

## Nuclear Regulatory Commission

## § 170.21

money order, or credit card (submit electronic payment at *www.Pay.gov* or manual payment using the NRC Form 629, “Authorization for Payment by Credit Card”). Payment of invoices of \$5,000 or more should be paid via ACH through the NRC’s Lockbox Bank at the address indicated on the invoice. Credit card payments should be made up to the limit established by the credit card bank at the address indicated on the invoice. Specific written instructions for making electronic payments and credit card payments may be obtained by contacting the Office of the Chief Financial Officer at 301-415-7554. In accordance with Department of the Treasury requirements, refunds will only be made upon receipt of information on the payee’s financial institution and bank accounts.

(g) *Collection of underpayment of fees.* The NRC is entitled to collect any un-

derpayment of fees as a result of an error by the NRC.

[64 FR 31469, June 10, 1999, as amended at 65 FR 11204, Mar. 2, 2000; 65 FR 36959, June 12, 2000; 66 FR 32469, June 14, 2001; 67 FR 64037, Oct. 17, 2002; 72 FR 31420, June 6, 2007; 79 FR 37144, June 30, 2014; 81 FR 41186, June 24, 2016; 87 FR 37214, June 22, 2022]

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

Fees for permits, licenses, amendments, renewals, special projects, 10 CFR part 55 re-qualification and replacement examinations and tests, other required reviews, approvals, and inspections under §§ 170.21 and 170.31 will be calculated using the professional staff-hour rate of \$290 per hour.

[83 FR 29645, June 25, 2018, as amended at 85 FR 37270, June 19, 2020; 86 FR 32170, June 16, 2021; 87 FR 37214, June 22, 2022]

## SCHEDULE OF FEES

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

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

TABLE 1 TO § 170.21—SCHEDULE OF FACILITY FEES

[See footnotes at end of table]

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

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

[See footnotes at end of table]

Facility categories and type of fees	Fees <sup>1 2</sup>
H. Production or Utilization Facility Permanently Closed Down:	
Inspections <sup>3</sup> .....	Full Cost.
I. Part 55 Reviews:	
Requalification and Replacement Examinations for Reactors Operators .....	Full Cost.
J. Special Projects:	
Approvals and preapplication/licensing activities .....	Full Cost.
Inspections <sup>3</sup> .....	Full Cost.
Contested hearings on licensing actions directly related to U.S. Government national security initiatives.	Full Cost.
Touhy requests <sup>5</sup> .....	Full Cost.
K. Import and export licenses: <sup>6</sup>	
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 <sup>4</sup> (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 .....	N/A
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 .....	N/A
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 .....	N/A
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 .....	N/A
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 .....	N/A

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> Inspections covered by this schedule are both routine and non-routine safety and safeguards inspections performed by the 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.

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

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

<sup>6</sup> Because the resources for import and export licensing activities are identified as a fee-relief activity to be excluded from the fee-recoverable budget, import and export licensing actions will not incur fees.

[53 FR 52648, Dec. 29, 1988]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 170.21, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.govinfo.gov](http://www.govinfo.gov).

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

Applicants for materials licenses, import and export licenses, and other regulatory services, and holders of materials licenses or import and export licenses shall pay fees for the following categories of services. For those fee categories identified to be subject to full cost fees, full cost fees will be assessed for all licensing and inspection activities, unless otherwise indicated.