# Rules and Regulations

Federal Register
Vol. 89, No. 119
Thursday, June 20, 2024



## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 2, 15, 37, 73, 110, 140, 170 and 171

**[NRC–2022–0046]**

**RIN 3150–AK74**

## Fee Schedules; Fee Recovery for Fiscal Year 2024

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is amending the licensing, inspection, special project, and annual fees charged to its applicants and licensees. These amendments are necessary to comply with the Nuclear Energy Innovation and Modernization Act, which requires the NRC to recover, to the maximum extent practicable, approximately 100 percent of its annual budget less certain amounts excluded from this fee-recovery requirement.

**DATES:** This final rule is effective on August 19, 2024.

**ADDRESSES:** Please refer to Docket ID NRC–2022–0046 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–2022–0046. 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 final rule.
- *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.* For the convenience of the reader, the ADAMS accession numbers are provided in the ''Availability of Documents'' section of this document.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

For additional direction on obtaining information, 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. Background; Statutory Authority

The NRC's fee regulations are primarily governed by two laws: (1) the Independent Offices Appropriation Act, 1952 (IOAA) (31 U.S.C. 9701); and (2) the Nuclear Energy Innovation and Modernization Act (NEIMA) (42 U.S.C. 2215). The IOAA authorizes and encourages Federal agencies to recover, to the fullest extent possible, costs attributable to services provided to identifiable recipients. Under NEIMA, the NRC must recover, to the maximum extent practicable, approximately 100 percent of its annual budget, less the budget authority for excluded activities. Under section 102(b)(1)(B) of NEIMA, ''excluded activities'' include any fee-relief activity as identified by the Commission, generic homeland security activities, waste incidental to reprocessing activities, Nuclear Waste Fund activities, advanced reactor regulatory infrastructure activities, Inspector General (IG) services for the Defense Nuclear Facilities Safety Board, research and development at universities in areas relevant to the NRC's mission, and a nuclear science and engineering grant program. In fiscal year (FY) 2024, in addition to the fee-relief activities identified by the Commission in prior fee rules, the resources for the Minority Serving Institutions Grant Program are also identified as a fee-relief activity to be excluded from the fee recovery requirement (see Table 1, ''Excluded Activities,'' of this document for the list of all excluded activities).

Under NEIMA, the NRC must use its IOAA authority first to collect service fees for NRC work that provides specific benefits to identifiable recipients (such as licensing work, inspections, and special projects). The NRC's regulations in 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 total budget authority for the FY (less the budget authority for excluded activities), 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.

## II. Discussion

*FY 2024 Fee Collection—Overview*

The NRC is issuing this FY 2024 final fee rule based on the Consolidated

Appropriations Act, 2024 (the enacted budget). The final fee rule reflects a total budget authority in the amount of $944.1 million, an increase of $16.9 million from FY 2023.

As explained previously, certain portions of the NRC's total budget authority are excluded from NEIMA's fee recovery requirement under section 102(b)(1)(B) of NEIMA. Based on the enacted budget, these exclusions total $137.1 million, which is a decrease of $18.9 million from the FY 2024 budget request, and an increase of $0.1 million from FY 2023. These excluded activities consist of $96.8 million for fee-relief activities, $23.8 million for advanced reactor regulatory infrastructure activities, $14.0 million for generic homeland security activities, $1.0 million for waste incidental to reprocessing activities, and $1.5 million for IG services for the Defense Nuclear Facilities Safety Board. Table I summarizes the excluded activities for the FY 2024 final fee rule. The FY 2023 amounts are provided for comparison purposes.

TABLE I—EXCLUDED ACTIVITIES

[Dollars in millions]

| | FY 2023 final rule | FY 2024 final rule |
|---|---|---|
| Fee-Relief Activities: | | |
| International activities | 28.8 | 31.1 |
| Agreement State oversight | 11.9 | 12.5 |
| Medical isotope production infrastructure | 3.5 | 1.5 |
| Fee exemption for nonprofit educational institutions | 13.5 | 17.7 |
| Costs not recovered from small entities under 10 CFR 171.16(c) | 8.9 | 10.5 |
| Regulatory support to Agreement States | 14.2 | 12.0 |
| Generic decommissioning/reclamation activities (not related to the operating power reactors and spent fuel storage fee classes) | 12.5 | 2.7 |
| Uranium recovery program and unregistered general licensees | 2.7 | 5.3 |
| Potential Department of Defense remediation program Memorandum of Understanding activities | 0.9 | 0.8 |
| Non-military radium sites | 0.2 | 0.2 |
| Minority Serving Institutions Grant Program | N/A | 2.5 |
| Subtotal Fee-Relief Activities | 97.1 | 96.8 |
| Activities under section 102(b)(1)(B)(ii) of NEIMA (Generic Homeland Security activities, Waste Incidental to Reprocessing activities, and the Defense Nuclear Facilities Safety Board) | 16.1 | 16.5 |
| Advanced reactor regulatory infrastructure activities | 23.8 | 23.8 |
| Total Excluded Activities | 137.0 | 137.1 |

After accounting for the exclusions from the fee recovery requirement and net billing adjustments (*i.e.,* for FY 2024 invoices that the NRC estimates will not be paid during the FY, less payments received in FY 2024 for prior-year invoices), the NRC must recover approximately $808.3 million in fees in FY 2024. Of this amount, the NRC estimates that $202.2 million will be recovered through 10 CFR part 170 service fees and approximately $606.1 million will be recovered through 10 CFR part 171 annual fees. Table II summarizes the fee recovery amounts for the FY 2024 final fee rule using the FY 2024 enacted budget and takes into account the budget authority for excluded activities and net billing adjustments. For all information presented in this final rule, individual values may not sum to totals due to rounding. Please see the work papers, available as indicated in the ''Availability of Documents'' section of this document, for more precise amounts.

In FY 2024, the explanatory statement associated with the Consolidated Appropriations Act, 2024 included direction for the NRC to use $62.0 million of prior-year unobligated balances (carryover). The explanatory statement allocates $16.0 million for the University Nuclear Leadership Program (UNLP), and consistent with language in the Senate Report, the UNLP is funded in FY 2024 using carryover. The direction to use the $62.0 million in carryover also reflects the $27.1 million proposed in the FY 2024 budget request to offset the Nuclear Reactor Safety budget and an additional $18.9 million in carryover, which offsets the $18.9 million reduction in the estimated net budget authority specified in the Consolidated Appropriations Act, 2024, for the NRC's ''Salaries and Expenses'' account. Consistent with the requirements of NEIMA, the NRC does not assess fees in the current fiscal year for any carryover because fees are calculated based on the budget authority enacted for the current fiscal year. Fees were already assessed in the fiscal year in which the carryover was appropriated. The FY 2023 amounts are provided for comparison purposes.

TABLE II—BUDGET AND FEE RECOVERY AMOUNTS

[Dollars in millions]

| | FY 2023 final rule | FY 2024 final rule |
|---|---|---|
| Total Budget Authority | $927.2 | $944.1 |
| Less Budget Authority for Excluded Activities: | −137.0 | −137.1 |
| Balance | 790.2 | 807.0 |
| Fee Recovery Percent | 100.0 | 100.0 |
| Total Amount to be Recovered: | 790.2 | 807.0 |
| Less Estimated Amount to be Recovered through 10 CFR part 170 Fees | −195.0 | −202.2 |

TABLE II—BUDGET AND FEE RECOVERY AMOUNTS—Continued

[Dollars in millions]

| | FY 2023 final rule | FY 2024 final rule |
|---|---|---|
| Estimated Amount to be Recovered through 10 CFR part 171 Fees | 595.2 | 604.8 |
| 10 CFR part 171 Billing Adjustments: | | |
| Unpaid Current Year Invoices (estimated) | 3.7 | 4.3 |
| Less Payments Received in Current Year for Previous Year Invoices (estimated) | −3.3 | −3.0 |
| Adjusted 10 CFR part 171 Annual Fee Collections Required | 595.6 | 606.1 |
| Adjusted Amount to be Recovered through 10 CFR parts 170 and 171 Fees | 790.6 | 808.3 |

*FY 2024 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, ''Schedule of fees for production and utilization facilities, review of standard referenced design approvals, special projects, inspections and import and export licenses,'' and 170.31, ''Schedule of fees for materials licenses and other regulatory services, including inspections, and import and export licenses.'' The NRC's professional hourly rate is derived by adding budgeted resources for: (1) mission-direct program salaries and benefits; (2) mission-indirect program support; and (3) agency support (corporate support and the IG). 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 billed to licensees separately. The following shows the professional hourly rate calculation:

$$\text{Professional Hourly Rate} = \frac{\text{Budgeted Resources}}{\text{Mission-Direct FTE Converted to Hours}} = \frac{\$816.9 \text{ million}}{1{,}720.3 \times 1{,}500} = \$317$$

For FY 2024, the NRC is increasing the professional hourly rate from $300 to $317. The approximately 5.7 percent increase in the professional hourly rate is primarily due to an increase in the total budgeted resources of approximately $39.4 million. The increase in budgeted resources is primarily due to the following: (1) an increase in mission-direct FTE; and (2) an increase in the fully-costed FTE rate compared to FY 2023 due to an increase in salaries and benefits to support Federal pay raises for NRC employees.

In addition, the NRC anticipates an increase in mission-direct FTE to support the increase in licensing and decommissioning activities. This anticipated increase in the number of mission-direct FTE compared to FY 2023 partially offsets the increase in the professional hourly rate caused by the overall increase in budgeted resources. The professional hourly rate is inversely related to the mission-direct FTE amount; therefore, as the number of mission-direct FTE increase, the professional hourly rate may decrease. Based on the FY 2024 enacted budget, the number of mission-direct FTE is expected to increase by approximately 48, primarily to support the following: (1) the review of new reactor licensing activities, including the review of standard design approvals, pre-application activities, and construction permits; (2) licensing and oversight activities for the reactor decommissioning program, which includes both power and non-power reactors in various stages of decommissioning; (3) the review of licensing actions related to enrichment and manufacturing of high assay low-enrichment uranium (HALEU) fuel and accident tolerant fuel (ATF); and (4) the review of one new fuel facility license application.

The FY 2024 estimate for annual mission-direct FTE productive hours is 1,500 hours, which is a decrease from 1,551 hours in FY 2023. This estimate reflects the average number of hours that a mission-direct employee spends on mission-direct work annually. This estimate, therefore, excludes hours charged to annual leave, sick leave, holidays, training, and general administrative tasks. Table III shows the professional hourly rate calculation methodology. The FY 2023 amounts are provided for comparison purposes.

TABLE III—PROFESSIONAL HOURLY RATE CALCULATION

[Dollars in millions, except as noted]

| | FY 2023 final rule | FY 2024 final rule |
|---|---|---|
| Mission-Direct Program Salaries & Benefits | $359.2 | $384.4 |
| Mission-Indirect Program Support | 118.8 | 118.9 |
| Agency Support (Corporate Support and the IG) | 299.5 | 313.6 |
| Subtotal | 777.5 | 816.9 |
| Less Offsetting Receipts [1] | 0.0 | 0.0 |

TABLE III—PROFESSIONAL HOURLY RATE CALCULATION—Continued

[Dollars in millions, except as noted]

| | FY 2023 final rule | FY 2024 final rule |
|---|---|---|
| Total Budgeted Resources Included in Professional Hourly Rate | 777.5 | 816.9 |
| Mission-Direct FTE | 1,672.2 | 1,720.3 |
| Annual Mission-Direct FTE Productive Hours (Whole numbers) | 1,551 | 1,500 |
| Mission-Direct FTE Converted to Hours (Mission-Direct FTE multiplied by Annual Mission-Direct FTE Productive Hours) | 2,593,582 | 2,580,450 |
| Professional Hourly Rate (Total Budgeted Resources Included in Professional Hourly Rate Divided by Mission-Direct FTE Converted to Hours) (Whole Numbers) | 300 | 317 |

*FY 2024 Fee Collection—Flat Application Fee Changes*

The NRC is amending the flat application fees it charges in its schedule of fees in § 170.31 to reflect the revised professional hourly rate of $317. 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 2024. 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 for the FY 2023 proposed fee rule and will perform this review again for the FY 2025 proposed fee rule. The higher professional hourly rate of $317 is the primary reason for the increase in flat application fees (see the work papers).

To simplify billing, the NRC rounds these flat fees to a minimal degree. Specifically, the NRC rounds these flat fees (up or down) in such a way that ensures both convenience for its stakeholders and minimal effects due to rounding. Accordingly, fees under $1,000 are rounded to the nearest $10, fees between $1,000 and $100,000 are rounded to the nearest $100, and fees greater than $100,000 are rounded to the nearest $1,000.

The flat fees are applicable for certain materials licensing actions (see fee categories 1.C. through 1.D., 2.B. through 2.F., 3.A. through 3.S., 4.B. through 5.A., 6.A. through 9.D., 10.B., 15.A. through 15.L., 15.R., and 16 of § 170.31). Applications filed on or after the effective date of the FY 2024 final fee rule will be subject to the revised fees in the final rule. Since international activities are excluded from the fee recovery requirement, fees are not assessed for import and export licensing actions under 10 CFR parts 170 and 171.

*FY 2024 Fee Collection—Low-Level Waste Surcharge*

The NRC is assessing a generic low-level waste (LLW) surcharge of $3.769 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 allocates this surcharge to its licensees based on data available in the U.S. Department of Energy's (DOE) Manifest Information Management System (MIMS). 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.

The LLW surcharge amounts have changed since publication of the proposed fee rule. The DOE updated MIMS with 2024 data; because of the update, the LLW surcharge for the operating power reactors fee class decreased from 3.496 million to 3.204 million; the LLW surcharged increased from 0.418 million to 0.449 million for the fuel facilities fee class; and the LLW surcharge increased from $0.109 million to $0.117 million for the materials users fee class compared to the FY 2023 final fee rule.

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

TABLE IV—ALLOCATION OF LLW SURCHARGE, FY 2024

[Dollars in millions]

| Fee classes | LLW surcharge | |
|---|---|---|
| | Percent | $ |
| Operating Power Reactors | 85.0 | 3.204 |
| Spent Fuel Storage/Reactor Decommissioning | 0.0 | 0.000 |
| Non-Power Production or Utilization Facilities | 0.0 | 0.000 |
| Fuel Facilities | 11.9 | 0.449 |
| Materials Users | 3.1 | 0.117 |

[1] The fees collected by the NRC for Freedom of Information Act (FOIA) services and indemnity fees (financial protection required of all licensees for public liability claims at 10 CFR part 140) are subtracted from the budgeted resources amount when calculating the 10 CFR part 170 professional hourly rate, per the guidance in OMB Circular A–25, ''User Charges.'' The budgeted resources for FOIA activities are allocated under the product for Information Services within the Corporate Support business line. The budgeted resources for indemnity activities are allocated under the Licensing Actions and Research and Test Reactors products within the Operating Reactors business line.

TABLE IV—ALLOCATION OF LLW SURCHARGE, FY 2024—Continued

[Dollars in millions]

| Fee classes | LLW surcharge | |
|---|---|---|
| | Percent | $ |
| Transportation | 0.0 | 0.000 |
| Rare Earth Facilities | 0.0 | 0.000 |
| Uranium Recovery | 0.0 | 0.000 |
| Total | 100.0 | 3.769 |

*FY 2024 Fee Collection—Revised Annual Fees*

In accordance with SECY–05–0164, ''Annual Fee Calculation Method,'' the NRC rebaselines its annual fees every year. ''Rebaselining'' entails analyzing the budget in detail and then allocating the FY 2024 budgeted resources to various classes or subclasses of licensees. It also includes updating the number of NRC licensees in its fee calculation methodology.

The NRC is revising its annual fees in §§ 171.15 and 171.16 to recover approximately 100 percent of the FY 2024 enacted budget less the budget authority for excluded activities, the estimated amount to be recovered through 10 CFR part 170 fees. The FY 2024 final fee rule reflects the utilization of $27.1 million in carryover to offset the Nuclear Reactor Safety budget.

Table V shows the rebaselined fees for FY 2024 for a sample of licensee categories. The FY 2023 amounts are provided for comparison purposes.

TABLE V—REBASELINED ANNUAL FEES

[Actual dollars]

| Class/category of licenses | FY 2023 final annual fee | FY 2024 final annual fee |
|---|---|---|
| Operating Power Reactors | $5,492,000 | $5,336,000 |
| + Spent Fuel Storage/Reactor Decommissioning | 261,000 | 326,000 |
| Total, Combined Fee | 5,753,000 | 5,662,000 |
| Spent Fuel Storage/Reactor Decommissioning | 261,000 | 326,000 |
| Non-Power Production or Utilization Facilities | 96,300 | 97,200 |
| High Enriched Uranium Fuel Facility (Category 1.A.(1)(a)) | 5,156,000 | 6,412,000 |
| Low Enriched Uranium Fuel Facility (Category 1.A.(1)(b)) | 1,747,000 | 2,173,000 |
| Uranium Enrichment (Category 1.E) | 2,247,000 | 2,794,000 |
| $UF_6$ Conversion and Deconversion Facility (Category 2.A.(1)) | 1,095,000 | 1,361,000 |
| Basic *In Situ* Recovery Facilities (Category 2.A.(2)(b)) | 52,200 | 53,200 |
| Typical Users: | | |
| Radiographers (Category 3O) | 37,900 | 43,700 |
| All Other Specific Byproduct Material Licensees (Category 3P) | 12,300 | 14,600 |
| Medical Other (Category 7C) | 18,000 | 21,400 |
| Device/Product Safety Evaluation—Broad (Category 9A) | 24,100 | 29,800 |

The work papers that support this final 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 final rule.

a. Operating Power Reactors

The NRC will collect $501.6 million in annual fees from the operating power reactors fee class in FY 2024, as shown in Table VI. The FY 2023 operating power reactors fees are shown for comparison purposes.

TABLE VI—ANNUAL FEE SUMMARY CALCULATIONS FOR OPERATING POWER REACTORS

[Dollars in millions]

| Summary fee calculations | FY 2023 final rule | FY 2024 final rule |
|---|---|---|
| Total budgeted resources | $665.3 | $665.0 |
| Less estimated 10 CFR part 170 receipts | −158.9 | −168.3 |
| Net 10 CFR part 171 resources | 506.4 | 496.7 |
| Allocated generic transportation | 0.5 | 0.7 |
| Allocated LLW surcharge | 3.5 | 3.2 |
| Billing adjustment | 0.3 | 1.1 |
| Total required annual fee recovery | 510.7 | 501.6 |

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

[Dollars in millions]

| Summary fee calculations | FY 2023 final rule | FY 2024 final rule |
|---|---|---|
| Total operating reactors | 93 | 94 |
| Annual fee per operating reactor | $5.492 | $5.336 |

In comparison to FY 2023, the FY 2024 annual fee for the operating power reactors fee class is decreasing primarily due to the following: (1) an anticipated increase in 10 CFR part 170 estimated billings; (2) an increase in the total number of operating power reactors from 93 to 94; and (3) a reduction in the budgeted resources primarily due to the utilization of $27.1 million in carryover to offset the Nuclear Reactor Safety budget. As discussed further below, the utilization of carryover mitigates the increase in the budgeted resources for the operating power reactors fee class. The decrease in the annual fee for the operating power reactors fee class is partially offset due to the following: (1) an increase in the 10 CFR part 171 billing adjustment; and (2) an increase in the generic transportation surcharge.

The 10 CFR part 170 estimated billings increased primarily due to the following: (1) an anticipated increase in hours associated with the review of an increasing number of license renewal applications; and (2) an anticipated increase in new reactor licensing activities, including the review of standard design approvals, pre-application activities, and construction permits. This increase is partially offset by an expected decline in the submission of topical reports. As explained above, because the NRC's fee recovery under 10 CFR part 170 will not equal approximately 100 percent of the agency's budget authority for the fiscal year, the NRC also assesses 10 CFR part 171 annual fees. Estimated 10 CFR part 170 billings, therefore, are inversely related to the projected annual fee for a fee class. The more the NRC estimates to collect in 10 CFR part 170 billings, the less it assesses to collect in annual fees.

The decrease in the budgeted resources for the operating power reactors fee class is primarily due to the following: (1) the utilization of $27.1 million in carryover to offset the Nuclear Reactor Safety budget; (2) an expected decline in topical report submissions, guidance development, and process improvement activities; (3) a reduction in construction inspection activities due to the transition of the Vogtle Electric Generating Plant (Vogtle Unit 3) and the transition of Vogtle Unit 4 from construction into operation; and (4) a reduction in rulemaking activities. The decrease in the budgeted resources is offset by an increase primarily due to the following: (1) an increase to support new reactor licensing activities, including the review of standard design approvals, pre-application activities, and construction permits; (2) an increase to support the review of license renewal applications; and (3) an increase in the fully-costed FTE rate compared to FY 2023 due to an increase in salaries and benefits.

The annual fee is also affected by: (1) an increase in the 10 CFR part 171 billing adjustment due to the timing of invoices issued in FY 2023; and (2) an increase in the generic transportation surcharge due to an increase in the overall budgeted resources for certificates of compliance (CoCs) for the operating power reactors fee class.

The fee-recoverable budgeted resources are divided equally among the 94 licensed operating power reactors, an increase of one operating power reactor compared to FY 2023 due the assessment of annual fees for Vogtle Unit 4, resulting in an annual fee of $5,336,000 per operating power reactor. Additionally, each licensed operating power reactor will be assessed the FY 2024 spent fuel storage/reactor decommissioning annual fee of $326,000 (see Table VII and the discussion that follows). The combined FY 2024 annual fee for each operating power reactor will be $5,662,000.

Section 102(b)(3)(B)(i) of NEIMA established a cap for the annual fees charged to operating reactor licensees; under this provision, the annual fee for an operating reactor licensee, to the maximum extent practicable, shall not exceed the annual fee amount per operating reactor licensee established in the FY 2015 final fee rule (80 FR 37432; June 30, 2015), adjusted for inflation. The NRC included an estimate of the operating power reactors fee class annual fee in Appendix C, ''Estimated Operating Power Reactors Annual Fee,'' of the FY 2024 Congressional Budget Justification (CBJ) to increase transparency for stakeholders. The NRC developed this estimate based on the allocation of the FY 2024 CBJ to fee classes under 10 CFR part 170, and allocations within the operating power reactors fee class under 10 CFR part 171. The fee estimate included in the FY 2024 CBJ assumed 94 operating power reactors in FY 2024 and applied various data assumptions from the FY 2022 final fee rule. Based on these allocations and assumptions, the operating power reactors fee class annual fee included in the FY 2024 CBJ was estimated to be $5.3 million, approximately $0.6 million below the FY 2015 operating power reactors annual fee amount adjusted for inflation of $5.9 million. The assumptions made between budget formulation and the development of this final rule have changed. The FY 2024 annual fee of $5,336,000 nonetheless remains below the FY 2015 operating power reactors fee class annual fee amount, as adjusted for inflation.

In FY 2016, the NRC amended § 171.15 to establish a variable annual fee structure for light-water reactor (LWR) small modular reactors (SMRs) (81 FR 32617; May 24, 2016). In FY 2023, the NRC further amended § 171.5 to: (1) expand the applicability of the SMR variable fee structure to include non-LWR SMRs; and (2) establish an additional minimum fee and variable rate applicable to SMRs with a licensed thermal power rating of less than or equal to 250 megawatts-thermal (MWt) (88 FR 39120; June 15, 2023). This revision to the SMR variable annual fee structure retained the bundled unit concept for SMRs and the approach for calculating fees for reactors, or bundled units, with licensed thermal power ratings greater than 250 MWt.

Currently, there are no operating SMRs; therefore, the NRC will not assess an annual fee in FY 2024 for this type of licensee.

b. Spent Fuel Storage/Reactor Decommissioning

The NRC will collect $40.4 million in annual fees from 10 CFR part 50 and 10 CFR part 52 power reactor licensees, and from 10 CFR part 72 licensees that do not hold a 10 CFR part 50 license or a 10 CFR part 52 combined license, to recover the budgeted resources for the spent fuel storage/reactor decommissioning fee class in FY 2024, as shown in table VII. The FY 2023 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 2023 final rule | FY 2024 final rule |
|---|---|---|
| Total budgeted resources | $42.9 | $50.4 |
| Less estimated 10 CFR part 170 receipts | −12.4 | −12.3 |
| Net 10 CFR part 171 resources | 30.5 | 38.0 |
| Allocated generic transportation costs | 1.6 | 2.3 |
| Billing adjustments | 0.0 | 0.1 |
| Total required annual fee recovery | 32.1 | 40.4 |
| Total spent fuel storage facilities | 123 | 124 |
| Annual fee per facility | $0.261 | $0.326 |

In comparison to FY 2023, the FY 2024 annual fee for the spent fuel storage/reactor decommissioning fee class is increasing primarily due to the following: a (1) rise in the budgeted resources; (2) an increase in generic transportation costs; and (3) an expected decrease in 10 CFR part 170 estimated billings. The annual fee is partially offset by an increase in the number of licensees increasing from 123 to 124.

The budgeted resources increased primarily to support the following: (1) an increase in FTEs to support licensing and oversight activities for the reactor decommissioning program, which includes both power and non-power reactors in various stages of decommissioning; and (2) an increase in the fully-costed FTE rate compared to FY 2023 due to an increase in salaries and benefits.

The increase in the annual fee is also affected by these contributing factors: (1) an increase in the generic transportation surcharge due to an increase in the generic transportation budgeted resources for the spent fuel storage/reactor decommissioning fee class; and (2) an increase in the 10 CFR part 171 billing adjustment due to the timing of invoices in FY 2023.

The annual fee is also increasing due to a decrease in the 10 CFR part 170 estimated billings, which in turn is primarily due to the following: (1) the completion of the safety and environmental review of the Holtec HI-STORE consolidated interim storage facility application; (2) the termination of the license for the La Crosse Boiling Water Reactor; and (3) a decrease in decommissioning licensing and inspection activities at multiple sites. This decrease is expected to be partially offset by the following: (1) an increase in hours to support the review of a new fuel storage system; and (2) an increase to support the review of applications for renewals, amendments, exemptions, and inspections for independent spent fuel storage installation and dry cask storage CoCs at multiple sites.

The required annual fee recovery amount is divided equally among 124 licensees, an increase of one licensee compared to FY 2023 due to the assessment of annual fees for Vogtle Unit 4, resulting in a FY 2024 annual fee of $326,000 per licensee.

c. Fuel Facilities

The NRC will collect $25.3 million in annual fees from the fuel facilities fee class in FY 2024, as shown in table VIII. The FY 2023 fuel facilities fees are shown for comparison purposes.

TABLE VIII—ANNUAL FEE SUMMARY CALCULATIONS FOR FUEL FACILITIES

[Dollars in millions]

| Summary fee calculations | FY 2023 final rule | FY 2024 Fina rule |
|---|---|---|
| Total budgeted resources | $26.6 | $30.9 |
| Less estimated 10 CFR part 170 receipts | −9.2 | −8.7 |
| Net 10 CFR part 171 resources | 17.4 | 22.2 |
| Allocated generic transportation | 1.9 | 2.5 |
| Allocated LLW surcharge | 0.4 | 0.4 |
| Billing adjustments | 0.0 | 0.1 |
| Total remaining required annual fee recovery | $19.7 | $25.3 |

In comparison to FY 2023, the FY 2024 annual fee for the fuel facilities fee class is increasing primarily due to the following: (1) a rise in budgeted resources; (2) an increase in the 10 CFR part 171 billing adjustment; and (3) a decrease in 10 CFR part 170 estimated billings.

The budgeted resources increased primarily to support the following: (1) the review of licensing actions related to enrichment and manufacturing of HALEU fuel and ATF; (2) the continued review of the TRISO–X, LLC fuel facility license application, though as discussed below, the review has been slowed; (3) the development and maintenance of licensing guidance; (4) emergency preparedness and physical security reviews for license amendments and renewals; (5) programmatic oversight activities for Category II fuel facilities and an anticipated new fuel facility; (6) associated fuel facilities rulemaking activities; and (7) an increase in the fully-costed FTE rate compared to FY

2023 due to an increase in salaries and benefits. The increase in budgetary resources is partially offset due to a decline in information technology (IT) services and a reduction in resources due to the delay of a new fuel facility application.

Finally, the annual fee is also increasing due to the decrease in the 10 CFR part 170 estimated billings. The 10 CFR part 170 estimated billings are decreasing in comparison to FY 2023 primarily due to the following: (1) the slowing of the TRISO–X, LLC, fuel fabrication facility application review activities, including the development of environmental impact statement and the safety review while the NRC awaits the applicant's submittal of a major design change in December of 2024; (2) the completion of the review of Westinghouse Electric Company, LLC's license transfer application; (3) the completion of the review of the Global Nuclear Fuel Americas, LLC, amendment for an increase in enrichment activities up to 8 weight percent uranium–235; (4) the delay of the submittal of Global Nuclear Fuel Americas, LLC, amendment for an increase in enrichment activities up to 20 weight percent uranium–235; (5) a reduction in hours needed to support license amendment requests; and (6) the delay of the Niowave new medical isotope production facility application. This decrease in 10 CFR part 170 estimated billings is partially offset by increased hours to support the review of the National Institute of Standards and Technology's license renewal application for possession and use of its special nuclear material.

Finally, the increase in the annual fee is also affected by these contributing factors: (1) a rise in the generic transportation surcharge due to a new CoC within the fuel facilities fee class; and (2) a surcharge in the 10 CFR part 171 billing adjustment due to the timing of invoices in FY 2023.

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 31448; 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.

NRC authorized the Centrus American Centrifuge Plant to begin its HALEU demonstration program operations at the Category II level on September 21, 2023. As discussed in the FY 2024 proposed fee rule, this change in operations caused the safeguard effort factors for ''scrap/waste'' to increase from 0 (no effort) to 1 (low effort), ''enrichment'' to increase from 5 (moderate effort) to 10 (high effort) and ''sensitive information'' to increase from 5 (moderate effort) to 10 (high effort), resulting in an increase of the safeguards efforts factors from 11 to 22 compared to the FY 2023 final fee rule.

TABLE IX—EFFORT FACTORS FOR FUEL FACILITIES, FY 2024

| Facility type (fee category) | Number of facilities | Effort factors | |
|---|---|---|---|
| | | Safety | Safeguards |
| High Enriched Uranium Fuel (1.A.(1)(a)) | 2 | 88 | 91 |
| Low Enriched Uranium Fuel (1.A.(1)(b)) | 3 | 70 | 21 |
| Limited Operations (1.A.(2)(a)) | 1 | 3 | 22 |
| Gas Centrifuge Enrichment Demonstration (1.A.(2)(b)) | 0 | 0 | 0 |
| Hot Cell (and others) (1.A.(2)(c)) | 0 | 0 | 0 |
| Uranium Enrichment (1.E.) | 1 | 16 | 23 |
| $UF_6$ Conversion and Deconversion (2.A.(1)) | 1 | 12 | 7 |
| Total | 8 | 189 | 164 |

In FY 2024, the total remaining amount of the annual fees that the NRC estimates to be recovered, $25.3 million, is attributable to safety activities, safeguards activities, and the LLW surcharge. For FY 2024, the total budgeted resources to be recovered as annual fees for safety activities are approximately $13.3 million. To calculate the annual fee, the NRC allocates this amount to each fee category based on its percentage of the total regulatory effort for safety activities. Similarly, the NRC allocates the budgeted resources that the NRC estimates to be recovered as annual fees for safeguards activities, $11.6 million, to each fee category based on its percentage of the total regulatory effort for safeguards activities. Finally, the fuel facilities fee class portion of the LLW surcharge—$0.4 million—is allocated to each fee category based on its percentage of the total regulatory effort for both safety and safeguards activities. The annual fee per licensee is then calculated by dividing the estimated total allocated budgeted resources for the fee category by the number of licensees in that fee category. The annual fee for each facility is summarized in table X.

TABLE X—ANNUAL FEES FOR FUEL FACILITIES

[Actual dollars]

| Facility type (fee category) | FY 2023 final annual fee | FY 2024 final annual fee |
|---|---|---|
| High Enriched Uranium Fuel (1.A.(1)(a)) | $5,156,000 | $6,412,000 |
| Low Enriched Uranium Fuel (1.A.(1)(b)) | 1,747,000 | 2,173,000 |
| Facilities with limited operations (1.A.(2)(a)) | 807,000 | 1,791,000 |
| Gas Centrifuge Enrichment Demonstration (1.A.(2)(b)) | N/A | N/A |
| Hot Cell (and others) (1.A.(2)(c)) | N/A | N/A |
| Uranium Enrichment (1.E.) | 2,247,000 | 2,794,000 |
| $UF_6$ Conversion and Deconversion (2.A.(1)) | 1,095,000 | 1,361,000 |

d. Uranium Recovery Facilities

The NRC will collect $0.3 million in annual fees from the uranium recovery facilities fee class in FY 2024, as shown in table XI. The FY 2023 uranium recovery facilities fees are shown for comparison purposes.

TABLE XI—ANNUAL FEE SUMMARY CALCULATIONS FOR URANIUM RECOVERY FACILITIES

[Dollars in millions]

| Summary fee calculations | FY 2023 final rule | FY 2024 final rule |
|---|---|---|
| Total budgeted resources | $0.5 | $0.7 |
| Less estimated 10 CFR part 170 receipts | −0.3 | −0.4 |
| Net 10 CFR part 171 resources | 0.2 | 0.3 |
| Allocated generic transportation | N/A | N/A |
| Billing adjustments | 0.0 | 0.0 |
| Total required annual fee recovery | $0.2 | $0.3 |

In comparison to FY 2023, the FY 2024 annual fee for the non-DOE licensee in the uranium recovery facilities fee class is increasing primarily due to a rise in budgeted resources attributed to licensing reviews associated with one licensed uranium recovery facility and two licensed, but not yet constructed, uranium recovery facilities.

The NRC regulates DOE's Title I and Title II activities under the Uranium Mill Tailings Radiation Control Act (UMTRCA).[2] The annual fee assessed to DOE includes the resources specifically budgeted for the NRC's UMTRCA Title I and Title II activities, as well as 10 percent of the remaining budgeted resources for this fee class. The NRC described the overall methodology for determining fees for UMTRCA in the FY 2002 fee rule (67 FR 42612; June 24, 2002), and the NRC continues to use this methodology. The DOE's UMTRCA annual fee is increasing compared to FY 2023 primarily due to a rise in budgeted resources needed to conduct generic work that the NRC will be performing to resolve the following: (1) issues associated with abandoned uranium mine waste cleanups and the potential waste disposal on or near uranium mill tailings sites including existing DOE sites under NRC oversight; (2) coordination on license termination strategies for sites; and (3) performance issues relating to existing cover systems at mill tailings sites. The annual fee is partially offset by a rise 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 resources to the remaining licensee in this fee class, as described in the work papers, which is reflected in table XII.

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

[Actual dollars]

| Summary of costs | FY 2023 final annual fee | FY 2024 final annual fee |
|---|---|---|
| DOE Annual Fee Amount (UMTRCA Title I and Title II) General Licenses: | | |
| UMTRCA Title I and Title II budgeted resources less 10 CFR part 170 receipts | $142,181 | $254,846 |
| 10 percent of generic/other uranium recovery budgeted resources | 5,798 | 5,908 |
| 10 percent of uranium recovery fee-relief adjustment | N/A | N/A |
| Total Annual Fee Amount for DOE (rounded) | 148,000 | 261,000 |
| Annual Fee Amount for Other Uranium Recovery Licenses: | | |
| 90 percent of generic/other uranium recovery budgeted resources less the amounts specifically budgeted for UMTRCA Title I and Title II activities | 52,185 | 53,169 |
| 90 percent of uranium recovery fee-relief adjustment | N/A | N/A |
| Total Annual Fee Amount for Other Uranium Recovery Licensees | 52,185 | 53,169 |

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 facilities 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 basic ISR facility. Table XIII displays the benefit factors for the non-DOE licensee in that fee category.

[2] 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.

TABLE XIII—BENEFIT FACTORS FOR URANIUM RECOVERY LICENSES, 2024

| 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 |
| Basic *In Situ* Recovery facilities (2.A.(2)(b)) | 1 | 190 | 190 | 100 |
| Expanded *In Situ* Recovery facilities (2.A.(2)(c)) | 0 | | | 0 |
| Section 11e.(2) disposal incidental to existing tailings sites (2.A.(4)) | 0 | | | 0 |
| Total | 1 | 190 | 190 | 100 |

The FY 2024 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 2023 final annual fee | FY 2024 final annual fee |
|---|---|---|
| Conventional and Heap Leach mills (2.A.(2)(a)) | N/A | N/A |
| Basic *In Situ* Recovery facilities (2.A.(2)(b)) | $52,200 | $53,200 |
| Expanded *In Situ* Recovery facilities (2.A.(2)(c)) | N/A | N/A |
| Section 11e.(2) disposal incidental to existing tailings sites (2.A.(4)) | N/A | N/A |

e. Non-Power Production or Utilization Facilities

The NRC will collect $0.292 million in annual fees from the non-power production or utilization facilities fee class in FY 2024, as shown in table XV. The FY 2023 non-power production or utilization facilities fees are shown for comparison purposes.

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

[Dollars in millions]

| Summary fee calculations | FY 2023 final rule | FY 2024 final rule |
|---|---|---|
| Total budgeted resources | $5.115 | $3.195 |
| Less estimated 10 CFR part 170 receipts | −4.869 | −2.963 |
| Net 10 CFR part 171 resources | 0.246 | 0.233 |
| Allocated generic transportation | 0.040 | 0.054 |
| Billing adjustments | 0.003 | 0.005 |
| Total required annual fee recovery | 0.289 | 0.292 |
| Total non-power production or utilization facilities licenses | 3 | 3 |
| Total annual fee per license (rounded) | $0.0963 | $0.0972 |

In comparison to FY 2023, the FY 2024 annual fee for the non-power production or utilization facilities fee class is increasing, as discussed in the following paragraphs.

In FY 2024, the budgeted resources decreased primarily due to a reduction in medical radioisotope production facilities workload primarily due to a delay with the SHINE Technologies LLC's (SHINE) operating license application for a medical radioisotope production facility and a delay in the construction schedule. The offset to the decline in budgetary resources is the rise in the fully-costed FTE rate compared to FY 2023 due to an increase in salaries and benefits.

The 10 CFR part 170 estimated billings associated with the current fleet of operating non-power production or utilization facilities licensees subject to annual fees have declined compared to FY 2023 due to a reduction in workload for license amendment activities associated with the shutdown of the General Electric Hitachi Vallecitos Nuclear Center in FY 2024. The 10 CFR part 170 estimated billings with respect to medical radioisotope production facilities and advanced research and test reactors have declined when compared with FY 2023 primarily due to the following: (1) a reduction in staff hours due to the delay with SHINE's operating license application and a delay in the construction schedule; and (2) the completion of the safety review of the Kairos Power, LLC's (Kairos) application for a permit to construct the Hermes 1 test reactor. This decline in 10 CFR part 170 estimated billings is offset due to the following: (1) the review of the Kairos Hermes 2 application for a permit to construct two test reactors; and (2) conducting pre-application meetings due to the anticipated

submission of several license applications.

Furthermore, the increase in the annual fee is also affected by these contributing factors: (1) an increase in the 10 CFR part 171 billing adjustment due to the timing of invoices in FY 2023; and (2) an increase in the generic transportation surcharge due to an increase in the generic transportation budgeted resources for the non-power production or utilization facilities fee class.

The annual fee recovery amount is divided equally among the three non-power production or utilization facilities licensees subject to annual fees and results in an FY 2024 annual fee of $97,200 for each licensee.

f. Rare Earth

In FY 2024, the NRC has allocated approximately $0.2 million in budgeted resources to this fee class; however, because all the budgeted resources will be recovered through service fees assessed under 10 CFR part 170, the NRC will not assess or collect annual fees in FY 2024 for this fee class.

g. Materials Users

The NRC will collect $46.3 million in annual fees from materials users licensed under 10 CFR parts 30, 40, and 70 in FY 2023, as shown in Table XVI. The FY 2024 materials users fees are shown for comparison purposes.

TABLE XVI—ANNUAL FEE SUMMARY CALCULATIONS FOR MATERIALS USERS

[Dollars in millions]

| Summary fee calculations | FY 2023 final rule | FY 2024 final rule |
|---|---|---|
| Total budgeted resources for licensees not regulated by Agreement States | $38.7 | $44.3 |
| Less estimated 10 CFR part 170 receipts | −1.2 | −0.8 |
| Net 10 CFR part 171 resources | 37.5 | 43.5 |
| Allocated generic transportation | 2.0 | 2.6 |
| LLW surcharge | 0.1 | 0.1 |
| Billing adjustments | 0.0 | 0.1 |
| Total required annual fee recovery | $39.7 | $46.3 |

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 $46.3 million for FY 2024 shown in table XVI consists of $36.6 million for general costs, $9.5 million for inspection costs, and $0.1 million for LLW costs. To equitably and fairly allocate the $46.3 million required to be collected among approximately 2,400 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 is the methodology 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 2023, the FY 2024 annual fees are increasing for all fee categories within the materials users fee class, ranging from 14 percent to 25 percent primarily due to an increase in the budgeted resources. The budgeted resources increased due to the following: (1) an increase in licensing and oversight workload, including the expected reviews of exempt distribution and sealed source device applications, updating licensing guidance, and the development of a regulatory guide on veterinary issues; (2) hiring actions to double encumber and train health physics staff to ensure an appropriate pipeline and knowledge management for future agency mission related activities; (3) support for rulemaking activities; (4) support for materials research activities; and (5) an increase in the fully-costed FTE rate compared to FY 2023 due to an increase in salaries and benefits.

In addition, the FY 2024 annual fees are increasing due to the following: (1) an increase in generic transportation costs for materials users; (2) a decrease in the 10 CFR part 170 estimated billings for new licensing applications; (3) a decrease of 53 materials users licensees from FY 2023; and (4) an increase in the 10 CFR part 171 billing adjustment due to the timing of invoices issued in FY 2023.

A constant multiplier is established to recover the total general costs (including allocated generic transportation costs) of $36.6 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 1.29 for FY 2024. The average inspection cost is the average inspection hours for each fee category multiplied by the professional hourly rate of $317. The inspection priority is the interval between routine inspections, expressed in years. The inspection multiplier is established to recover the $9.5 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 1.72 for FY 2024. 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 annual fee being assessed to each licensee also takes into account a share of approximately $0.1 million in LLW surcharge costs allocated to the materials users fee class (see Table IV, ''Allocation of LLW Surcharge, FY 2024,'' of this document). The annual fee for each fee category is shown in the revision to § 171.16(d).

h. Transportation

The NRC will collect $2.3 million in annual fees to recover generic transportation budgeted resources in FY 2024, as shown in table XVII. The FY

2023 fees are shown for comparison purposes.

TABLE XVII—ANNUAL FEE SUMMARY CALCULATIONS FOR TRANSPORTATION

[Dollars in millions]

| Summary fee calculations | FY 2023 final rule | FY 2024 final rule |
|---|---|---|
| Total budgeted resources | $11.1 | $13.0 |
| Less estimated 10 CFR part 170 receipts | −3.4 | −2.4 |
| Net 10 CFR part 171 resources | 7.7 | 10.6 |
| Less generic transportation resources | −6.0 | −8.2 |
| Billing adjustments | 0.0 | 0.0 |
| Total required annual fee recovery | $1.7 | $2.3 |

In comparison to FY 2023, the FY 2024 annual fee for the transportation fee class is increasing primarily due to an increase in the budgeted resources; (2) a rise in the distribution of the generic transportation resources allocated to other fee classes; and (3) a decrease in the 10 CFR part 170 estimated billings.

In FY 2024, the budgeted resources increased primarily to support the following: (1) rulemaking activities; (2) environmental reviews and licensing of transportation packages for ATF, the anticipated licensing review of one transportable microreactor application, other advanced reactors fuels, and microreactors; and (3) a rise in the fully-costed FTE rate compared to FY 2023 due to an increase in salaries and benefits.

The increase in the annual fee is partially offset by a rise in the distribution of generic transportation resources allocated to respective other fee classes resulting from additional number of CoCs for 2024.

Furthermore, the annual fee is also increasing due to a decrease in the 10 CFR part 170 estimated billings as a result of: (1) delays in submittals of major amendments of transportation packages and submittals requiring revisions to the applications; and (2) a delay in inspection activities.

Consistent with the policy established in the NRC's FY 2006 final fee rule (71 FR 30722; May 30, 2006), the NRC recovers generic transportation 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 three out of 30 operating non-power production or utilization facilities licensees are subject to annual fees. Consequently, the number of CoCs used to determine the proportion of generic transportation resources allocated to annual fees for the non-power production or utilization facilities fee class has been adjusted to 0.5 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 2024

[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 | 24.0 | 25.1 | $2.7 |
| Operating Power Reactors | 6.0 | 6.3 | 0.7 |
| Spent Fuel Storage/Reactor Decommissioning | 21.0 | 22.0 | 2.3 |
| Non-Power Production or Utilization Facilities | 0.5 | 0.5 | 0.0 |
| Fuel Facilities | 23.0 | 24.1 | 2.5 |
| Subtotal of Generic Transportation Resources | 74.5 | 78.0 | 8.2 |
| DOE | 21.0 | 22.0 | 2.2 |
| Total | 95.5 | 100.0 | 10.6 |

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

*FY 2024—Policy Changes*

The NRC is not making any policy changes in FY 2024.

*FY 2024—Administrative Changes*

The NRC is making 11 administrative changes in FY 2024:

1. *Amend §§ 2.205(i), 15.35(c), 37.27(c)(2), 73.17(m)(1), 73.57(d)(3)(i), 110.64(e), 140.7(d), 170.12(f), and 171.19(a) by clarifying payment methods.*

The NRC is amending §§ 2.205(i), 15.35(c), 37.27(c)(2), 73.17(m)(1), 73.57(d)(3)(i), 110.64(e), 140.7(d),

170.12(f), and 171.19(a) to align with the U.S. Department of the Treasury's (Treasury) ''No-Cash No-Check'' policy. The Treasury encourages Federal agencies to use the most efficient, cost-effective, and best-suited collection and payment solutions. The Treasury's Bureau of the Fiscal Service provides central collection and payment services to agencies to maintain the financial integrity and operational efficiency of the Federal Government. The Treasury's Bureau of the Fiscal Service notified the NRC that the agency is expected to transition from paper-based collections to one or more offered electronic methods by September 30, 2024.

The ''No-Cash No-Check'' policy will improve timeliness of collections, thereby reducing interest/penalty/administrative fees associated with late payments, and reduce resources associated with processing paper checks. The available electronic payment options will enhance processing speed and accuracy, and adopting this policy will make consumer and business payments and remittances to agencies easier and more efficient. Accordingly, the NRC is amending §§ 2.205(i), 15.35(c), 37.27(c)(2), 73.17(m)(1), 73.57(d)(3)(i), 110.64(e), 140.7(d), 170.12(f), and 171.19(a) to revise available payment methods to remove paper forms of payment and provide that payments are to be made electronically using the methods accepted at *www.Pay.gov.*

2. *Amend table 1 in § 170.31 to add language to 7.A, 7.A.1, 7.A.2, 7.C, 7.C.1, and 7.C.2 for clarity.*

The NRC is amending table 1 in § 170.31 to add language to 7.A., 7.A.1, 7.A.2, 7.C, 7.C.1, and 7.C.2, to clarify with respect to 10 CFR part 170 fees that these categories also include the possession and use of source material for shielding when authorized on the same license.

3. *Revise footnote 17 to table 2 in § 171.16(d) for clarity.*

The NRC is revising footnote 17 in table 2 paragraph (d) in § 171.16 to clarify that with respect to annual fees, medical licensees paying fees under 7.A, 7.A.1, 7.A.2, 7.B, 7.B.1, 7.B.2, 7.C, 7.C(1), or 7.C(2) are not subject to fees under 2.B. for possession and shielding authorized on the same license.

## III. Public Comment Analysis

*Overview of Public Comments*

The NRC published a proposed rule on February 20, 2024 (89 FR 12759) and requested public comment on its proposed revisions to 10 CFR parts 170 and 171. By the close of the comment period, the NRC received nine written comment submissions on the FY 2024 proposed rule. In general, commenters were supportive of the specific proposed regulatory changes, although most commenters expressed concerns about broader fee policy issues related to the overall size of the NRC's budget, fairness of fees, transparency, and budget formulation. Some commenters' concerns were outside the scope of the fee rule.

The commenters are listed in Table XIX.

TABLE XIX—FY 2024 PROPOSED FEE RULE COMMENTER SUBMISSIONS

| Commenter | Affiliation | ADAMS Accession No. |
|---|---|---|
| Susan Shultz | Self | ML24059A041 |
| Congressman Byron Donalds, et. al | United States Congress | ML24078A249 |
| Wayne Norton | Decommissioning Plant Coalition (DPC) | ML24080A062 |
| Gary D. Camper | BWXT Nuclear Operations Group, Inc. (BWXT) | ML24080A063 |
| Dr. Jennifer L. Uhle | Nuclear Energy Institute (NEI) | ML24082A097 |
| Justin Both | NextEra Energy Duane Arnold, LLC (DAEC) | ML24082A191 |
| Kevin Lueshen | Constellation Energy Generation, LLC (CEG) | ML24082A228 |
| Nader Mamish | Westinghouse Electric Company, LLC (Westinghouse). | ML24082A229 |
| Sara L. Scott | Xcel Energy | ML24082A230 |

Information about obtaining the complete text of the comment submissions is provided in the ''Availability of Documents,'' section of this document.

## IV. Public Comments and NRC Responses

The NRC has carefully considered the public comments received on the proposed rule. The comments have been organized by topic. Comments from multiple commenters raising similar specific concerns were combined to capture the common issues raised by the commenters. Comments from a single commenter have been quoted to ensure accuracy; brackets within those comments are used to show changes that have been made to the quoted comments.

*A. Use of Fee-Based Carryover To Reduce Fees*

*Comment:* Several commenters suggested that the NRC should use the additional carryover to further offset FY 2024 budgets for Operating Power Reactors, Spent Fuel Storage/Reactor Decommissioning, Non-Power Production or Utilization Facilities, and Fuel Cycle Facilities to help reduce fees. (NEI, Westinghouse, and CEG)

*Response:* Each fiscal year, the NRC follows the direction of Congress that accompanies the annual appropriations act. The FY 2024 final fee rule reflects a total budget authority in the amount of $944.1 million, which is an increase of $16.9 million from FY 2023, but a decrease of $35.1 million from the FY 2024 proposed fee rule. The estimated net budget authority (*i.e.,* excluded activities) specified in the Consolidated Appropriations Act, 2024, for the NRC's ''Salaries and Expenses'' account reflects a decrease of $18.9 million from the FY 2024 budget request. The explanatory statement associated with the Consolidated Appropriations Act, 2024, directed the NRC to use $62.0 million of carryover. The explanatory statement allocates $16.0 million for the UNLP and language in the Senate Report demonstrates an intent for the NRC to fund the UNLP in FY 2024 using fee-based carryover. The direction to use the $62.0 million carryover also reflects the $27.1 million proposed in the FY 2024 budget request to offset the Nuclear Reactor Safety budget and an additional $18.9 million in prior-year unobligated balances, which offsets the $18.9 million reduction in the estimated net budget authority specified in the Consolidated Appropriations Act, 2024, for the NRC's ''Salaries and Expenses'' account. With these allocations of the $62.0 million in prior-year unobligated carryover funds, no additional carryover

remains that could be applied to offset fees for other fee classes.

No changes were made to this final rule as a result of these comments.

*B. Transparency*

*Comment:* ''Most licensees must estimate and budget their NRC fees well in advance of the proposed fee rule and upon issuance must adjust their operating budget to accommodate the changes. Given the significant changes that are likely to result from the Consolidated Appropriations Act of 2024, we strongly encourage the NRC to use any means available to notify licensees of any substantial changes made during the crafting of the final rule. This would provide licensees the additional time needed to realign their budgets.'' (NEI)

*Response:* The NRC strives to ensure that the proposed fee rule is as accurate as possible and explains its assumptions about the budgetary resources and other factors associated with annual fees to provide the best information available regarding the fiscal year's proposed fees. The NRC discussed these assumptions during the March 7, 2024, public meeting on the FY 2024 proposed fee rule.

The NRC must comply with statutory requirements, including NEIMA and the Administrative Procedure Act (APA). NEIMA requires 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, through fees assessed by the end of the fiscal year. Section 553 of the APA requires the NRC to give the public an opportunity to comment on a published proposed rule. Because the Office of Management and Budget has found the fee rule to be a major rule under the Congressional Review Act, the effective date of the final rule cannot be less than 60 days from the date of publication and must allow for timely final billing prior to the end of the fiscal year (*i.e.,* September 30, 2024 for FY 2024). Depending on the timing of the enacted budget, the NRC may not have sufficient time to provide advance notification of all changes within the final rule prior to publication and meet its statutory requirements.

No changes were made to this final rule in response to these comments.

*C. Fuel Facilities Fee Class Budget and Increase in the Annual Fees*

*Comment:* Several commenters expressed concerns about the average 22 percent annual fee increase for all operating fuel cycle facilities, which is a significant escalation in comparison to the agency's budgeted increase of 5.62% and multiples higher than the other business lines. The commenters stated that the fuel facilities business line budget and annual fees decreased for each of the fiscal years (FY 2019–FY 2022) to more accurately reflect the reduced number of operating facilities and the corresponding reduction in workload. The commenters expressed concern that increase in the annual fees in FY 2023 and FY 2024 is not efficient and limits the potential of nuclear energy advancement, and that despite the number of operating facilities remaining steady, the proposed annual fee increase is not based on quantitative workload or effort factors and does not reflect the relatively low risk profile of the existing and predicted fuel cycle facility fleet. The commenters expressed concern that the basis for the increase in the annual fee is not adequate and clear. In addition, the commenters expressed concern regarding the increase in the budget for licensing and oversight activities and the disparity between lower 10 CFR part 170 (service fees) relative to 10 CFR part 171 (annual fees). The commenters also expressed that available carryover funds should be applied to eliminate the proposed 22 percent increase above the FY 2023 levels. One commenter suggested that the NRC should apply an annual fee cap to fuel facilities, similar to the annual fee cap for operating power reactors in NEIMA. (NEI, BWXT, and Westinghouse)

*Response:* The NRC remains mindful of the impact of its budget on the fees for the fuel facilities fee class. The NRC notes that efforts to deploy ATF and advanced reactors, along with a focus on domestic fuel supplies, have resulted in an environment with a fluctuating workload. When formulating the budget, the NRC takes into consideration various factors, including workload forecasting, historical data and trends in the business line, information from licensees and potential applicants, and uncertainty of projections. The NRC assesses the current environment and looks for significant drivers that could impact future workload. These include, but are not limited to, technical and regulatory developments that have the potential to generate additional work or reduce work (*i.e.,* pre-application activities and applications for new fuel facilities, potential major amendments and license termination requests, rulemaking activities, guidance development, and oversight of the fuel facilities program), related reactor licensing work, federal funding opportunities, and geopolitical changes that could influence the availability of uranium.

In addition, the NRC evaluates historical data and trends to measure how execution in previous years lines up with the budget assumptions at the time. The NRC uses that data to inform the budget and identify areas where the assumptions previously used have changed. Historical data allows the NRC to identify trending in quantity and/or complexity of the planned submittals, and to incorporate efficiencies gained and lessons learned from previous data.

The NRC also relies on communication from stakeholders to identify accurate dates for planned submittals (*i.e.,* major amendment requests, renewals, and new fuel facility applications), including letters of intent provided by licensees and applicants, and collecting information from Federal partners. For large licensing projects, the NRC tries to balance the appropriate resource needs against the relative certainty that an application will be submitted on schedule.

While the NRC understands the commenters' concerns regarding the impact of budget on the existing operating fuel facilities licensees, NEIMA requires the NRC to recover, to the maximum extent practicable, approximately 100 percent of its annual budget authority, less the budget authority for excluded activities, and to do so through a combination of both user fees and annual fees. When budgeted 10 CFR part 170 work does not materialize (due to circumstances like delayed or cancelled licensing submittals or construction inspections) changes to the annual fee for the fee class can result. This change in 10 CFR part 170 billings due to fact-of-life changes was a significant contributor to the annual fee increases in FY 2023 and FY 2024 for the fuel facilities fee class.

As expressed by the commenters, from FY 2019 through FY 2022, the annual fee for fuel facilities fee class decreased each year and, after a significant decrease in the budgeted resources for the fee class from FY 2019 to FY 2020, budgeted resources remained relatively flat from FY 2020 to FY 2022. The decrease in the fuel facilities budgeted resources over this period appropriately aligned resources with the projected workload for the fuel facilities fee class at the time. For example, during this time, there were fewer license renewals, limited guidance development, and only routine licensing actions.

In FY 2023, the fuel facilities fee class experienced an increase in the budget by $4.2 million compared to FY 2022, which included an increase of 5.3 FTE

and approximately $0.5 million in contract support, for licensing, oversight, and rulemaking activities. The FY 2024 fuel facilities fee class budget is $30.9 million, which includes 58.9 FTE and approximately $2.9 million in contract support resources. This is $0.9 million or 3 percent higher than the FY 2019 fuel facilities budgeted resources of $30.0 million, which included 66.7 FTE and approximately $2.0 million in contract support.

The FY 2024 CBJ, published in March 2023, explains that the increase in budgeted resources for the fuel facilities business line supports activities such as: (1) licensing actions related to enrichment and manufacturing of HALEU fuel and ATF; (2) the review of one new fuel facility license applications; (3) programmatic oversight activities in support of Category II fuel facilities and an anticipated new fuel facility; (4) potential rulemaking for enhanced security of special nuclear material and guidance development for fuel cycle facility security; and (5) an increase in the fully-costed FTE rate compared to FY 2023 due to an increase in salaries and benefits to support Federal pay raises for NRC employees. The increase in budgetary resources is partially offset due to a decline in IT services. Additionally, changing workload drivers, including delays in the submittal of licensing activities, have impacted the FY 2024 budget for the fuel facilities business line.

Consistent with NEIMA, when developing the annual fee rule, the NRC accounted for changes that occurred in the two-year interval between the development of the FY 2024 budget request, which began in FY 2022, and the enactment of the FY 2024 appropriation in March 2024.

As part of developing the annual fee rule, the NRC estimates the amount of 10 CFR part 170 service fees by each fee class by analyzing billing data and the actual cost of work under NRC contracts charged to licensees and applicants for the previous four quarters. The estimate, therefore, reflects recent changes in the NRC's regulatory activities. The NRC used four quarters of the prior year invoice data to calculate fees in its FY 2024 proposed rule, and is using a combination of two quarters of the prior year and two quarters of the current year billing data (which is also updated to reflect workload changes) for this final fee rule.

In the FY 2024 proposed fee rule, the 10 CFR part 170 estimated service fees for the fuel facilities fee class increased from $9.2 million in FY 2023 to $10.5 million as shown in the FY 2024 proposed fee rule, which is an increase of $1.3 million or approximately 14.1 percent compared to FY 2023.

During the March 7, 2024, public meeting to discuss the FY 2024 proposed fee rule, the NRC explained that the increase in proposed annual fees for the fuel facilities fee class was primarily due to budget increases and lower than anticipated 10 CFR part 170 billings. At the public meeting, the NRC explained that the increase in proposed annual fees described in the FY 2024 proposed fee rule was primarily due to budget increases and lower than anticipated 10 CFR part 170 billings. The lower than anticipated 10 CFR part 170 billings was because of delays in the submittals of Niowave's new medical isotope production facility application and Global Nuclear Fuel-Americas amendment supporting Natrium fuel fabrication. The FY 2024 final fee rule reflects a further decrease in 10 CFR part 170 billings that was caused by the completion of more licensing actions than estimated, the further delay in commencing inspection activities for the TRISO–X, LLC new fabrication facility, the slowdown of the TRISO–X, LLC new fuel facility license application review while the NRC awaits the applicant's submittal of a major design change, and other delays in routine licensing actions.

During the public meeting, the NRC identified that, during the budget formulation and execution process, it can account for fact-of-life changes and implemented these changes, where possible, in FY 2024. These changes are reflected in the FY 2024 final fee rule, where the NRC reallocated resources from the fuel facility fee class to other fee classes within the nuclear materials and waste safety control point. While these changes did not lower the final FY 2024 annual fees for the fuel facilities fee class in comparison to the annual fees in FY 2024 proposed fee rule, they did mitigate what would have been an even more significant increase.

Although the NRC is aware of the impact its budgeted resources has on the fees for fuel facilities licensees subject to 10 CFR part 171 annual fees, the fee class budget is not linearly proportional to the number of licensees in the fuel facilities fee class. Resources are required to develop and maintain the infrastructure independent of the number of operational fuel facilities. The fuel facilities business line must maintain certain minimum requirements to meet the NRC's regulatory and statutory oversight role. This includes maintaining expertise in several technical areas, including integrated safety analysis, radiation protection, criticality safety, chemical safety, fire safety, emergency management, environmental protection, decommissioning, management measures, material control and accounting, physical protection, and information security. Budgeted resources in technical areas are recovered through 10 CFR part 170 user fees as well as 10 CFR part 171 annual fees. Additionally, the infrastructure costs include indirect services and the business line portion of corporate support. Indirect services include rulemaking, maintaining guidance for licensees, maintaining procedures for NRC staff, training, and travel. Corporate support includes, but is not limited to, the cost for information management and technology, security, facilities management, rent, utilities, human resources, financial management, and acquisitions.

As explained above, because the NRC's fee recovery under 10 CFR part 170 will not equal approximately 100 percent of the agency's budget authority for the fiscal year (less the budget authority for excluded activities), the NRC also assesses 10 CFR part 171 annual fees. Estimated 10 CFR part 170 billings, therefore, are inversely related to the proposed annual fee for a fee class. The more the NRC estimates to collect in 10 CFR part 170 billings, the less it assesses in annual fees. While the NRC anticipated an increase in 10 CFR part 170 estimated billings in the FY 2024 proposed fee rule, this anticipated increase was not enough to offset the overall increase in budgetary resources in FY 2024. Moreover, additional decreases in 10 CFR part 170 billings occurred since the issuance of the FY 2024 proposed fee rule that contributed to the additional increase in the annual fees for the fuel facilities fee class in the FY 2024 final fee rule. The additional decreases in 10 CFR part 170 billings were caused by the completion of more licensing actions than estimated, the further delay in commencing inspection activities for the TRISO–X, LLC new fabrication facility, the slowdown of the TRISO–X, LLC new fuel facility license application review while the NRC awaits the applicant's submittal of a major design change, and other delays in routine licensing actions.

One commenter also recommended that the NRC apply an annual cap to fuel facilities, similar to the annual fee cap for operating power reactors in NEIMA. Section 102(b)(3)(B)(i) of NEIMA established a cap for the annual fees charged to operating reactor licensees. Under this provision, the annual fee for an operating reactor licensee, to the maximum extent practicable, shall not exceed the annual

fee amount per operating reactor licensee established in the FY 2015 final fee rule, adjusted for inflation. NEIMA did not establish such a cap on the annual fees charged to fuel facility licensees.

This final fee rule does not include an annual cap to fuel facilities. The NRC will continue to assess resource requirements, evaluate programmatic efficiencies, and make changes as appropriate. In addition, the NRC staff is exploring options to address the volatility in the fuel facilities fee class annual fees and will engage with the Commission as appropriate.

No changes were made to this final rule as a result of these comments.

*Comment:* Several commenters expressed concerns that they have finalized their calendar year 2024 budgets and funding a 22 percent increase in the FY 2024 annual fees is not currently budgeted and can only be fulfilled by making difficult resource decisions while maintaining the safety and security of plant operations. (NEI and Westinghouse)

*Response:* The NRC recognizes that the issuance of the fee rule may not coincide with budget cycles of industry. NEIMA requires the NRC to recover, to the maximum extent practicable, approximately 100 percent of its annual budget authority, less the budget authority for excluded activities, through fees by the end of the fiscal year. The NRC must set its fees in accordance with the enacted budget. Even though the NRC does not know the amount of fees it will need to collect until after it receives an annual appropriation from Congress, the NRC starts the process of developing the fee rule in the preceding summer to allow for timely final billing prior to the end of the fiscal year, consistent with the requirements of NEIMA.

Furthermore, the NRC must comply with additional statutory requirements, including the APA. Section 553 of the APA requires the NRC to give the public an opportunity to comment on a published proposed rule. Moreover, because OMB has found the fee rule to be a major rule under the Congressional Review Act, the effective date of this final rule cannot be less than 60 days from the date of publication and must allow for timely final billing prior to the end of the fiscal year. NEIMA requires the NRC to collect fees for FY 2024 by September 30, 2024. These scheduling constraints required the NRC to propose revisions to its fee schedules before receiving its annual appropriation.

The NRC strives to ensure that the proposed fee rule is as accurate as possible and explains its assumptions about the budgetary resources and other factors associated with annual fees to provide the best information available regarding the fiscal year's proposed fees. The NRC discussed these assumptions during the March 7, 2024, public meeting on the FY 2024 proposed fee rule. The NRC recognizes that the issuance of the fee rule may not coincide with budget cycles of industry; however, the NRC must promulgate a notice-and-comment rule based on the most accurate data available regarding the cost of NRC services in the context of the NRC's budget for a given fiscal year. Nonetheless, the NRC can and will continue to inform licensees of anticipated major changes in 10 CFR part 170 billings based on changes in the timing of licensing action submittals or inspection activities that could ultimately impact annual fees.

No changes were made to this final rule as a result of these comments.

*D. Operating Power Reactors Fee Class Budget and Declining 10 CFR Part 170 Estimated Billings*

*Comment:* ''Approximately 83% of the fee class budget for FY2024 is from the power reactor fee class. Over the past five years the Part 170 fee-for-service collections have decreased by 24%, meaning that the NRC's fee-for-service workload has decreased by roughly 34%. Yet, over this same period, the budget for operating reactors has increased. Consequently, a greater percentage of the operating budget is required to be recovered through annual fees. . . . [T]he percentage of the operating plant budget that is derived from annual fees (currently at 76.4%) continues to increase; up from 68% in FY2019. This growing disparity between 'fee-for-service' collections and 'overhead,' combined with the increasing levels of carryover, point to a need for the NRC to reevaluate its budget and fee collection model.'' (NEI)

*Response:* The NRC disagrees with the commenter's suggestion that the allocation of service fees versus annual fees for the operating power reactor fee class in the FY 2024 proposed fee rule necessities a revaluation of the NRC's fee-recovery framework. The operating power reactors fee class supports the activities of the operating reactors and new reactors business lines, including both direct-billable licensing actions and those general activities that indirectly support the agency's mission in these areas. The NRC's FY 2024 CBJ provided the agency's explanation and justification for the resources requested to allow the agency to complete its mission, and the reason for the changes in the budget for the NRC compared to the prior year.

The NRC continues to actively evaluate resource requirements to address changes that occur between budget formulation and execution, and to pursue improvements that enhance the accuracy of projections used in budget formulation. For example, the NRC considers projected operating power plant closures and other external factors when estimating workload changes in a manner that allows the agency to meet its fee collection statutory responsibilities as the industry changes. The NRC also seeks information from licensees and other entities relevant to projected workload through public meetings and other forms of public outreach, to better inform the NRC's budget formulation workload assumptions.

Ultimately, however, the NRC budget is not linearly proportional to the size of the operating fleet, as there is a cost for the agency infrastructure that must be maintained independent of the number of operating power reactors in the fleet.

Consistent with NEIMA, when developing the annual fee rule, the NRC considered changes that occurred in the two-year interval between the development of the FY 2024 budget request, which began in FY 2022, and the enactment of the FY 2024 appropriation in March 2024. The NRC strives to ensure that the proposed fee rule is as accurate as possible and explains its assumptions about the budgetary resources and other factors associated with annual fees to provide the best information available regarding the fiscal year's proposed fees. As part of the development of the annual fee rule, the NRC estimates the amount of 10 CFR part 170 service fees by each fee class by analyzing billing data and the actual cost of work under NRC contracts charged to licensees and applicants for the previous four quarters. The estimate, therefore, reflects any recent changes in the NRC's regulatory activities.

The FY 2024 proposed rule utilized four quarters of the prior year invoice data, while the NRC is using a combination of two quarters of the prior year and two quarters of the current year billing data (which is also updated to reflect workload changes) for the FY 2024 final rule. In the FY 2024 proposed fee rule, the 10 CFR part 170 estimated service fees for the operating power fee class increased from $158.9 million in FY 2023 to $165.3 million as shown in the FY 2024 proposed fee rule, which is an increase of $6.4 million or approximately 4.0 percent compared to FY 2023. As described in the FY 2024

proposed fee rule, the 10 CFR part 170 estimated billings increased primarily due to the following: (1) an anticipated increase in hours associated with the review of an increasing number of license renewal applications; and (2) an anticipated increase in new reactor licensing activities, including the review of standard design approvals, pre-application activities, and construction permits. This estimated increase is partially offset by an expected decline in the submission of topical reports. The NRC discussed these assumptions for the operating power reactors fee class during the March 7, 2024, public meeting on the FY 2024 proposed fee rule.

The NRC will continue to assess resource requirements, evaluate programmatic efficiencies, and make changes as appropriate.

No changes were made to this final rule as a result of these comments.

*E. General Comments on the Increase in the Budget and the Hourly Rate*

*Comment:* Some commenters expressed concern about the overall increase in the budget, which has resulted in increases in annual fees and the hourly rate in FY 2024 and the potential for increases in the future. The commenters requested that the NRC re-evaluate fees associated with the FY 2024 proposed fee rule. (Congressman Byron Donalds, et. al, DPC, DAEC, BWXT, NEI, Westinghouse)

*Response:* The NRC is committed to the application of fairness and equity in the assessment of fees. Fees are reassessed annually with stakeholder engagement and published in the **Federal Register** for public comment. The NRC held a public meeting on March 7, 2024, to discuss the key aspects of the FY 2024 proposed fee rule, including the impact of the budget upon fees. In developing the budget, the NRC seeks information on projected workload through public meetings, letters of intent from industry, and other forms of public outreach with licensees to better inform budget formulation workload assumptions. NEIMA 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. The FY 2024 proposed fee rule was based on the FY 2024 budget request because a full-year appropriation had not yet been enacted for FY 2024. A full-year appropriation was enacted on March 9, 2024, with the Consolidated Appropriations Act, 2024, which included less total budget authority than the budget request and direction to use $62.0 million in carryover funding. As a result, the FY 2024 final fee rule reflects the NRC's re-evaluation of fees based on the FY 2024 enacted budget. In addition, the final fee rule reflects updates to estimated billings based on workload changes for each fee class.

The NRC will continue to assess resource requirements, evaluate programmatic efficiencies, and make changes as appropriate. For example, the NRC recently modified its fee regulations to address the economic differences between the current fleet of large operating reactors and much smaller small modular reactors (SMRs) to make them technology-inclusive and establish a fair and equitable approach for assessing annual fees to all SMRs, in light of increased interest in licensing non-light water reactors.

No changes were made to this final rule as a result of these comments.

*F. Non-Power Production or Utilization Facilities*

*Comment:* ''The FY2024 proposed fee rule represents a 1.5% increase in the annual fee for the three paying licensees in the fleet. Notably, we understand that in FY2025, the number of fee-paying facilities will drop from three to two. Because of this significant change (representing a 33% reduction of the fee-paying licensee base), we are concerned about the downstream effects this could place on the two remaining licensees, resulting in a disproportionate financial impact and burden. This undesirable outcome has been observed with prior year fee rules in several other business lines, including NPUFs, when the size of the fleet is significantly downsized, yet the overall business line is not commensurately reduced. The staff highlighted this fact in the February 22, 2024, Commission briefing on the research and test reactor regulatory program. The staff stated that they are currently pursuing mitigating solutions for FY2025. We look forward to hearing more from the staff on any solutions, and we are open to supporting further dialogue on this topic. As this FY2025 decrease in the number of facilities is known, we expect the NRC to reduce its resources commensurately. This is especially important considering their primary national mission of education, research, training, and outreach, as highlighted in the Atomic Energy Act, Section 104(c).'' (NEI)

*Response:* The NRC recognizes the impact of its budgeted resources on the fees for facilities involved in education, research, training, and outreach. As mentioned during the February 22, 2024, Commission meeting, and the March 7,2024, public meeting to discuss the FY 2024 proposed fee rule, the NRC is actively exploring options to address the non-power production or utilization facilities (NPUF) fee class due to the decline in number of operating NPUFs and will engage with the Commission as appropriate.

For this fee rule, in FY 2024, the NRC budgeted activities for NPUFs to address emerging work needs and maintaining adequate oversight of the existing fleet of facilities. As discussed in the FY 2024 proposed fee rule, the NPUF budgetary resources, which are included under the operating reactors business line, decreased because of a reduction in medical radioisotope production facilities workload primarily due to a delay with the SHINE operating license application for a medical radioisotope production facility and a delay in the construction schedule. The decrease in the budgeted resources was partially offset by an increase in the fully-costed FTE rate compared to FY 2023 due to an increase in salaries and benefits. In addition, the 10 CFR part 170 estimated billings associated with the current fleet of operating NPUF licensees subject to annual fees have declined compared to FY 2023 due to a reduction in workload for license amendment activities associated with the anticipated shutdown of the General Electric Hitachi Vallecitos Nuclear Center in FY 2024. The 10 CFR part 170 estimated billings with respect to medical radioisotope production facilities and advanced research and test reactors have declined when compared with FY 2023 primarily due to the following: (1) a reduction in staff hours due to the delay with SHINE's operating license application and a delay in the construction schedule; and (2) the completion of the safety review of the Kairos application for a permit to construct the Hermes 1 test reactor. This decline in 10 CFR part 170 estimated billings is offset due to the following: (1) the review of the Kairos Hermes 2 application for a permit to construct two test reactors; and (2) conducting pre-application meetings due to the anticipated submission of several license applications.

While the NRC agrees that it should reduce its budget commensurate with the reduction in the number of NPUFs that pay fees, that reduction is not linearly proportional as there is a cost for the infrastructure that must be maintained independent of the number of operational NPUFs. These infrastructure costs include indirect services and the business line portion of corporate support. Indirect services include rulemaking, maintaining

guidance for licensees, maintaining procedures for NRC staff, training, and travel. Corporate support includes, for example, the cost for information management, IT, security, facilities management, rent, utilities, financial management, acquisitions, human resources, and policy support.

No changes were made to this final rule as a result of these comments.

*G. Corporate Support Cap*

*Comment:* ''We appreciate the NRC efforts to manage and reduce Corporate Support costs. However, these efforts do not appear to be effective. The Corporate Support budget for FY2024 is 30.2% of total budget authority compared to the FY2024 NEIMA limit of 29%. In FY2025 the NEIMA limit on Corporate Support budget decreases to 28%. However, the NRC's proposed budget for FY2025 has a Corporate Support budget that increases to 31.9% of total budget authority. We encourage NRC to double its efforts to reduce Corporate Support costs.'' (NEI)

*Response:* Section 102(a)(3) of NEIMA provides that corporate support costs include annual budget justification submitted to Congress, to the maximum extent practicable, shall not exceed 29%. This requirement pertains to the annual budget justification and does not apply to the annual fee rule.

As stated in the Executive Summary to the FY 2024 CBJ, the NRC's corporate support request was approximately 30.2 percent of the agency's total requested budget authority and reflects the agency's efforts to comply with section 102(a)(3)(A) of NEIMA to the maximum extent practicable.

The agency will continue efforts to implement efficiencies and invest resources in initiatives that will result in future savings in corporate support activities.

No changes were made to this final rule as a result of these comments.

*H. Excluded Activities*

*Comment:* Several commenters expressed concern about using fee-based carryover funding for the UNLP and not complying with NEIMA. One commenter stated that ''[t]he FY2024 proposed budget does not include funding for the University Nuclear Leadership Program (UNLP). However, the Consolidated Appropriations Act 2024 included $16 million for UNLP and directed the use of fee-based carryover funds for this purpose. This is contrary to the Nuclear Energy Innovation and Modernization Act (NEIMA) of 2018, where UNLP is one of the activities excluded from recovery using fee-based funding. The FY2024 payment, combined with similar payments in FY2023, FY2022 and FY2021, totals $64 million in payments by licensees that should have been excluded from the fee base.''

One commenter also expressed concern that licensee fees should not subsidize other Federal agencies. They stated, ''[t]he FY2024 budget includes approximately $6 million to subsidize rent for the Food and Drug Administration (FDA) and the National Institutes of Health (NIH). In its October 12, 2021, letter to Congress on NEIMA, NRC identified that over the course of this lease the nuclear industry will pay approximately $48 million to subsidize rent for the Food and Drug Administration (FDA) and the National Institutes of Health (NIH) in the 3WFN building. These payments do nothing to support the agency's mission and should not be funded through fees collected from NRC licensees and, ultimately, electricity rate payers. We encourage the NRC to continue its discussions with Congress to remove these payments from the fee base.'' (NEI and CEG)

*Response:* Each fiscal year, the NRC follows the direction of Congress that accompanies the annual appropriations act. In FY 2024, the explanatory statement associated with the Consolidated Appropriations Act, 2024 included direction for the NRC to use $62.0 million of carryover. The explanatory statement allocates $16.0 million for the UNLP, and consistent with language in the Senate Report, the UNLP is funded in FY 2024 using carryover. As part of the NRC's ongoing communications with Congress, the NRC provides information to and has discussions with Congress regarding various budgetary matters.

The Three White Flint subsidy is not currently an excluded activity under NEIMA.

No change was made to this final rule as a result of these comments.

*I. Future Policy Adjustments for Micro-Reactors*

*Comment:* ''We recognize that there are no further policy changes proposed this year following last year's addition of another minimum fee and variable rate for non-light water reactors under 10 CFR 171.15. NEI encourages the NRC to consider other changes to the fee structure for micro-reactors. Specifically, the overall licensing and ongoing oversight costs for micro-reactors need to be less than 1% of the total cost of manufacture and operations. If the policy in the current fee rule places undue economic burden on micro-reactors through annual fees that do not reflect lower oversight costs, due to their simplicity and very small radionuclide inventories, then the annual fees will challenge their economic viability. The current minimum fee, set equal to that of the NPUF fee class, is expected to be a significant percentage of annual operating costs for micro-reactors. Further, the distribution of NPUF fees for dozens of reactors among a fraction of payers (only three NPUF licensees are subject to annual fees) is not representative of commercial micro-reactor expectations to each pay their share of annual fees. The scaling of many tens or hundreds of micro-reactors up to 4500 MWth will continue to propagate the disproportionate impact and there may be a need for the policy to be revisited as early as next year.'' (NEI)

*Response:* In FY 2016, the NRC amended § 171.15 to establish a variable annual fee structure for LWR SMRs (81 FR 32617; May 24, 2016). Thereafter, in FY 2023, the NRC further amended § 171.15 to: (1) expand the applicability of the SMR variable fee structure to include non-LWR SMRs; and (2) establish an additional minimum fee and variable rate applicable to SMRs with a licensed thermal power rating of less than or equal to 250 MWt (88 FR 39120; June 15, 2023).

In developing this fee framework for SMRs, the NRC engaged with industry and other interested stakeholders to develop a knowledge base and understanding of the characteristics and proposed designs of non-LWR SMRs. The NRC also conducted public meetings with stakeholders to share information and discuss topics related to the development and licensing of non-LWRs and participated in preapplication activities with several applicants. During these public meetings, the NRC staff discussed possible approaches to assessing annual fees for non-LWR SMRs. Stakeholders recommended that the NRC consider lower fees for non-LWR SMRs and requested the NRC proceed with rulemaking expeditiously. In developing an approach to assess annual fees to future non-LWR SMRs, the NRC considered stakeholder input from these public meetings and analyzed a position paper from NEI, ''NEI Input on NRC Annual Fee Assessment for Non-Light Water Reactors.''

Ultimately, the NRC modified its fee regulations to address the economic differences between the current fleet of large operating reactors and much smaller SMRS to make them technology-inclusive and establish a fair and equitable approach for assessing annual

fees to all SMRs, including micro-reactors. That said, the NRC recognizes that the annual regulatory cost associated with LWR and non-LWR SMRs is inherently uncertain before such a licensed facility is operational.

As stated in the FY 2023 final fee rule, the NRC intends to re-evaluate the variable annual fee structure at the appropriate time to ensure consistency with NEIMA. This re-evaluation will occur once SMR facilities become operational and sufficient regulatory cost data becomes available. Operational experience data should provide insights that will identify the correlation between design features and the level of NRC oversight typically needed for these new types of power plants as well as inform whether further annual fee adjustments for SMRs may be needed. As cost data and operating experience for LWR and non-LWR SMRs are accumulated, the NRC will propose adjustments to fees as needed to make sure that the fees assessed to LWR and non-LWR SMRs (and to all operating power reactors) are commensurate with the regulatory support services provided by the NRC, consistent with NEIMA.

No changes were made to this final rule in response to these comments.

*J. Spent Fuel Storage/Reactor Decommissioning Fee Class*

*Comment:* Several commenters expressed concerns about the annual fee increase for the spent fuel storage/reactor decommissioning fee class. One commenter stated that an increase in annual and professional charges proposed for the fee class of 26.4 percent, and an increase of 117 percent since 2019, is systemically unsustainable. The commenter stated that their sites no longer produce electricity and the assumption that they will recover costs from the DOE via litigation or settlement(s) is one that ignores that the costs are not allowed for recovery. That cost is the erosion of the recovery due to the time value of money and that others do not receive full recovery of costs. Costs associated with the recovery process are not included. Another commenter stated that the FY 2024 proposed fee rule assigns the same fee for all decommissioning plants and does not distinguish between reactor sites that are actively decommissioning or moving spent fuel, which require significant active NRC oversight, and those in a SAFSTOR setting with no active fuel movement, which require much less NRC oversight. The commenters suggested that the NRC adjust the proposed rule to more accurately and equitably allocate its costs to plants in a decommissioning status based on the necessary level of NRC involvement. The commenters asked that the NRC undertake serious discussions internally, and then with the Congress and OMB, to seek long-term solutions to the dramatic and unsustainable increases in members' fees. (DPC and DAEC)

*Response:* The NRC is aware of the impact of the budget on the fees for the spent fuel storage/reactor decommissioning fee class that is assessed to 10 CFR part 50 and 10 CFR part 52 power reactor licensees, and on 10 CFR part 72 licensees that do not hold a 10 CFR part 50 license or a 10 CFR part 52 combined license. The spent fuel storage/reactor decommissioning fee class supports the activities of the spent fuel storage and transportation and the decommissioning and LLW business lines, including both direct-billable licensing actions and those general activities that indirectly support the agency's mission in these areas.

When formulating the budget, the NRC takes into consideration various factors, including workload forecasting, historical data and trends, information from licensees and potential applicants, and uncertainty of projections. The NRC assesses the current environment and performs workload forecasting, which includes looking for significant drivers that could impact the future workload. These include, but are not limited to, technical and regulatory developments that have the potential to generate additional work or reduce work. In addition, the NRC reviews historical data and trends to measure how execution in previous years lines up with the budget assumptions at the time. The NRC uses that data to inform the future budget and identify areas where the assumptions previously used may have changed. The NRC also relies on communications from stakeholders to identify planned submittals, including letters of intent. In budgeting for large licensing projects, the NRC tries to balance the anticipated resource needs against the relative certainty that an application will be submitted on schedule and the level of complexity.

The NRC's FY 2024 CBJ, published in March 2023, provided the agency's explanation and justification for the resources being requested to allow the agency to complete its mission under the spent fuel storage and transportation and the decommissioning and LLW business lines as pertaining to the spent fuel storage/reactor decommissioning fee class. As explained in the FY 2024 proposed fee rule, the spent fuel storage/reactor decommissioning fee class budgeted resources increased primarily to support the following: (1) an increase in FTEs to support licensing and oversight activities for the reactor decommissioning program, which includes both power and non-power reactors in various stages of decommissioning; and (2) an increase in the fully-costed FTE rate compared to FY 2023 due to an increase in salaries and benefits to support Federal pay raises for NRC employees.

While NRC recognizes the impact of its budgeted resources on the fees for the spent fuel storage/reactor decommissioning facilities subject to 10 CFR part 171 annual fees, the fee class budget is not linearly proportional to the number of facilities in the fee class. Resources are required to develop and maintain the infrastructure independent of the number of facilities in the spent fuel storage/reactor decommissioning fee class. The spent fuel storage and transportation and the decommissioning and LLW business lines must maintain certain minimum requirements to meet the NRC's regulatory and statutory oversight role.

Consistent with NEIMA, when developing the annual fee rule, the NRC considered changes that occurred in the two-year interval between the development of the FY 2024 budget request, which began in FY 2022, and the enactment of the FY 2024 appropriation in March 2024. As part of the development of the annual fee rule, the NRC estimates the amount of 10 CFR part 170 service fees by each fee class by analyzing billing data and the actual cost of work under NRC contracts charged to licensees and applicants for the previous four quarters. The estimate, therefore, reflects any recent changes in the NRC's regulatory activities. The FY 2024 proposed rule utilized four quarters of the prior year invoice data, while the NRC is using a combination of two quarters of the prior year and two quarters of the current year billing data (which is also updated to reflect workload changes) for the FY 2024 final rule.

The commenters also raised concerns regarding the professional charges and that the FY 2024 proposed fee rule does not distinguish between sites that are in active decommissioning or where licensees are moving spent fuel, and those in a SAFSTOR setting that require less oversight. Under NEIMA, the NRC must use its IOAA authority first to collect 10 CFR part 170 service fees for NRC work that provides specific benefits to identifiable recipients, such as licensing activities, inspections, and special projects. In so doing, the NRC establishes a professional hourly rate for its work. To the extent that the NRC's

work directly benefits a licensee or applicant, the NRC then collects 10 CFR part 170 user fees from that licensee or applicant. As a result, the spent fuel storage/reactor decommissioning fee class facilities are only paying 10 CFR part 170 fees for work that directly benefits an entity engaged in their specific activities (*i.e.,* decommissioning licensing and oversight activities, moving spent fuel, and the review of certificate of compliance applications for amendments). With respect to 10 CFR part 170 service fees, the NRC staff time spent on licensing and inspection activities is subject to change, depending on the novelty and complexity of the application under review or the facility being inspected. Because the NRC's fee recovery under the IOAA (10 CFR part 170) will not equal 100 percent of the agency's total budget authority for the fiscal year (less the budget authority for excluded activities), the NRC also assesses annual fees under 10 CFR part 171 to recover the remaining amount necessary to comply with NEIMA.

The NRC believes that the assessment of annual fees from 10 CFR part 50 and 10 CFR part 52 power reactor licensees, and from 10 CFR part 72 licensees that do not hold a 10 CFR part 50 license or a 10 CFR part 52 combined license under spent fuel storage/reactor decommissioning, is fair and equitable to recover NRC costs for generic spent fuel storage and reactor decommissioning activities. This annual fee includes the costs of the NRC's generic and other research activities directly related to reactor decommissioning and spent fuel storage, and other safety, environmental, and safeguards activities related to reactor decommissioning and spent fuel storage, except those activities which are subject 10 CFR part 170 fees. The NRC recognizes that sites will be required to continue to store spent fuel onsite until another solution becomes available. Nonetheless, NEIMA requires the NRC to recover, to the maximum extent practicable, approximately 100 percent of its annual budget less certain amounts excluded from the fee-recovery requirement.

The NRC continues to actively evaluate resource requirements to address changes that occur between budget formulation and execution. The NRC will continue to evaluate programmatic efficiencies and make changes as appropriate.

No changes were made to this final rule in response to these comments.

*K. Comments on Matters Not Related to This Rulemaking*

Several commenters raised issues outside the scope of the FY 2024 fee rule. Commenters raised concerns with the agency's budgeting process and making changes to future budgets, and on the NRC's overall licensing processes. These matters are outside the scope of this final rule. The primary purpose of the rule is to update the NRC's fee schedules to recover approximately 100 percent of the NRC's total budget authority for the current fiscal year, less the budget authority for excluded activities, and to make other necessary corrections or appropriate changes to specific aspects of the NRC's fee regulations to ensure compliance with NEIMA.

The NRC understands the importance of examining and improving the efficiency of its operations and the prioritization of its regulatory activities. Accordingly, the NRC continues to seek improvements and efficiencies in NRC operations and enhancing the agency's approach to regulating while maintaining safety and security.

## V. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[3] the NRC has prepared a regulatory flexibility analysis related to this final rule. The regulatory flexibility analysis is available as indicated in the ''Availability of Documents'' section of this document.

## VI. Regulatory Analysis

Under NEIMA, the NRC is required to recover, to the maximum extent practicable, approximately 100 percent of its annual budget for FY 2024 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 final 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 final rule.

[3] 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).

## VII. Backfitting and Issue Finality

The NRC has determined that the backfit and issue finality provisions, §§ 50.109, ''Backfitting''; 52.39, ''Finality of early site permit determinations''; 52.63, ''Finality of standard design certifications''; 52.83, ''Finality of referenced NRC approvals; partial initial decision on site suitability''; 52.98, ''Finality of combined licenses; information requests''; 52.145, ''Finality of standard design approvals; information requests''; 52.171, ''Finality of manufacturing licenses; information requests''; and 70.76, ''Backfitting,'' do not apply to this final 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.

## VIII. 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).

## IX. National Environmental Policy Act

The NRC has determined that this final rule is the type of action described in § 51.22(c)(1). Therefore, neither an environmental impact statement nor environmental assessment has been prepared for this final rule.

## X. Paperwork Reduction Act

This final rule does not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*). Existing collections of information were approved by OMB, approval number 3150–0190.

## Public Protection Notification

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

## XI. Congressional Review Act

This final rule is a rule as defined in the Congressional Review Act of 1996 (5 U.S.C. 801–808). OMB has found it to be a major rule as defined in the Congressional Review Act.

## XII. 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 final rule, the NRC is amending 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 2024 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.

## XIII. Availability of Guidance

The Small Business Regulatory Enforcement Fairness Act requires all Federal agencies to prepare a written compliance guide for each rule for which the agency is required by 5 U.S.C. 604 to prepare a regulatory flexibility analysis. The NRC, in compliance with the law, prepared the ''Small Entity Compliance Guide'' for the FY 2023 fee rule. The compliance guide was developed when the NRC completed the small entity biennial review for FY 2023. The NRC plans to continue to use this compliance guide for FY 2024 and has relabeled the compliance guide to reflect the current FY. This compliance guide is available as indicated in the ''Availability of Documents'' section of this document.

## XIV. Availability of Documents

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

| Documents | ADAMS Accession No./FR citation/web link |
|---|---|
| NUREG–1100, Volume 39, ''Congressional Budget Justification: Fiscal Year 2024'' (March 2023). | ML23069A000. |
| FY 2024 Final Rule Work Papers | ML24155A214. |
| OMB Circular A–25, ''User Charges'' | *https://www.whitehouse.gov/wp-content/uploads/2017/11/Circular-025.pdf.* |
| SECY–05–0164, ''Annual Fee Calculation Method,'' dated September 15, 2005 | ML052580332. |
| ''Revision of Fee Schedules; Fee Recovery for Fiscal Year 2015,'' dated June 30, 2015 | 80 FR 37432. |
| ''Variable Annual Fee Structure for Small Modular Reactors,'' dated May 24, 2016 | 81 FR 32617. |
| ''Revision of Fee Schedules; Fee Recovery for FY 2023,'' dated June 15, 2023 | 88 FR 39120. |
| ''Revision of Fee Schedules; 100% Fee Recovery for FY 1999,'' dated June 10, 1999 | 64 FR 31448. |
| Revision of Fee Schedules; Fee Recovery for FY 2002,'' dated June 24, 2002 | 67 FR 42612. |
| ''Revision of Fee Schedules; Fee Recovery for FY 2006,'' dated May 30, 2006 | 71 FR 30722. |
| FY 2024 Regulatory Flexibility Analysis | ML24123A027. |
| FY 2024 U.S. Nuclear Regulatory Commission Small Entity Compliance Guide | ML23342A134. |
| ''Plain Language in Government Writing,'' dated June 10, 1998 | 63 FR 31885. |

### List of Subjects

*10 CFR Part 2*

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Confidential business information, Freedom of information, Environmental protection, Hazardous waste, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

*10 CFR Part 15*

Administrative practice and procedure, Claims, Debt collection.

*10 CFR Part 37*

Byproduct material, Criminal penalties, Exports, Hazardous materials transportation, Imports, Licensed material, Nuclear materials, Penalties, Radioactive materials, Reporting and recordkeeping requirements, Security measures.

*10 CFR Part 73*

Criminal penalties, Exports, Hazardous materials transportation, Imports, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Security measures.

*10 CFR Part 110*

Administrative practice and procedure, Classified information, Criminal penalties, Exports, Intergovernmental relations, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Scientific equipment.

*10 CFR Part 140*

Insurance, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements.

*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 making the following amendments to 10 CFR parts 2, 15, 37, 73, 110, 140, 170 and 171:

## PART 2—AGENCY RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 2 continues to read as follows:

**Authority:** Atomic Energy Act of 1954, secs. 29, 53, 62, 63, 81, 102, 103, 104, 105, 161, 181, 182, 183, 184, 186, 189, 191, 234 (42 U.S.C. 2039, 2073, 2092, 2093, 2111, 2132, 2133, 2134, 2135, 2201, 2231, 2232, 2233, 2234, 2236, 2239, 2241, 2282); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); Nuclear Waste Policy Act of 1982, secs. 114(f), 134, 135, 141 (42 U.S.C. 10134(f), 10154, 10155, 10161); Administrative Procedure Act (5 U.S.C. 552, 553, 554, 557, 558); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note. Section 2.205(j) also issued under 28 U.S.C. 2461 note.

■ 2. In § 2.205, revise paragraph (i) to read as follows.

**§ 2.205 Civil Penalties.**

* * * * *

(i) Except when payment is made after compromise or mitigation by the Department of Justice or as ordered by a court of the United States, following reference of the matter to the Attorney General for collection, payment of civil penalties imposed under section 234 of the Act are to be made payable to the U.S. Nuclear Regulatory Commission, in U.S. funds. The payments are to be made by electronic fund transfer using the electronic payment methods accepted at *www.Pay.gov.* Federal agencies may also make payments by Intra-Governmental Payment and Collection (IPAC). All payments are to be made in accordance with the specific payment instructions provided with Notices of Violation that propose civil penalties and Orders Imposing Civil Monetary Penalties.

* * * * *

## PART 15—DEBT COLLECTION PROCEDURES

■ 3. 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.

■ 4. In § 15.35, revise paragraph (c) introductory text to read as follows:

**§ 15.35 Payments.**

* * * * *

(c) *To whom payment is made.* Payment of a debt is to be made payable to the U.S. Nuclear Regulatory Commission. The payments are to be made in U.S. funds using the electronic payment methods accepted at *www.Pay.gov.* Federal agencies may also make payment by Intra Governmental Payment and Collection (IPAC). Payments should be made to the U.S. Nuclear Regulatory Commission unless payment is—

* * * * *

## PART 37—PHYSICAL PROTECTION OF CATEGORY 1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL

■ 5. The authority citation for part 37 continues to read as follows:

**Authority:** Atomic Energy Act of 1954, secs. 11, 53, 81, 103, 104, 147, 148, 149, 161, 182, 183, 223, 234, 274 (42 U.S.C. 2014, 2073, 2111, 2133, 2134, 2167, 2168, 2169, 2201, 2232, 2233, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); 44 U.S.C. 3504 note.

■ 6. In § 37.27, revise paragraph (c)(2) to read as follows:

**§ 37.27 Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material.**

* * * * *

(c) * * *

(2) Fees for the processing of fingerprint checks are due upon application. Licensees shall submit payment made payable to the U.S. Nuclear Regulatory Commission. The payments are to be made in U.S. funds using the electronic payment methods accepted at *www.Pay.gov.* For guidance on making electronic payments, contact the Division of Physical and Cyber Security Policy by emailing *Crimhist.Resource@nrc.gov.* Combined payment for multiple applications is acceptable. The Commission publishes the amount of the fingerprint check application fee on the NRC's public website. (To find the current fee amount, go to the Licensee Criminal History Records Checks & Firearms Background Check information page at *https://www.nrc.gov/security/chp.html* and see the link for How do I determine how much to pay for the request?)

* * * * *

## PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

■ 7. The authority citation for part 73 continues to read as follows:

**Authority:** Atomic Energy Act of 1954, secs. 53, 147, 149, 161, 161A, 170D, 170E, 170H, 170I, 223, 229, 234, 1701 (42 U.S.C. 2073, 2167, 2169, 2201, 2201a, 2210d, 2210e, 2210h, 2210i, 2273, 2278a, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note.

Section 73.37(b)(2) also issued under Sec. 301, Public Law 96–295, 94 Stat. 789 (42 U.S.C. 5841 note).

■ 8. In § 73.17, revise paragraph (m)(1) to read as follows:

**§ 73.17 Firearms background checks for armed security personnel.**

* * * * *

(m) * * *

(1) Fees for the processing of firearms background checks are due upon application. The fee for the processing of a firearms background check consists of a fingerprint fee and a NICS check fee. Licensees must submit payment with the application for the processing of fingerprints, and payment must be made payable to the U.S. Nuclear Regulatory Commission. The payments are to be made in U.S. funds using the electronic payment methods accepted at *www.Pay.gov.* Licensees can find fee information for firearms background checks on the NRC's public website at *https://www.nrc.gov/security/chp.html.*

* * * * *

■ 9. In § 73.57, revise paragraph (d)(3)(i) to read as follows:

**§ 73.57 Requirements for criminal history records checks of individuals granted unescorted access to a nuclear power facility, a non-power reactor, or access to Safeguards Information.**

* * * * *

(d) * * *

(3) * * *

(i) Fees for the processing of fingerprint checks are due upon application. Licensees shall submit payment with the application for the processing of fingerprints, and payment must be made payable to the U.S. Nuclear Regulatory Commission. The payments are to be made in U.S. funds using the electronic payment methods accepted at *www.Pay.gov.* (For guidance on making payments, contact the Criminal history Program, Division of Physical and Cyber Security Policy at 301–415–7513). Combined payment for multiple applications is acceptable.

* * * * *

## PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

■ 10. The authority citation for part 110 continues to read as follows:

**Authority:** Atomic Energy Act of 1954, secs. 11, 51, 53, 54, 57, 62, 63, 64, 65, 81, 82, 103, 104, 109, 111, 121, 122, 123, 124, 126, 127, 128, 129, 133, 134, 161, 170H, 181, 182, 183, 184, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2071, 2073, 2074, 2077, 2092, 2093, 2094, 2095, 2111, 2112, 2133, 2134, 2139, 2141, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2160c, 2160d, 2201, 2210h, 2231, 2232, 2233, 2234, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); Administrative Procedure Act (5 U.S.C. 552, 553); 42 U.S.C. 2139a, 2155a; 44 U.S.C. 3504 note. Section 110.1(b) also issued under 22 U.S.C. 2403; 22 U.S.C. 2778a; 50 App. U.S.C. 2401 *et seq.*

■ 11. In § 110.64, revise paragraph (e) to read as follows:

**§ 110.64 Civil penalty.**

* * * * *

(e) Except when the matter has been referred to the Attorney General for collection, payment of penalties shall be made in U.S. funds using the electronic

payment methods accepted at *www.Pay.gov.*

* * * * *

## PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

■ 12. The authority citation for part 140 continues to read as follows:

**Authority:** Atomic Energy Act of 1954, secs. 161, 170, 223, 234 (42 U.S.C. 2201, 2210, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); 44 U.S.C. 3504 note.

■ 13. In § 140.7, revise paragraph (d) to read as follows:

### § 140.7 Fees.

* * * * *

(d) Indemnity fee payments are to made payable to the U.S. Nuclear Regulatory Commission. The payments are to be made in U.S. funds using the electronic payment methods accepted at *www.Pay.gov.* Federal agencies may also make payments by Intra-Governmental Payment and Collection (IPAC). Specific instructions for making payments may be obtained by contacting the Office of the Chief Financial Officer at 301–415–7554.

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

■ 14. The authority citation for part 170 continues to read as follows:

**Authority:** Atomic Energy Act of 1954, secs. 11, 161(w) (42 U.S.C. 2014, 2201(w)); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 42 U.S.C. 2215; 31 U.S.C. 901, 902, 9701; 44 U.S.C. 3504 note.

■ 15. In § 170.12, revise paragraph (f) to read as follows:

### § 170.12 Payment of Fees.

* * * * *

(f) *Method of payment.* All fee payments under this part are to be made payable to the U.S. Nuclear Regulatory Commission. The payments are to be made in U.S. funds using the electronic payment methods accepted at *www.Pay.gov.* Specific instructions for making 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.

* * * * *

### § 170.20 [Amended]

■ 16. In § 170.20, remove the dollar amount ''$300'' and add in its place the dollar amount ''$317''.

■ 17. In § 170.31, revise table 1 to read as follows:

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

* * * * *

TABLE 1 TO § 170.31—SCHEDULE OF MATERIALS FEES

[See footnotes at end of table]

| Category of materials licenses and type of fees [1] | Fees [2] [3] |
|---|---|
| 1. Special nuclear material: [11] | |
| A. (1) Licenses for possession and use of U-235 or plutonium for fuel fabrication activities. | |
| (a) Strategic Special Nuclear Material (High Enriched Uranium) [6] [Program Code(s): 21213] | Full Cost. |
| (b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel [6] [Program Code(s): 21210] | Full Cost. |
| (2) All other special nuclear materials licenses not included in Category 1.A. (1) which are licensed for fuel cycle activities.[6] | |
| (a) Facilities with limited operations [6] [Program Code(s): 21240, 21310, 21320] | Full Cost. |
| (b) Gas centrifuge enrichment demonstration facilities.[6] [Program Code(s): 21205] | Full Cost. |
| (c) Others, including hot cell facilities.[6] [Program Code(s): 21130, 21131, 21133] | Full Cost. |
| B. Licenses for receipt and storage of spent fuel and reactor-related Greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI).[6] [Program Code(s): 23200]. | Full Cost. |
| C. Licenses for possession and use of special nuclear material of less than a critical mass as defined in § 70.4 of this chapter in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers.[4] Application [Program Code(s): 22140]. | $1,500. |
| D. All other special nuclear material licenses, except licenses authorizing special nuclear material in sealed or unsealed form in combination that would constitute a critical mass, as defined in § 70.4 of this chapter, for which the licensee shall pay the same fees as those under Category 1.A.[4] Application [Program Code(s): 22110, 22111, 22120, 22131, 22136, 22150, 22151, 22161, 22170, 23100, 23300, 23310]. | $2,900. |
| E. Licenses or certificates for construction and operation of a uranium enrichment facility [6] [Program Code(s): 21200] | Full Cost. |
| F. Licenses for possession and use of special nuclear material greater than critical mass as defined in § 70.4 of this chapter, for development and testing of commercial products, and other non-fuel-cycle activities.[4] [6] [Program Code(s): 22155]. | Full Cost. |
| 2. Source material: [11] | |
| A. (1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride or for deconverting uranium hexafluoride in the production of uranium oxides for disposal.[6] [Program Code(s): 11400]. | Full Cost. |
| (2) Licenses for possession and use of source material in recovery operations such as milling, *in situ* recovery, heap-leaching, ore buying stations, ion-exchange facilities, and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode.[6] | |
| (a) Conventional and Heap Leach facilities [6] [Program Code(s): 11100] | Full Cost. |
| (b) Basic *In Situ* Recovery facilities [6] [Program Code(s): 11500] | Full Cost. |
| (c) Expanded *In Situ* Recovery facilities [6] [Program Code(s): 11510] | Full Cost. |
| (d) *In Situ* Recovery Resin facilities [6] [Program Code(s): 11550] | Full Cost. |
| (e) Resin Toll Milling facilities [6] [Program Code(s): 11555] | Full Cost. |
| (f) Other facilities [6] [Program Code(s): 11700] | Full Cost. |
| (3) Licenses that authorize the receipt of byproduct material, as defined in section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2.A.(2) or Category 2.A.(4) [6] [Program Code(s): 11600, 12000]. | Full Cost. |
| (4) Licenses that authorize the receipt of byproduct material, as defined in section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2.A.(2) [6] [Program Code(s): 12010]. | Full Cost. |

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] |
|---|---|
| B. Licenses which authorize the possession, use, and/or installation of source material for shielding.[7] [8] Application [Program Code(s): 11210]. | $1,400. |
| 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]. | $6,800. |
| D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter. Application [Program Code(s): 11230, 11231]. | $3,100. |
| E. Licenses for possession and use of source material for processing or manufacturing of products or materials containing source material for commercial distribution. Application [Program Code(s): 11710]. | $3,000. |
| F. All other source material licenses. Application [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810, 11820] ... | $3,000. |
| 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]. | $14,800. |
| (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]. | $19,700. |
| (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]. | $24,600. |
| B. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5. Application [Program Code(s): 03214, 03215, 22135, 22162]. | $4,100. |
| (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]. | $5,400. |
| (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]. | $6,800. |
| 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]. | $5,900. |
| (1). Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 6–20. Application [Program Code(s): 04210, 04212, 04214]. | $7,900. |
| (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. Application [Program Code(s): 04211, 04213, 04215]. | $9,800. |
| 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]. | $3,600. |
| F. Licenses for possession and use of less than or equal to 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes. Application [Program Code(s): 03511]. | $7,400. |
| 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]. | $70,700. |
| 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]. | $7,600. |
| 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. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter. Application [Program Code(s): 03250, 03251, 03253, 03256]. | $11,700. |
| 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]. | $2,300. |

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] |
|---|---|
| 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]. | $1,300. |
| L. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 1–5. Application [Program Code(s): 01100, 01110, 01120, 03610, 03611, 03612, 03613]. | $6,200. |
| (1) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 6–20. Application [Program Code(s): 04610, 04612, 04614, 04616, 04618, 04620, 04622]. | $8,300. |
| (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]. | $10,400. |
| 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]. | $9,400. |
| N. Licenses that authorize services for other licensees, except: (1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3.P.; and (2) Licenses that authorize waste disposal services are subject to the fees specified in fee Categories 4.A., 4.B., and 4.C.[13] Application [Program Code(s): 03219, 03225, 03226]. | $10,100. |
| 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]. | $11,500. |
| (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]. | $15,300. |
| (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]. | $19,200. |
| 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]. | $7,800. |
| (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]. | $10,400. |
| (2). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[9] Number of locations of use: more than 20. Application [Program Code(s): 04411, 04413, 04415, 04417, 04419, 04421, 04423, 04425, 04427, 04429, 04431, 04433, 04435, 04437, 04439]. | $13,000. |
| Q. Registration of a device(s) generally licensed under part 31 of this chapter. Registration | $2,200. |
| R. Possession of items or products containing radium-226 identified in § 31.12 of this chapter which exceed the number of items or limits specified in that section.[5] | |
| 1. Possession of quantities exceeding the number of items or limits in § 31.12(a)(4) or (5) of this chapter but less than or equal to 10 times the number of items or limits specified. Application [Program Code(s): 02700]. | $2,900. |
| 2. Possession of quantities exceeding 10 times the number of items or limits specified in § 31.12(a)(4) or (5) of this chapter. Application [Program Code(s): 02710]. | $2,800. |
| S. Licenses for production of accelerator-produced radionuclides. Application [Program Code(s): 03210] | $16,200. |
| 4. Waste disposal and processing: [11] | |
| A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material. Application [Program Code(s): 03231, 03233, 03236, 06100, 06101]. | Full Cost. |
| B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material. Application [Program Code(s): 03234]. | $7,900. |
| 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]. | $5,700. |
| 5. Well logging: [11] | |
| A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies. Application [Program Code(s): 03110, 03111, 03112]. | $5,200. |
| 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]. | $25,200. |
| 7. Medical licenses: [11] | |
| A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: 1–5. Application [Program Code(s): 02300, 02310]. | $12,700. |

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] |
|---|---|
| (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. Number of locations of use: 6–20. Application [Program Code(s): 04510, 04512]. | $16,800. |
| (2). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: more than 20. Application [Program Code(s): 04511, 04513]. | $21,000. |
| 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]. | $9,900. |
| (1). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: 6–20. Application [Program Code(s): 04710]. | $13,100. |
| (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]. | $16,400. |
| C. Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[10] Number of locations of use: 1–5. Application [Program Code(s): 02120, 02121, 02200, 02201, 02210, 02220, 02230, 02231, 02240, 22160]. | $10,800. |
| (1). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[10] Number of locations of use: 6–20. Application [Program Code(s): 04810, 04812, 04814, 04816, 04818, 04820, 04822, 04824, 04826, 04828]. | $14,400. |
| (2). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[10] Number of locations of use: more than 20. Application [Program Code(s): 04811,04813, 04815, 04817, 04819, 04821,04823, 04825, 04827, 04829]. | $18,000. |
| 8. Civil defense: [11] | |
| A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities. Application [Program Code(s): 03710]. | $2,900. |
| 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. | $23,200. |
| B. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices. Application—each device. | $10,300. |
| C. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution. Application—each source. | $6,000. |
| 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. | $1,200. |
| 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. | |
| Inspections | Full Cost. |
| 2. Users. | |
| Application. | |
| 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. |

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] |
|---|---|
| 13. A. Spent fuel storage cask Certificate of Compliance | Full Cost. |
| B. Inspections related to storage of spent fuel under § 72.210 of this chapter | Full Cost. |
| 14. Decommissioning/Reclamation [11] | |
| A. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under parts 30, 40, 70, 72, and 76 of this chapter, including master materials licenses (MMLs). The transition to this fee category occurs when a licensee has permanently ceased principal activities. [Program Code(s): 03900, 11900, 21135, 21215, 21325, 22200]. | Full Cost. |
| B. Site-specific decommissioning activities associated with unlicensed sites, including MMLs, regardless of whether or not the sites have been previously licensed. | Full Cost. |
| 15. Import and Export licenses: [12] | |
| Licenses issued under part 110 of this chapter for the import and export only of special nuclear material, source material, tritium and other byproduct material, and the export only of heavy water, or nuclear grade graphite (fee categories 15.A. through 15.E.). | |
| A. Application for export or import of nuclear materials, including radioactive waste requiring Commission and Executive Branch review, for example, those actions under § 110.40(b) of this chapter. Application—new license, or amendment; or license exemption request. | N/A. |
| B. Application for export or import of nuclear material, including radioactive waste, requiring Executive Branch review, but not Commission review. This category includes applications for the export and import of radioactive waste and requires the NRC to consult with domestic host state authorities (*i.e.,* Low-Level Radioactive Waste Compact Commission, the U.S. Environmental Protection Agency, etc.). Application—new license, or amendment; or license exemption request. | N/A. |
| C. Application for export of nuclear material, for example, routine reloads of low enriched uranium reactor fuel and/or natural uranium source material requiring the assistance of the Executive Branch to obtain foreign government assurances. Application—new license, or amendment; or license exemption request. | N/A. |
| D. Application for export or import of nuclear material not requiring Commission or Executive Branch review, or obtaining foreign government assurances. Application—new license, or amendment; or license exemption request. | N/A. |
| E. Minor amendment of any active export or import license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms and conditions or to the type/quantity/chemical composition of the material authorized for export and, therefore, do not require in-depth analysis, review, or consultations with other Executive Branch, U.S. host state, or foreign government authorities. Minor amendment. | N/A. |
| Licenses issued under part 110 of this chapter for the import and export only of Category 1 and Category 2 quantities of radioactive material listed in appendix P to part 110 of this chapter (fee categories 15.F. through 15.R.). | |
| *Category 1 (Appendix P, 10 CFR part 110) Exports:* | |
| F. Application for export of appendix P Category 1 materials requiring Commission review (*e.g.,* exceptional circumstance review under § 110.42(e)(4) of this chapter) and to obtain one government-to-government consent for this process. For additional consent see fee category 15.I. Application—new license, or amendment; or license exemption request. | N/A. |
| G. Application for export of appendix P Category 1 materials requiring Executive Branch review and to obtain one government-to-government consent for this process. For additional consents see fee category 15.I. Application—new license, or amendment; or license exemption request. | N/A. |
| H. Application for export of appendix P Category 1 materials and to obtain one government-to-government consent for this process. For additional consents see fee category 15.I. Application—new license, or amendment; or license exemption request. | N/A. |
| I. Requests for each additional government-to-government consent in support of an export license application or active export license. Application—new license, or amendment; or license exemption request. | N/A. |
| *Category 2 (Appendix P, 10 CFR part 110) Exports:* | |
| J. Application for export of appendix P Category 2 materials requiring Commission review (*e.g.,* exceptional circumstance review under § 110.42(e)(4) of this chapter). Application—new license, or amendment; or license exemption request. | N/A. |
| K. Applications for export of appendix P Category 2 materials requiring Executive Branch review. Application—new license, or amendment; or license exemption request. | N/A. |
| L. Application for the export of Category 2 materials. Application—new license, or amendment; or license exemption request. | N/A. |
| M. [Reserved] | N/A. |
| N. [Reserved] | N/A. |
| O. [Reserved] | N/A. |
| P. [Reserved] | N/A. |
| Q. [Reserved] | N/A. |
| *Minor Amendments (Category 1 and 2, Appendix P, 10 CFR part 110, Export):* | |
| R. Minor amendment of any active export license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms and conditions or to the type/quantity/chemical composition of the material authorized for export and, therefore, do not require in-depth analysis, review, or consultations with other Executive Branch, U.S. host state, or foreign authorities. Minor amendment. | N/A. |
| 16. Reciprocity: | |
| Agreement State licensees who conduct activities under the reciprocity provisions of § 150.20 of this chapter. Application | $3,800. |
| 17. 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. |

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] |
|---|---|
| B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities | Full Cost. |

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[12] Because 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.

[13] Licensees paying fees under 4.A., 4.B. or 4.C. are not subject to paying fees under 3.N. licenses that authorize services for other licensees authorized on the same license.

## 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

■ 18. The authority citation for part 171 continues to read as follows:

**Authority:** Atomic Energy Act of 1954, secs. 11, 161(w), 223, 234 (42 U.S.C. 2014, 2201(w), 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 42 U.S.C. 2215; 44 U.S.C. 3504 note.

■ 19. In § 171.15, revise paragraphs (b)(1), (b)(2) introductory text, (c)(1), (c)(2) introductory text, and paragraph (e) to read as follows:

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

* * * * *

(b)(1) The FY 2024 annual fee for each operating power reactor that must be collected by September 30, 2024, is $5,336,000.

(2) The FY 2024 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 2024 base annual fee for operating power reactors are as follows:

* * * * *

(c)(1) The FY 2024 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 $326,000.

(2) The FY 2024 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 2024 spent fuel storage/reactor decommissioning rebaselined annual fee are:

* * * * *

(e) The FY 2024 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 $97,200.

■ 20. In § 171.16, revise paragraphs (b) introductory text, (c), and (d) to read as follows:

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

* * * * *

(b) The FY 2024 annual fee is comprised of a base annual fee and associated additional charges. The base FY 2024 annual fee is the sum of budgeted costs for the following activities:

* * * * *

(c) A licensee who is required to pay an annual fee under this section, in addition to 10 CFR part 72 licenses, may qualify as a small entity. If a licensee qualifies as a small entity and provides the Commission with the proper certification along with its annual fee payment, the licensee may pay reduced annual fees as shown in table 1 to this paragraph (c). Failure to file a small entity certification in a timely manner could result in the receipt of a delinquent invoice requesting the outstanding balance due and/or denial of any refund that might otherwise be due. The small entity fees are as follows:

TABLE 1 TO PARAGRAPH (c)

| NRC small entity classification | Maximum annual fee per licensed category |
|---|---|
| Small Businesses Not Engaged in Manufacturing (Average gross receipts over the last 5 completed fiscal years): | |
| $555,000 to $8 million | $5,200 |
| Less than $555,000 | 1,000 |
| Small Not-For-Profit Organizations (Annual Gross Receipts): | |
| $555,000 to $8 million | 5,200 |
| Less than $555,000 | 1,000 |
| Manufacturing Entities that Have an Average of 500 Employees or Fewer: | |
| 35 to 500 employees | 5,200 |
| Fewer than 35 employees | 1,000 |
| Small Governmental Jurisdictions (Including publicly supported educational institutions) (Population): | |
| 20,000 to 49,999 | 5,200 |
| 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 | 5,200 |
| Fewer than 35 employees | 1,000 |

(d) The FY 2024 annual fees for materials licensees and holders of certificates, registrations, or approvals subject to fees under this section are shown in table 2 to this paragraph (d):

TABLE 2 TO PARAGRAPH (d)—SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY 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] | $6,412,000 |
| (b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel [15] [Program Code(s): 21210] | 2,173,000 |
| (2) All other special nuclear materials licenses not included in Category 1.A.(1) which are licensed for fuel cycle activities. | |
| (a) Facilities with limited operations [15] [Program Code(s): 21310, 21320] | 1,791,000 |
| (b) Gas centrifuge enrichment demonstration facility [15] [Program Code(s): 21205] | N/A |
| (c) Others, including hot cell facility [15] [Program Code(s): 21130, 21131, 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] | 3,400 |

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] |
|---|---|
| D. All other special nuclear material licenses, except licenses authorizing special nuclear material in sealed or unsealed form in combination that would constitute a critical mass, as defined in § 70.4 of this chapter, for which the licensee shall pay the same fees as those under Category 1.A. [Program Code(s): 22110, 22111, 22120, 22131, 22136, 22150, 22151, 22161, 22170, 23100, 23300, 23310] | 9,500 |
| E. Licenses or certificates for the operation of a uranium enrichment facility [15] [Program Code(s): 21200] | 2,794,000 |
| 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] | 5,900 |
| 2. Source material: | |
| A. (1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride or for deconverting uranium hexafluoride in the production of uranium oxides for disposal.[15] [Program Code: 11400] | 1,361,000 |
| (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] | 53,200 |
| (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] | 3,700 |
| C. Licenses to distribute items containing source material to persons exempt from the licensing requirements of part 40 of this chapter. [Program Code: 11240] | 14,000 |
| D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter. [Program Code(s): 11230 and 11231] | 6,900 |
| 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] | 8,800 |
| F. All other source material licenses. [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810, 11820] | 11,800 |
| 3. Byproduct material: | |
| A. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5. [Program Code(s): 03211, 03212, 03213] | 38,000 |
| (1). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20. [Program Code(s): 04010, 04012, 04014] | 50,500 |
| (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] | 63,000 |
| 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] | 12,900 |
| (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] | 17,100 |
| (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] | 21,400 |
| C. Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4) of this chapter. Number of locations of use: 1–5. [Program Code(s): 02500, 02511, 02513] | 12,900 |
| (1). Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 6–20. [Program Code(s): 04210, 04212, 04214] | 17,200 |

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 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] | 23,500 |
| 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] | 12,100 |
| 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] | 12,500 |
| 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] | 105,800 |
| 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] | 13,000 |
| I. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter. [Program Code(s): 03250, 03251, 03253, 03256] | 19,200 |
| 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] | 4,900 |
| 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] | 3,700 |
| 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] | 17,600 |
| (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] | 23,400 |
| (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] | 29,200 |
| 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] | 18,400 |
| 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] | 20,100 |
| 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] | 43,700 |
| (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] | 58,500 |
| (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] | 73,100 |
| 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] | 14,600 |
| (1). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[18] Number of locations of use: 6–20. [Program Code(s): 04410, 04412, 04414, 04416, 04418, 04420, 04422, 04424, 04426, 04428, 04430, 04432, 04434, 04436, 04438] | 19,500 |
| (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] | 24,400 |

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] |
|---|---|
| Q. Registration of devices generally licensed under part 31 of this chapter | [13] N/A |
| R. Possession of items or products containing radium–226 identified in § 31.12 of this chapter which exceed the number of items or limits specified in that section:[14] | |
| (1). Possession of quantities exceeding the number of items or limits in § 31.12(a)(4), or (5) of this chapter but less than or equal to 10 times the number of items or limits specified. [Program Code(s): 02700] | 8,400 |
| (2). Possession of quantities exceeding 10 times the number of items or limits specified in § 31.12(a)(4) or (5) of this chapter. [Program Code(s): 02710] | 8,700 |
| S. Licenses for production of accelerator-produced radionuclides. [Program Code(s): 03210] | 35,300 |
| 4. Waste disposal and processing: | |
| A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material. [Program Code(s): 03231, 03233, 03236, 06100, 06101] | 27,400 |
| 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] | 20,400 |
| C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material. [Program Code(s): 03232] | 12,100 |
| 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] | 16,200 |
| 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] | 39,600 |
| 7. Medical licenses: | |
| A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [17] Number of locations of use: 1–5. [Program Code(s): 02300, 02310] | 37,600 |
| (1). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [17] Number of locations of use: 6–20. [Program Code(s): 04510, 04512] | 50,000 |
| (2). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [17] Number of locations of use: more than 20. [Program Code(s): 04511, 04513] | 62,500 |
| B. Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [17] Number of locations of use: 1–5. [Program Code(s): 02110] | 53,000 |
| (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.[9] [17] Number of locations of use: 6–20. [Program Code(s): 04710] | 70,600 |
| (2). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [17] Number of locations of use: more than 20. [Program Code(s): 04711] | 88,000 |
| C. Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [17] [19] Number of locations of use: 1–5. [Program Code(s): 02120, 02121, 02200, 02201, 02210, 02220, 02230, 02231, 02240, 22160] | 21,400 |

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] |
|---|---|
| (1). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [17] [19] Number of locations of use: 6–20. [Program Code(s): 04810, 04812, 04814, 04816, 04818, 04820, 04822, 04824, 04826, 04828] | 28,600 |
| (2). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [17] [19] Number of locations of use: more than 20. [Program Code(s): 04811, 04813, 04815, 04817, 04819, 04821, 04823, 04825, 04827, 04829] | 36,600 |
| 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] | 8,400 |
| 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 | 29,800 |
| 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 | 13,200 |
| 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 | 7,700 |
| 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 | 1,500 |
| 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 § 72.210 of this chapter | [12] N/A |
| 14. Decommissioning/Reclamation: | |
| A. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under parts 30, 40, 70, 72, and 76 of this chapter, including master materials licenses (MMLs). The transition to this fee category occurs when a licensee has permanently ceased principal activities. [Program Code(s): 03900, 11900, 21135, 21215, 21325, 22200] | [7] [20] N/A |
| B. Site-specific decommissioning activities associated with unlicensed sites, including MMLs, whether or not the sites have been previously licensed | [7] N/A |
| 15. Import and Export licenses | [8] N/A |
| 16. Reciprocity | [8] N/A |
| 17. Master materials licenses of broad scope issued to Government agencies.[15] [Program Code(s): 03614] | 457,000 |
| 18. Department of Energy: | |
| A. Certificates of Compliance | [10] 2,331,000 |
| B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities [Program Code(s): 03237, 03238] | 261,000 |

[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 DOE that are not funded from the Nuclear Waste Fund.
[11] See § 171.15(c).
[12] See § 171.15(c).
[13] No annual fee is charged for this category because the cost of the general license registration program applicable to licenses in this category will be recovered through 10 CFR part 170 fees.
[14] Persons who possess radium sources that are used for operational purposes in another fee category are not also subject to the fees in this category. (This exception does not apply if the radium sources are possessed for storage only.)
[15] Licensees subject to fees under categories 1.A., 1.B., 1.E., 2.A., and licensees paying fees under fee category 17 must pay the largest applicable fee and are not subject to additional fees listed in this table.
[16] Licensees paying fees under 3.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.
[17] Licensees paying fees under 7.A, 7.A.1, 7.A.2, 7.B, 7.B.1, 7.B.2, 7.C, 7.C.1, or 7.C.2 are not subject to fees under 2.B. for possession and shielding authorized on the same license.
[18] Licensees paying fees under 3.N. are not subject to paying fees under 3.P., 3.P.1, or 3.P.2 for calibration or leak testing services authorized on the same license.
[19] Licensees paying fees under 7.B., 7.B.1, or 7.B.2 are not subject to paying fees under 7.C., 7.C.1, or 7.C.2 for broad scope 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.

* * * * *

■ 21. In § 171.19, revise paragraph (a) to read as follows.

**§ 171.19 Payment.**

* * * * *

(a) *Method of payment.* All annual fee payments under this part are to be made payable to the U.S. Nuclear Regulatory Commission. The payments are to be made in U.S. funds using the electronic payment methods accepted at *www.Pay.gov.* Federal agencies may also make payment by IntraGovernmental Payment and Collection (IPAC). Specific instructions for making 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.

* * * * *

Dated: June 5, 2024.

For the Nuclear Regulatory Commission.

**Jennifer M. Golder,**

*Acting Chief Financial Officer.*

[FR Doc. 2024–13230 Filed 6–18–24; 8:45 am]

**BILLING CODE 7590–01–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2024–0315; Airspace Docket No. 24–AGL–6]**

**RIN 2120–AA66**

## Establishment of Class E Airspace; Fort Yates, ND

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Fort Yates, ND. This action is due to the development of new public instrument procedures at The Standing Rock Airport, Fort Yates, ND, and supports instrument flight rule (IFR) operations.

**DATES:** Effective 0901 UTC, September 5, 2024. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

**ADDRESSES:** A copy of the Notice of Proposed Rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at *www.regulations.gov* using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year.

FAA Order JO 7400.11H, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/.* You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

**FOR FURTHER INFORMATION CONTACT:** Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

**SUPPLEMENTARY INFORMATION:**

### Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace extending upward from 700 feet above the surface at The Standing Rock Airport, Fort Yates, ND, to support IFR operations at this airport.

### History

The FAA published an NPRM for Docket No. FAA–2024–0315 in the **Federal Register** (89 FR 20146; March 21, 2024) proposing to establish Class E airspace at Fort Yates, ND. Interested parties were invited to participate in this rulemaking effort by submitting