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ENVIRONMENTAL PROTECTION

CLIMATE AND ENVIRONMENTAL MANAGEMENT

DIVISION OF ENVIRONMENTAL SAFETY AND HEALTH

Radiation Protection Programs

Notice of Administrative Correction and Change, N.J.A.C. 7:28-64.2, Schedule of fees

Take notice that the Department of Environmental Protection (Department) is adjusting its Schedule of Source, Special Nuclear, and Byproduct Material Annual Fees at N.J.A.C. 7:28-64.2, Table 1, and Schedule of Radioactive Materials Annual Fees at N.J.A.C. 7:28-64.2, Table 2. In accordance with N.J.A.C. 7:28-64.10, Adjustment of fees, the Department is adjusting the fees by the previous 12-month inflation factor, calculated from the Consumer Price Index, all urban consumers, U.S. city average. As provided by the U.S. Department of Labor, Bureau of Labor Statistics, the inflation factor is two percent. (<http://www.bls.gov/news.release/cpi.t01.htm>) The fees were rounded to the nearest \$5.00 increment (either higher or lower), using standard rounding techniques. In accordance with N.J.A.C. 7:28-64.10, the adjusted fees were effective on July 1, 2010.

In addition, the Department is adding categories of fees to Table 1 of N.J.A.C. 7:28-64.2, in accordance with N.J.A.C. 7:28-64.3(d) and 64.4(d). When the Department adopted the Table, which parallels the Federal schedule of fees at 10 CFR 171.16, Schedule of materials annual fees and fees for government agencies licensed by Nuclear Regulatory Commission (NRC), the Department reserved those portions of the table that

correlate to materials that the NRC (rather than the Department) continues to regulate, and also those materials that the Department did not believe were present in the State. Having determined that certain materials identified in the Federal rule are present in the State, the Department is adding those materials and corresponding fees to Table 1.

The Department is correcting the cross references at N.J.A.C. 7:28-64.2(g), which refers to the methods by which fees not included in Table 1 are to be calculated. The existing rule incorrectly cites to N.J.A.C. 7:28-64.3(c) and 64.4(e), rather than 64.3(d) and 64.4(d).

Full text of the changed rule follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

7:28-64.2 Schedule of fees

(a) – (f) (No change.)

(g) The fee for any category for which a fee is not provided at Table 1 below shall be calculated in accordance with N.J.A.C. 7:28-64.3[(c)](**d**) and 64.4[(e)](**d**).

Table 1 Schedule of Source, Special Nuclear, and Byproduct Material Annual Fees		
FEE CATEGORY	LICENSE TYPE	ANNUAL FEE (\$)
1.	Special Nuclear Material	
A.-B	(Reserved.)	
C.	[(Reserved)] Licenses for possession and use of special nuclear material	1,700

**in sealed sources contained in
devices used in industrial
measuring systems, including x-ray
fluorescence analyzers**

D	All other special nuclear material except a) licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical quantity, as defined in Subchapter 62 of this chapter; b) U-235 or plutonium for fuel fabrication activities; c) spent fuel and reactor-related greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI); d) special nuclear material in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers; or e) licenses or certificates for the	[4,275] 4,360
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operation of a uranium enrichment facility.

E.	(Reserved.)	
2.	Source Material	
A.	(Reserved.)	
B.	Licenses that authorize only the possession, use and/or installation of source material for shielding.	[575] 585
C.	All other source material licenses	[9,825] 10,020
3.	Byproduct material	
A.	Licenses of broad scope for possession and use of byproduct material issued under subchapters 51 and 54 for processing or manufacturing of items containing byproduct material for commercial distribution.	[21,600] 22,030
B.	Other licenses for possession and use of byproduct material issued under subchapter 51 for processing or manufacturing of items containing byproduct material for commercial	[6,225] 6,350

distribution. This category also includes licenses for repair, assembly, and disassembly of products containing radium-226.

C.	Licenses issued under subchapter 53 authorizing the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits and/or sources and devices containing byproduct material. This category also includes the possession and use of source material for shielding authorized under subchapter 58 of this chapter when included on the same license.	[8,850] 9,025
D.	(Reserved.)	
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).	[3,000] 3,060
F.	Licenses for possession and use of	[5,850] 5,965

less 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.

G.	Licenses for possession and use of 10,000 curies or more 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.	[23,100] 23,560
H.	[(Reserved)]Licenses issued under Subchapter 53 (Subpart A of part 32) to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of	9,445

	<p>Subchapter 51 (10CFR 30), except</p> <p>specific licenses authorizing</p> <p>redistribution of items that have</p> <p>been authorized for distribution to</p> <p>persons exempt from the licensing</p> <p>requirements of Subchapter 51</p>	
I.	<p>[(Reserved)]Licenses issued under</p> <p>Subchapter 53 (Subpart A of 10</p> <p>CFR 32) to distribute items</p> <p>containing byproduct material or</p> <p>quantities of byproduct material</p> <p>that do not require device</p> <p>evaluation to persons exempt from</p> <p>the licensing requirements of</p> <p>Subchapter 51, except for specific</p> <p>licenses authorizing redistribution</p> <p>of items that have been authorized</p> <p>for distribution to persons exempt</p> <p>from the licensing requirements of</p> <p>Subchapter 51.</p>	8,905
J.	<p>Licenses issued under subchapter 53</p> <p>of this chapter to distribute items</p> <p>containing byproduct material that</p>	[1,800] 1,835

require sealed source and/or device review to persons generally licensed under subchapter 52 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under subchapter 52 of this chapter.

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| K. | Licenses issued under subchapter 53 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 subchapter 52 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under subchapter 52 of this chapter. | [1,350] 1,375 |
| L. | Licenses of broad scope for possession and use of byproduct | [11,000] 11,220 |

material issued under subchapters 51
and 54 of this chapter for research
and development that do not
authorize commercial distribution.

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| M. | Other licenses for possession and use

of byproduct material issued under

subchapter 51 of this chapter for

research and development that do not

authorize commercial distribution. | [4,200] 4,285 |
| N. | Licenses that authorize services for

other licensees, except: Licenses that

authorize only calibration and/or leak

testing services are subject to the fees

specified in fee Category 3.P. | [6,225] 6,350 |
| O. | Licenses for possession and use of

byproduct material issued under

subchapter 63 of this chapter for

industrial radiography operations.

This category also includes the

possession and use of source material

for shielding authorized under

subchapter 58 of this chapter when

authorized on the same license. | [10,575] 10,785 |

P.	All other specific byproduct material licenses, except those in Categories 4.A through 9.D.	[2,025] 2,065
Q.	(Reserved.)	
R.	Possession of items or products containing radium-226 identified in subchapter 52 which exceed the number of items or limits specified in that section: (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.)	
1.	Possession of quantities exceeding the number of items or limits in 10 subchapter 52, but less than or equal to 10 times the number of items or limits specified.	[1,575] 1,605
2.	Possession of quantities exceeding 10 times the number of items or limits specified in Subchapter 52.	[2,025] 2,065

S.	Licenses for production of accelerator-produced radionuclides.	[8,100] 8,260
4.	Waste Processing	
A.	(Reserved.)	
B.	[(Reserved)] 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.	9,190
C.	[(Reserved)] 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	7,315

receive or dispose of the material.

- 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. [3,225]**3,290**
 - B. (Reserved.)
- 6. Nuclear Laundry
 - A. (Reserved.)
- 7. Medical
 - A. Licenses issued under subchapters 51, 55, 58, and 60 of this chapter for human use of 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. [10,125]**10,325**
 - B. Licenses of broad scope issued to medical institutions or two or more [21,615]**22,045**

physicians under subchapters 51, 55, 58, and 60 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. Separate fees will not be assessed for pacemaker licenses issued to medical institutions who also hold nuclear medicine licenses under Category 7.B. or 7.C.

- C. Other licenses issued under [3,600]**3,670**
subchapters 51, 55, 58, and 60 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.

Separate fees will not be assessed for pacemaker licenses issued to medical institutions who also hold nuclear medicine licenses under Category 7.B. or 7.C.

8.	[(Reserved)] Civil Defense	
A	Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	1,650
9.-13.	(Reserved.)	
14.	Decommissioning/Reclamation	
A.	Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under subchapters 51, 58, and 60 of this	Full Cost

chapter.

B.	Site-specific decommissioning activities associated with unlicensed sites, whether or not the sites have been previously licensed.	Full Cost
15.	(Reserved.)	
16.	Reciprocity	
	Reciprocal recognition of an out-of-state license for a period of less than 180 days.	50 percent of annual fee of applicable category
17.-18.	(Reserved.)	

Table 2
Schedule of Radioactive Materials Annual Fees

FEE CATEGORY	LICENSE TYPE	ANNUAL FEE (\$)
1.	Water Treatment Facilities as defined in N.J.A.C. 7:10-3.6	
A.	Very Small Community Water Systems	\$[300] 305
B.	Small Community Water Systems	\$[875] 890
C.	Medium Community Water Systems	\$[1250] 1275

D.	Large Community Water Systems	\$(2500) 2550
E.	Non-Transient Non-Community Water Systems treating equal to or less than 1000 gallons per day	\$(200) 205
F.	Non-Transient Non-Community Water Systems treating more than 1000 gallons per day	\$(500) 510
2.	Amendments	
A.	Request to amend a license requiring no license review including, but not limited to, facility name change or removal of a previously authorized user.	\$0

B.	Request to amend a license requiring review including, but not limited to, addition of isotopes, procedure changes, new authorized users, or a new radiation safety officer.	\$200
C.	Request to amend a license requiring review and a site visit, but not limited to, facility move or addition of a process.	\$400
3.	Inspections	
A.	Routine	\$0
B.	Non-routine reinspection	Full Cost
C.	Pre-licensing	\$400
D.	Reciprocity	\$400
E.	Inspection as a result of an incident	Full Cost
4.	Additional Use Sites (Non-contiguous)	
A.	Non-profit educational institutions	25% of appropriate fee

B.	Medical Private Practices	50% of appropriate fee
5.	Generally Licensed Devices	\$[350] 360
6.	Diffuse NARM License	\$[2500] 2550