amend § 171.5, ''Definitions,'' To Replace the Reference in ''Budget Authority''

The NRC proposes to amend the definition of ''budget authority'' to replace the reference to Public Law 101–508 (*i.e.,* OBRA–90) with a reference to Public Law 115–439 (*i.e.,* NEIMA). Effective October 1, 2020, NEIMA repealed Section 6101 of OBRA–90 and put in place a revised fee recovery framework, requiring the NRC to recover, to the maximum extent practicable, approximately 100 percent of its annual budget, less the budget authority for excluded activities.

6. Amend § 171.11(c), ''Exemptions''

The NRC proposes to revise § 171.11(c) to change the ''or'' in the section to ''and.'' This proposed change would accurately reflect that even when an exemption is ''in the public interest,'' the NRC cannot grant the exemption unless it is ''authorized by law.'' This proposed change would also harmonize § 171.11(c) with § 170.11(b), which uses

''and.'' This proposed change would not alter the NRC's fee exemption policy.

Update on the Fees Transformation Initiative

In the Staff Requirements Memorandum, dated October 19, 2016, (ADAMS Accession No. ML16293A902) for SECY–16–0097, ''Fee Setting Improvements and Fiscal Year 2017 Proposed Fee Rule,'' (ADAMS Accession No. ML16194A365), the Commission directed the staff to accelerate its process improvements for setting fees, including the transition to an eBilling system. In addition, the Commission directed the staff to begin the fees transformation activities listed in SECY–16–0097 as ''Process Changes Recommended for Future Consideration—FY 2018 and Beyond.'' The NRC has completed 39 of the 40 fees transformation activities, including the full implementation of an electronic billing system.

In October 2019, the agency released its eBilling system. This public facing, web-based application provides licensees with immediate delivery of NRC invoices, customizable email notifications, capability to view and analyze invoice details, and access to the U.S. Department of the Treasury systems to pay invoices. The eBilling application provides licensees greater transparency and has increased applicant and licensee confidence in the assessed fees and charges. Since the NRC released the eBilling application, 341 licensees have been enrolled and 764 dockets are now available in the application.

The one fees transformation activity yet be to completed is the rulemaking to update the NRC's small business size standards in § 2.810, ''NRC size standards.'' In FY 2020, the NRC conducted a survey of materials licensees to collect relevant data to help determine the need for changes to the NRC's small business size standards in § 2.810. In addition, the NRC considered changes in the small business size standards published by the Small Business Administration. On December 7, 2020, the staff submitted SECY–20–0111, ''Rulemaking Plan to Amend the Receipts-Based NRC Size Standards,'' to the Commission (ADAMS Accession No. ML20268B327) with the staff's recommendations for amending the NRC's receipts-based size standards. The NRC will continue to include updates on this rulemaking activity within the FY 2021 and FY 2022 fee rules to ensure that affected licensees are adequately informed. The public can track all NRC rulemaking activities, including the rulemaking on the NRC's size standards, on the NRC's Rulemaking Tracking and Reporting system at *https://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/active/RuleIndex.html,* or by Docket ID NRC–2014–0264 at *http://www.regulations.gov.*

For more information, see the fees transformation accomplishments schedule, located on the NRC's license fees web page at: *https://www.nrc.gov/about-nrc/regulatory/licensing/fees-transformation-accomplishments.html.*

IV. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[5] the NRC has prepared a regulatory flexibility analysis related to this proposed rule. The regulatory flexibility analysis is available as indicated in Section XIII Availability of Documents, of this document.

V. Regulatory Analysis

Under NEIMA, the NRC is required to recover, to the maximum extent practicable, approximately 100 percent of its annual budget for FY 2021 less the budget authority for excluded activities. The NRC established fee methodology guidelines for 10 CFR part 170 in 1978, and established additional fee methodology guidelines for 10 CFR part 171 in 1986. In subsequent rulemakings, the NRC has adjusted its fees without changing the underlying principles of its fee policy to ensure that the NRC continues to comply with the statutory requirements for cost recovery.

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

VI. Backfitting and Issue Finality

The NRC has determined that the backfit rule, § 50.109, does not apply to this proposed rule and that a backfit analysis is not required because these amendments do not require the modification of, or addition to, (1) systems, structures, components, or the design of a facility; (2) the design approval or manufacturing license for a facility; or (3) the procedures or organization required to design, construct, or operate a facility.

VII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC wrote this document to be consistent with the Plain Writing Act, as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885). The NRC requests comment on the clarity and effectiveness of the language used in this proposed rule.

VIII. National Environmental Policy Act

The NRC has determined that this proposed rule is the type of action described in 10 CFR 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 a collection of information as defined in the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and, therefore, is not subject to the requirements of the Act. In accordance with 5 CFR 1320.4(a)(2), NRC Forms 527 and 529 are also not subject to the requirements of the Paperwork Reduction Act.

Public Protection Notification

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

X. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Public Law 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 2021 less the budget authority for excluded activities, as required by NEIMA. This action does not constitute the establishment of a standard that contains generally applicable requirements.

XI. Availability of Guidance

The Small Business Regulatory Enforcement Fairness Act requires all Federal agencies to prepare a written compliance guide for each rule for which the agency is required by 5 U.S.C.

[5] 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).

604 to prepare a regulatory flexibility analysis. The NRC, in compliance with the law, prepared the ''Small Entity Compliance Guide'' for the FY 2021 proposed fee rule. The compliance guide was developed when the NRC completed the small entity biennial review for FY 2021. This compliance guide is available as indicated in Section XII, Availability of Documents, of this document.

XII. Public Meeting

The NRC will conduct a public meeting to describe the FY 2021 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: *http://www.nrc.gov/public-involve/public-meetings/index.cfm.*

XIII. Availability of Documents

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

Documents	ADAMS Accession No./web link
SECY–05–0164, ''Annual Fee Calculation Method,'' dated September 15, 2005.	ML052580332.
SECY–16–0097, ''Fee Setting Improvements and Fiscal Year 2017 Proposed Fee Rule,'' dated August 15, 2016.	ML16194A365.
Staff Requirements Memorandum for SECY–16–0097, dated October 19, 2016.	ML16293A902.
NUREG–1100, Volume 36, ''Congressional Budget Justification: Fiscal Year 2021'' (February 2020).	ML20024D764.
Process map, ''NRC Form 527, Request for Information Related to Fees-for-Service''.	ML20104C055.
Process map, ''NRC Form 529, Processing Dispute of Fees-For-Service Charges''.	ML20311A159.
NRC Form 529, ''Dispute of Fees-For-Service Charges in Accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Processing Dispute of Fees-For-Service Charges § 170.51''.	ML20339A673.
FY 2021 Proposed Rule Work Papers	ML20346A173.
FY 2021 Proposed Fee Rule	ML20317A090.
FY 2021 Regulatory Flexibility Analysis	ML20321A229.
FY 2021 U.S. Nuclear Regulatory Commission Small Entity Compliance Guide.	ML20318A107.
SECY–19–0062, ''Final Rule: Non-Power Production or Utilization Facility License Renewal,'' dated June 17, 2019.	ML18031A000.
SECY–20–0111, ''Rulemaking Plan to Amend the Receipts-Based NRC Size Standards,'' dated December 7, 2020.	ML20268B327.
NRC Form 526, ''Certification of Small Entity Status for the Purposes of Annual Fees Imposed under 10 CFR Part 171''.	*https://www.nrc.gov/reading-rm/doc-collections/forms/nrc526.pdf.*
OMB Circular A–25, ''User Charges''	*https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/assets/OMB/circulars/a025/a025.html.*
Fees Transformation Accomplishments	*https://www.nrc.gov/about-nrc/regulatory/licensing/fees-transformation-accomplishments.html.*

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, Nonpayment penalties, Nuclear materials, Nuclear power plants and reactors, Registrations, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is proposing to adopt 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. Revise § 15.31 to read as follows:

§ 15.31 Disputed debts.

(a) *Submitting a dispute of debt.* 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.

(b) *Notification of receipt.* Following receipt of the dispute, the NRC will acknowledge receipt to the contact person identified by the debtor.

(c) *Dispute review.* The NRC will consider the facts involved in the dispute and, if it considers it necessary, arrange for a conference during which the debtor may present evidence and any arguments in support of the debtor's position. If the debtor's dispute potentially raises an error, the NRC may extend the interest waiver period as described in § 15.37(j) pending a final determination of the existence or amount of the debt.

(d) *Dispute resolution.* If the NRC finds that the dispute has not identified an error, the NRC will notify the dispute contact. If the NRC finds that the dispute has identified an error, the NRC will:

(1) Notify the dispute contact;

(2) Make corrections to the charges or information on the demand letter; and

(3) Issue a revised demand letter.

■ 3. In § 15.37, revise paragraph (j) to read as follows:

§ 15.37 Interest, penalties, and administrative costs.

* * * * *

(j) The NRC may waive interest during the period a debt disputed under **§ 15.31 is under consideration by the NRC. However, this additional waiver is not automatic and must be requested before the expiration of the initial 30-day waiver period. The NRC may grant the additional waiver only when it finds the debtor's dispute potentially raises an error.**

* * * * *

■ 4. In § 15.53, revise paragraphs (c) and (e) to read as follows:

§ 15.53 Reasons for suspending collection action.

* * * * *

(c) The debtor has requested a review of the debt or has disputed the debt.

* * * * *

(e)(1) The NRC shall suspend collection activity during the time required for consideration of the debtor's request for review or dispute of the debt, if the statute under which the request is sought prohibits the NRC from collecting the debt during that time.

(2) If the statute under which the request is sought does not prohibit collection activity pending consideration of the request, the NRC may use discretion, on a case-by-case basis, to suspend collection. Further, the NRC ordinarily should suspend collection action upon a request for review or dispute of the debt, if the NRC is prohibited by statute or regulation from issuing a refund of amounts collected prior to NRC consideration of the debtor's request. However, the NRC should not suspend collection when the NRC determines that the request for review or dispute of the debt is frivolous or was made primarily to delay collection.

* * * * *

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

■ 5. The authority citation for part 170 is revised 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.

■ 6. Revise § 170.1 to read as follows:

§ 170.1 Purpose.

The regulations in this part set out fees charged for licensing services, inspection services, and special projects rendered by the Nuclear Regulatory Commission as authorized under title V of the Independent Offices Appropriation Act, 1952 (31 U.S.C. 9701(a)).

■ 7. In § 170.3:

■ a. Remove the defition of ''Balance of plants'';

■ b. Add a definition for ''Non-power production or utilization facility'' in alphabetical order; and

■ c. Remove the definitions of ''Nuclear Steam Supply System'' and ''Reference systems concept''.

The addition reads as follows:

§ 170.3 Definitions.

* * * * *

Non-power production or utilization facility means a production or utilization facilities licensed under 10 CFR 50.21(a) or (c), or 10 CFR 50.22, as applicable, that is not a nuclear power reactor or production facility as defined under paragraphs (1) and (2) of the definition of ''production facility'' in 10 CFR 50.2.

* * * * *

§ 170.20 [Amended]

■ 8. In § 170.20, remove the dollar amount ''$279'' and add in its place the dollar amount ''$288''.

■ 9. In § 170.21, in the table, revise the table heading and the entry for ''K. Import and export licenses'' and remove footnote 6.

The revision reads as follows:

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

* * * * *

TABLE 1 TO § 170.21—SCHEDULE OF FACILITY FEES

[See footnotes at end of table]

Facility categories and type of fees	Fees [1] [2]
* * * * * * *	
K. Import and export licenses:	
Licenses for the import and export only of production or utilization facilities or the export only of components for production or utilization facilities issued under 10 CFR part 110.	
1. Application for import or export of production or utilization facilities [4] (including reactors and other facilities) and exports of components requiring Commission and Executive Branch review, for example, actions under 10 CFR 110.40(b).	
Application—new license, or amendment; or license exemption request	$20,200
2. Application for export of reactor and other components requiring Executive Branch review, for example, those actions under 10 CFR 110.41(a).	
Application—new license, or amendment; or license exemption request	4,300
3. Application for export of components requiring the assistance of the Executive Branch to obtain foreign government assurances.	
Application—new license, or amendment; or license exemption request	14,400
4. Application for export of facility components and equipment not requiring Commission or Executive Branch review, or obtaining foreign government assurances.	
Application—new license, or amendment; or license exemption request	4,900

TABLE 1 TO § 170.21—SCHEDULE OF FACILITY FEES—Continued

[See footnotes at end of table]

Facility categories and type of fees	Fees [1] [2]
5. 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 or conditions or to the type of facility or component authorized for export and, therefore, do not require in-depth analysis or review or consultation with the Executive Branch, U.S. host state, or foreign government authorities.	
Minor amendment to license	4,300

[1] Fees will be charged for approvals issued under a specific exemption provision of the Commission's regulations under title 10 of the *Code of Federal Regulations* (*e.g.,* 10 CFR 50.12, 10 CFR 73.5) and any other sections in effect now or in the future, regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form.

[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 rates in effect when the service was provided.

[3] Inspections covered by this schedule are both routine and non-routine safety and safeguards inspections performed by NRC for the purpose of review or follow-up of a licensed program. Inspections are performed through the full term of the license to ensure that the authorized activities are being conducted in accordance with the Atomic Energy Act of 1954, as amended, other legislation, Commission regulations or orders, and the terms and conditions of the license. Non-routine inspections that result from third-party allegations will not be subject to fees.

[4] Imports only of major components for end-use at NRC-licensed reactors are authorized under NRC general import license in 10 CFR 110.27.

[5] Full cost fees will be assessed once NRC work on a Touhy request exceeds 50 hours, in accordance with § 170.12(d).

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

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

* * * * *

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, 21133]	Full Cost.
B. Licenses for receipt and storage of spent fuel and reactor-related Greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI) [6] [Program Code(s): 23200]	Full Cost.
C. Licenses for possession and use of special nuclear material of less than a critical mass as defined in § 70.4 in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers.[4]	
Application [Program Code(s): 22140]	$1,300.
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in sealed or unsealed form in combination that would constitute a critical mass, as defined in § 70.4 of this chapter, for which the licensee shall pay the same fees as those under Category 1.A.[4]	
Application [Program Code(s): 22110, 22111, 22120, 22131, 22136, 22150, 22151, 22161, 22170, 23100, 23300, 23310].	$2,700.
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.

TABLE 1 TO § 170.31—SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fees [2] [3]
(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]	$1,300.
C. Licenses to distribute items containing source material to persons exempt from the licensing requirements of part 40 of this chapter.	
Application [Program Code(s): 11240]	$6,200.
D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter.	
Application [Program Code(s): 11230, 11231]	$2,900.
E. Licenses for possession and use of source material for processing or manufacturing of products or materials containing source material for commercial distribution.	
Application [Program Code(s): 11710]	$2,700.
F. All other source material licenses.	
Application [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810, 11820]	$2,700.
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]	$13,500.
(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]	$17,900.
(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]	$22,400.
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]	$3,700.
(1). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20.	
Application [Program Code(s): 04110, 04112, 04114, 04116]	$5,000.
(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.	
Application [Program Code(s): 04111, 04113, 04115, 04117]	$6,200.
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]	$5,400.
(1). Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 6–20.	
Application [Program Code(s): 04210, 04212, 04214]	$7,200.
(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]	$8,900.
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]	$3,300.
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 where the source is not exposed for irradiation purposes.	
Application [Program Code(s): 03511]	$6,700.
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]	$64,300.

TABLE 1 TO § 170.31—SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fees [2] [3]
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]	$6,900.
I. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter. 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, 03252, 03253, 03256]	$15,300.
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]	$2,100.
K. Licenses issued under subpart B of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require sealed source and/or device review to persons generally licensed under part 31 of this chapter. 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]	$1,200.
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]	$5,700.
(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]	$7,500.
(2) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: More than 20.	
Application [Program Code(s): 04611, 04613, 04615, 04617, 04619, 04621, 04623]	$9,400.
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]	$8,600.
N. Licenses that authorize services for other licensees, except:	
(1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3.P.; and	
(2) Licenses that authorize waste disposal services are subject to the fees specified in fee Categories 4.A., 4.B., and 4.C.	
Application [Program Code(s): 03219, 03225, 03226]	$9,200.
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]	$9,200.
(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]	$12,200.
(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]	$15,300.
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].	$6,600.
(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].	$8,800.
(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].	$10,900.
Q. Registration of a device(s) generally licensed under part 31 of this chapter.	
Registration	$800.
R. Possession of items or products containing radium-226 identified in 10 CFR 31.12 which exceed the number of items or limits specified in that section.[5]	
1. Possession of quantities exceeding the number of items or limits in 10 CFR 31.12(a)(4) or (5) but less than or equal to 10 times the number of items or limits specified.	
Application [Program Code(s): 02700]	$2,600.
2. Possession of quantities exceeding 10 times the number of items or limits specified in 10 CFR 31.12(a)(4) or (5).	
Application [Program Code(s): 02710]	$2,600.
S. Licenses for production of accelerator-produced radionuclides.	
Application [Program Code(s): 03210]	$14,700.

TABLE 1 TO § 170.31—SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fees [2] [3]
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]	$7,200.
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.	
Application [Program Code(s): 03232]	$5,200.
5. Well logging: [11]	
A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies.	
Application [Program Code(s): 03110, 03111, 03112]	$4,800.
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]	$22,900.
7. Medical licenses: [11]	
A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. Number of locations of use: 1–5.	
Application [Program Code(s): 02300, 02310]	$11,500.
(1). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. Number of locations of use: 6–20.	
Application [Program Code(s): 04510, 04512]	$15,300.
(2). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. Number of locations of use: More than 20.	
Application [Program Code(s): 04511, 04513]	$19,100.
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. Number of locations of use: 1–5.	
Application [Program Code(s): 02110]	$9,000.
(1). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: 6–20.	
Application [Program Code(s): 04710]	$11,900.
(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]	$14,900.
C. Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.[10] Number of locations of use: 1–5.	
Application [Program Code(s): 02120, 02121, 02200, 02201, 02210, 02220, 02230, 02231, 02240, 22160]	$10,900.
(1). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.[10] Number of locations of use: 6–20.	
Application [Program Code(s): 04810, 04812, 04814, 04816, 04818, 04820, 04822, 04824, 04826, 04828]	$9,000.
(2). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.[10] Number of locations of use: More than 20.	
Application [Program Code(s): 04811, 04813, 04815, 04817, 04819, 04821, 04823, 04825, 04827, 04829]	$11,300.
8. Civil defense: [11]	

TABLE 1 TO § 170.31—SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fees [2] [3]
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	
Application [Program Code(s): 03710]	$2,600.
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	$17,900.
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	$9,300.
C. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution.	
Application—each source	$5,500.
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	$1,100.
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	$4,300.
Inspections	Full Cost.
2. Users.	
Application	$4,300.
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:	
Licenses issued under part 110 of this chapter for the import and export only of special nuclear material, source material, tritium and other byproduct material, and the export only of heavy water, or nuclear grade graphite (fee categories 15.A. through 15.E.).	
A. Application for export or import of nuclear materials, including radioactive waste requiring Commission and Executive Branch review, for example, those actions under 10 CFR 110.40(b).	
Application—new license, or amendment; or license exemption request	$20,200.
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	$4,300.
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	$14,400.
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	$4,900.
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	$4,900.
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:	

TABLE 1 TO § 170.31—SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fees [2] [3]
F. Application for export of appendix P Category 1 materials requiring Commission review (e.g. exceptional circumstance review under 10 CFR 110.42(e)(4)) and to obtain one government-to-government consent for this process. For additional consent see fee category 15.I.	
Application—new license, or amendment; or license exemption request	$17,300.
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	$8,600.
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	$4,900.
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	$1,400.
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 10 CFR 110.42(e)(4)).	
Application—new license, or amendment; or license exemption request	$17,300.
K. Applications for export of appendix P Category 2 materials requiring Executive Branch review.	
Application—new license, or amendment; or license exemption request	$8,600.
L. Application for the export of Category 2 materials.	
Application—new license, or amendment; or license exemption request	$2,900.
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	$1,400.
16. Reciprocity:	
Agreement State licensees who conduct activities under the reciprocity provisions of 10 CFR 150.20.	
Application	$2,700.
17. Master materials licenses of broad scope issued to Government agencies.	
Application [Program Code(s): 03614]	Full Cost.
18. Department of Energy.	
A. Certificates of Compliance. Evaluation of casks, packages, and shipping containers (including spent fuel, high-level waste, and other casks, and plutonium air packages)	Full Cost.
B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities.	Full Cost.

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

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

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

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

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

(c) *Amendment fees.* Applications for amendments to export and import licenses must be accompanied by the prescribed amendment fee for each license affected. An application for an amendment to an export or import license or approval classified in more than one fee category must be accompanied by the prescribed amendment fee for the category affected by the amendment, unless the amendment is applicable to two or more fee categories, in which case the amendment fee for the highest fee category would apply.

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

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

[2] Fees will 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.

■ 11. Revise § 170.51 to read as follows:

§ 170.51 Right to dispute assessed fees.

All debtors' disputes of fees assessed must be submitted in accordance with 10 CFR 15.31, ''Disputed Debts.''

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

■ 12. The authority citation for part 171 is revised 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.

■ 13. Revise § 171.3 to read as follows:

§ 171.3 Scope.

The regulations in this part apply to any person holding an operating license for a non-power production or utilization facility issued under part 50 of this chapter that has provided notification to the NRC that the licensee has successfully completed startup testing, and to any person holding an operating license for a power reactor or small modular reactor licensed under 10 CFR part 50 or a combined license issued under 10 CFR part 52 that has provided notification to the NRC that the licensee has successfully completed power ascension testing. The regulations in this part also apply to any person holding a materials license as defined in this part, a Certificate of Compliance, a sealed source or device registration, a quality assurance program approval, and to a Government agency as defined in this part. Notwithstanding the other provisions in this section, the regulations in this part do not apply to uranium recovery and fuel facility licensees until after the Commission verifies through inspection that the facility has been constructed in accordance with the requirements of the license.

■ 14. In § 171.5, revise the definition of ''Budget authority'' and add a definition for ''Non-power production or utilization facility'' in alphabetical order to read as follows:

§ 171.5 Definitions.

* * * * *

Budget authority means the authority, in the form of appropriations, provided by law and becoming available during the year, to enter into obligations that will result in immediate or future outlays involving Federal Government funds. The appropriation is an authorization by an Act of Congress that permits the NRC to incur obligations and to make payments out of the Treasury for specified purposes. Fees assessed pursuant to Public Law 115–439 are based on NRC budget authority.

* * * * *

Non-power production or utilization facility means a production or utilization facility licensed under 10 CFR 50.21(a) or (c), or 10 CFR 50.22, as applicable, that is not a nuclear power reactor or production facility as defined under paragraphs (1) and (2) of the definition of ''production facility'' in 10 CFR 50.2.

* * * * *

■ 15. In § 171.11, revise paragraph (c) to read as follows:

§ 171.11 Exemptions.

* * * * *

(c) The Commission may, upon application by an interested person or on its own initiative, grant an exemption from the requirements of this part that it determines is authorized by law and otherwise in the public interest.

* * * * *

■ 16. In § 171.15:

■ a. Revise the section heading;

■ b. Revise paragraphs (a), (b)(1), (b)(2) introductory text, (c)(1), and (c)(2) introductory text;

■ c. Remove paragraph (d);

■ d. Redesignate paragraphs (e) and (f) as paragraphs (d) and (e); and

■ e. Revise newly designated paragraphs (d) and (e).

The revisisons read as follows:

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

(a) Each person holding an operating license for one or more non-power production or utilization facilities under 10 CFR part 50 that has provided notification to the NRC of the successful completion of startup testing; each person holding an operating license for a power reactor licensed under 10 CFR part 50 or a combined license under 10 CFR part 52 that has provided notification to the NRC of the successful completion of power ascension testing; each person holding a 10 CFR part 50 or 10 CFR part 52 power reactor license that is in decommissioning or possession only status, except those that have no spent fuel onsite; and each person holding a 10 CFR part 72 license who does not hold a 10 CFR part 50 or 10 CFR part 52 license and provides notification in accordance with 10 CFR 72.80(g), shall pay the annual fee for each license held during the Federal fiscal year in which the fee is due. This paragraph (a) does not apply to test or research reactors exempted under § 171.11(b).

(b)(1) The FY 2021 annual fee for each operating power reactor that must be collected by September 30, 2021, is $4,804,000.

(2) The FY 2021 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 2021 base annual fee for operating power reactors are as follows:

* * * * *

(c)(1) The FY 2021 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 $246,000.

(2) The FY 2021 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 2021 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 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. 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.

(2) The annual fees for a small modular reactor(s) located on a single site to be collected by September 30 of each year, are as follows:

TABLE 1 TO PARAGRAPH (d)(2)

Bundled unit thermal power rating	Minimum fee	Variable fee	Maximum fee
First Bundled Unit:			
0 MWt ≤250 MWt	TBD	N/A	N/A
>250 MWt ≤2,000 MWt	TBD	TBD	N/A
>2,000 MWt ≤4,500 MWt	N/A	N/A	TBD
Additional Bundled Units:			
0 MWt ≤2,000 MWt	N/A	TBD	N/A
>2,000 MWt ≤4,500 MWt	N/A	N/A	TBD

(3) The annual fee for an SMR collected under this paragraph (d) is in lieu of any fee otherwise required under paragraph (b) of this section. The annual fee under this paragraph (d) covers the same activities listed for power reactor base annual fee and spent fuel storage/reactor decommissioning reactor fee.

(e) The FY 2021 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 $78,700.

■ 17. In § 171.16, revise paragraphs (c) and (d) and remove paragraph (e).

The revisions read as follows:

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

* * * * *

(c) A licensee who is required to pay an annual fee under this section, in addition to 10 CFR part 72 licenses, may qualify as a small entity. If a licensee qualifies as a small entity and provides the Commission with the proper certification along with its annual fee payment, the licensee may pay reduced annual fees as shown in table 1 to 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 last 3 completed fiscal years):	
$485,000 to $7 million	$4,900
Less than $485,000	1,000
Small Not-For-Profit Organizations (Annual Gross Receipts):	
$485,000 to $7 million	4,900
Less than $485,000	1,000
Manufacturing Entities that Have An Average of 500 Employees or Fewer:	
35 to 500 employees	4,900
Fewer than 35 employees	1,000
Small Governmental Jurisdictions (Including publicly supported educational institutions) (Population):	
20,000 to 49,999	4,900
Fewer than 20,000	1,000
Educational Institutions that are not State or Publicly Supported, and have 500 Employees or Fewer:	
35 to 500 employees	4,900
Fewer than 35 employees	1,000

(d) The FY 2021 annual fees for materials licensees and holders of certificates, registrations, or approvals subject to fees under this section are shown table 2 to paragraph (d):

TABLE 2 TO PARAGRAPH (d)—SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC

[See footnotes at end of table]

Category of materials licenses	Annual fees [1] [2] [3]
1. Special nuclear material:	
A. (1) Licenses for possession and use of U–235 or plutonium for fuel fabrication activities.	
(a) Strategic Special Nuclear Material (High Enriched Uranium) [15] [Program Code(s): 21213]	$4,835,000
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel [15] [Program Code(s): 21210]	1,639,000
(2) All other special nuclear materials licenses not included in Category 1.A.(1) which are licensed for fuel cycle activities.	
(a) Facilities with limited operations [15] [Program Code(s): 21310, 21320]	N/A
(b) Gas centrifuge enrichment demonstration facility [15] [Program Code(s): 21205]	N/A
(c) Others, including hot cell facility [15] [Program Code(s): 21130, 21133]	N/A
B. Licenses for receipt and storage of spent fuel and reactor-related Greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI) [11] [15] [Program Code(s): 23200]	N/A
C. Licenses for possession and use of special nuclear material of less than a critical mass, as defined in § 70.4 of this chapter, in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers. [Program Code(s): 22140]	2,400
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]	5,700
E. Licenses or certificates for the operation of a uranium enrichment facility [15] [Program Code(s): 21200]	2,107,000
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]	4,300
2. Source material:	
A. (1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride or for deconverting uranium hexafluoride in the production of uranium oxides for disposal.[15] [Program Code: 11400]	486,000
(2) Licenses for possession and use of source material in recovery operations such as milling, in-situ recovery, heap-leaching, ore buying stations, ion-exchange facilities and in-processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode.	
(a) Conventional and Heap Leach facilities.[15] [Program Code(s): 11100]	N/A
(b) Basic *In Situ* Recovery facilities.[15] [Program Code(s): 11500]	45,900
(c) Expanded *In Situ* Recovery facilities.[15] [Program Code(s): 11510]	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] [Program Code(s): 11700]	[5] N/A
(3) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2.A.(2) or Category 2.A.(4).[15] [Program Code(s): 11600, 12000]	[5] N/A
(4) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2.A.(2).[15] [Program Code(s): 12010]	N/A
B. Licenses which authorize the possession, use, and/or installation of source material for shielding.[16] [17] Application [Program Code(s): 11210]	2,700
C. Licenses to distribute items containing source material to persons exempt from the licensing requirements of part 40 of this chapter. [Program Code: 11240]	8,900
D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter. [Program Code(s): 11230 and 11231]	5,100
E. Licenses for possession and use of source material for processing or manufacturing of products or materials containing source material for commercial distribution. [Program Code: 11710]	6,300
F. All other source material licenses. [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810, 11820]	8,500
3. Byproduct material:	
A. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5. [Program Code(s): 03211, 03212, 03213]	27,200
(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): 03211, 03212, 03213]	36,200
(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]	45,200
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]	9,500
(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]	12,700

TABLE 2 TO PARAGRAPH (d)—SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees[1 2 3]
(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]	15,700
C. Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 1–5. [Program Code(s): 02500, 02511, 02513]	9,000
(1). Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 6–20. [Program Code(s): 04210, 04212, 04214]	11,900
(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]	16,100
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]	9,900
F. Licenses for possession and use of less than or equal to 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes [Program Code(s): 03511]	8,800
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]	71,500
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]	8,600
I. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter [Program Code(s): 03250, 03251, 03252, 03253, 03256]	17,200
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]	3,500
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]	2,600
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]	12,500
(1) Licenses of broad scope for possession and use of product material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 6–20. [Program Code(s): 04610, 04612, 04614, 04616, 04618, 04620, 04622]	16,500
(2) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: More than 20. [Program Code(s): 04611, 04613, 04615, 04617, 04619, 04621, 04623]	20,500
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]	13,300
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]	15,100
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]	29,000
(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]	38,500

TABLE 2 TO PARAGRAPH (d)—SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1] [2] [3]
(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]	48,300
P. All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[18] Number of locations of use: 1–5. [Program Code(s): 02400, 02410, 03120, 03121, 03122, 03123, 03124, 03140, 03130, 03220, 03221, 03222, 03800, 03810, 22130]	9,800
(1). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[18] Number of locations of use: 6–20. [Program Code(s): 04410, 04412, 04414, 04416, 04418, 04420, 04422, 04424, 04426, 04428, 04430, 04432, 04434, 04436, 04438]	13,000
(2). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[18] Number of locations of use: More than 20. [Program Code(s): 04411, 04413, 04415, 04417, 04419, 04421, 04423, 04425, 04427, 04429, 04431, 04433, 04435, 04437, 04439]	16,200
Q. Registration of devices generally licensed under part 31 of this chapter	[13] N/A
R. Possession of items or products containing radium–226 identified in 10 CFR 31.12 which exceed the number of items or limits specified in that section: [14]	
(1). Possession of quantities exceeding the number of items or limits in 10 CFR 31.12(a)(4), or (5) but less than or equal to 10 times the number of items or limits specified [Program Code(s): 02700]	6,000
(2). Possession of quantities exceeding 10 times the number of items or limits specified in 10 CFR 31.12(a)(4) or (5) [Program Code(s): 02710]	6,400
S. Licenses for production of accelerator-produced radionuclides [Program Code(s): 03210]	23,700
4. Waste disposal and processing:	
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material. [Program Code(s): 03231, 03233, 03235, 03236, 06100, 06101]	22,400
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]	15,700
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]	8,700
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]	12,400
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]	27,900
7. Medical licenses:	
A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] Number of locations of use: 1–5. [Program Code(s): 02300, 02310]	27,000
(1). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] Number of locations of use: 6–20. [Program Code(s): 04510, 04512]	35,900
(2). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] Number of locations of use: More than 20. [Program Code(s): 04511, 04513]	44,900
B. Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] Number of locations of use: 1–5. [Program Code(s): 02110]	36,800
(1). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] Number of locations of use: 6–20. [Program Code(s): 04710]	49,000

TABLE 2 TO PARAGRAPH (d)—SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1] [2] [3]
(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] Number of locations of use: More than 20. [Program Code(s): 04711]	61,200
C. Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [19] Number of locations of use: 1–5. [Program Code(s): 02120, 02121, 02200, 02201, 02210, 02220, 02230, 02231, 02240, 22160]	16,700
(1). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [19] Number of locations of use: 6–20. [Program Code(s): 04810, 04812, 04814, 04816, 04818, 04820, 04822, 04824, 04826, 04828]	16,800
(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] [19] Number of locations of use: More than 20. [Program Code(s): 04811, 04813, 04815, 04817, 04819, 04821, 04823, 04825, 04827, 04829]	20,800
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]	6,000
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	17,800
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	9,200
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	5,500
D. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel	1,100
10. Transportation of radioactive material:	
A. Certificates of Compliance or other package approvals issued for design of casks, packages, and shipping containers.	
1. Spent Fuel, High-Level Waste, and plutonium air packages	[6] N/A
2. Other Casks	[6] N/A
B. Quality assurance program approvals issued under part 71 of this chapter.	
1. Users and Fabricators	[6] N/A
2. Users	[6] N/A
C. Evaluation of security plans, route approvals, route surveys, and transportation security devices (including immobilization devices)	[6] N/A
11. Standardized spent fuel facilities	[6] N/A
12. Special Projects [Program Code(s): 25110]	[6] N/A
13. A. Spent fuel storage cask Certificate of Compliance	[6] N/A
B. General licenses for storage of spent fuel under 10 CFR 72.210	[12] N/A
14. Decommissioning/Reclamation:	
A. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under parts 30, 40, 70, 72, and 76 of this chapter, including master materials licenses (MMLs). The transition to this fee category occurs when a licensee has permanently ceased principal activities. [Program Code(s): 03900, 11900, 21135, 21215, 21325, 22200]	[7] [20] N/A
B. Site-specific decommissioning activities associated with unlicensed sites, including MMLs, whether or not the sites have been previously licensed	[7] N/A
15. Import and Export licenses	[8] N/A
16. Reciprocity	[8] N/A
17. Master materials licenses of broad scope issued to Government agencies.[15] [Program Code(s): 03614]	337,000
18. Department of Energy:	
A. Certificates of Compliance	[10] 996,000
B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities [Program Code(s): 03237, 03238]	81,000

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

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

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

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

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

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

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

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

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

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

[11] See § 171.15(c).

[12] See § 171.15(c).

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

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

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

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

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

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

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

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

[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.

■ 18. In § 171.17, revise paragraphs (a)(1) and (2) to read as follows:

§ 171.17 Proration.

(a) * * *

(1) *New licenses.* (i) The annual fees for new licenses for power reactors and small modular reactors that are subject to fees under this part, for which the licensee has notified the NRC on or after October 1 of a fiscal year (FY) that the licensee has successfully completed power ascension testing, are prorated on the basis of the number of days remaining in the FY. Thereafter, the full annual fee is due and payable each subsequent FY.

(ii) The annual fees for new licenses for non-power production or utilization facilities, 10 CFR part 72 licensees who do not hold 10 CFR part 50 or 10 CFR part 52 licenses, and materials licenses with annual fees of $100,000 or greater for a single fee category for the current FY, that are subject to fees under this part and are granted a license to operate on or after October 1 of a FY, are prorated on the basis of the number of days remaining in the FY. Thereafter, the full annual fee is due and payable each subsequent FY.

(2) *Terminations.* The base operating power reactor annual fee for operating reactor licensees or the annual fee for small modular reactor licensees, who have requested amendment to withdraw operating authority permanently during the FY will be prorated based on the number of days during the FY the license was in effect before docketing of the certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel or when a final legally effective order to permanently cease operations has come into effect. The spent fuel storage/reactor decommissioning annual fee for reactor licensees who permanently cease operations and have permanently removed fuel from the site during the FY will be prorated on the basis of the number of days remaining in the FY after docketing of both the certifications of permanent cessation of operations and permanent removal of fuel from the site. The spent fuel storage/reactor decommissioning annual fee will be prorated for those 10 CFR part 72 licensees who do not hold a 10 CFR part 50 or 10 CFR part 52 license who request termination of the 10 CFR part 72 license and permanently cease activities authorized by the license during the FY based on the number of days the license was in effect before receipt of the termination request. The annual fee for materials licenses with annual fees of $100,000 or greater for a single fee category for the current FY will be prorated based on the number of days remaining in the FY when a termination request or a request for a possession-only license is received by the NRC, provided the licensee permanently ceased licensed activities during the specified period. The annual fee for non-power production or utilization facilities will be prorated based on the number of days remaining in the FY when the authorization to operate the facility has been permanently removed from the license during the FY.

* * * * *

■ 19. Add § 171.26 to read as follows:

§ 171.26 Right to dispute assessed fees.

All debtors' disputes of fees assessed must be submitted in accordance with 10 CFR 15.31, ''Disputed Debts.''

Dated: February 12, 2021.

For the Nuclear Regulatory Commission.

Cherish K. Johnson,

Chief Financial Officer.

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