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42 NJR 9(1)
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ADOPTION SECTION

ENVIRONMENTAL PROTECTION

CLIMATE AND ENVIRONMENTAL MANAGEMENT

DIVISION OF ENVIRONMENTAL SAFETY AND HEALTH

Radiation Protection Programs

Notice of Administrative Corrections and Changes

Schedule of Fees

N.J.A.C. 7:28-64.2

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

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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 N.J.A.C. 7:28-64.3(d) and 64.4(d).

Full text of the corrected and 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		
<u>FEE CATEGORY</u>	<u>LICENSE TYPE</u>	<u>ANNUAL FEE (\$)</u>
1.	Special Nuclear Material	
A.-[C.] B.	(Reserved.)	
C.	Licenses for possession and use of	1,700

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

- D. All other special nuclear material [4,275]4,360
except
a) licenses
authorizing special nuclear material
in unsealed form in combination
that would constitute a critical
quantity, as defined in N.J.A.C. 7:28-
62;
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,

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including x-ray fluorescence

analyzers; or

e) licenses or certificates for the

operation of a uranium enrichment

facility.

E. (Reserved.)

2. Source Material

A. (Reserved.)

B. Licenses that authorize only the [575]585
possession, use and/or installation of
source material for shielding.

C. All other source material licenses [9,825]10,020

3. Byproduct material

A. Licenses of broad scope for [21,600]22,030
possession and use of byproduct
material issued under N.J.A.C. 7:28-
51 and 54 for processing or
manufacturing of items containing
byproduct material for commercial
distribution.

B. Other licenses for possession and use [6,225]6,350
of byproduct material issued under

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N.J.A.C. 7:28-51 for processing or
manufacturing of items containing
byproduct material for commercial
distribution. This category also
includes licenses for repair, assembly,
and disassembly of products
containing radium-226.

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|----|--|----------------------|
| C. | Licenses issued under N.J.A.C. 7:28-
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 N.J.A.C. 7:28-58 when
included on the same license. | [8,850] 9,025 |
|----|--|----------------------|

D. (Reserved.)

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| E. | Licenses for possession and use of
byproduct material in sealed sources
for irradiation of materials in which | [3,000] 3,060 |
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the source is not removed from its
shield (self-shielded units).

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| F. | Licenses for possession and use of

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. | [5,850] 5,965 |
| 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.-I.]	[(Reserved)]
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H.	Licenses issued under N.J.A.C.	9,445
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7:28-53 (Subpart A of 10 CFR 32)

**to distribute items containing
byproduct material that require
device review to persons exempt
from the licensing requirements of
N.J.A.C. 7:28-51 (10 CFR 30),
except specific licenses authorizing
redistribution of items that have
been authorized for distribution to
persons exempt from the licensing
requirements of N.J.A.C. 7:28-51**

I. Licenses issued under N.J.A.C. 8,905

**7:28-53 (Subpart A of 10 CFR 32)
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 N.J.A.C. 7:28-51,
except for specific licenses
authorizing redistribution of items
that have been authorized for
distribution to persons exempt**

from the licensing requirements of

N.J.A.C. 7:28-51.

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| J. | Licenses issued under N.J.A.C. 7:28-53 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under N.J.A.C. 7:28-52, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under N.J.A.C. 7:28-52. | [1,800] 1,835 |
| K. | Licenses issued under N.J.A.C. 7:28-53 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 N.J.A.C. 7:28-52, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally | [1,350] 1,375 |

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licensed under N.J.A.C. 7:28-52.

L.	Licenses of broad scope for possession and use of byproduct material issued under N.J.A.C. 7:28-51 and 54 for research and development that do not authorize commercial distribution.	[11,000] 11,220
M.	Other licenses for possession and use of byproduct material issued under N.J.A.C. 7:28-51 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 N.J.A.C. 7:28-63 for industrial radiography operations. This category also includes the possession and use of source material for shielding	[10,575] 10,785

authorized under N.J.A.C. 7:28-58

when authorized on the same license.

P. All other specific byproduct material [2,025]**2,065**

licenses, except those in Categories

4.A through 9.D.

Q. (Reserved.)

R. Possession of items or products
containing radium-226 identified in
N.J.A.C. 7:28-52 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 [1,575]**1,605**

the number of items or limits in

N.J.A.C. 7:28-52, but less than or

equal to 10 times the number of items

or limits specified.

2. Possession of quantities exceeding 10 [2,025]**2,065**

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	times the number of items or limits specified in N.J.A.C. 7:28-52.	
S.	Licenses for production of accelerator-produced radionuclides.	[8,100]8,260
4.	Waste Processing	
A.[-C.]	(Reserved.)	
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.	9,190
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	7,315

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**authorized to receive or dispose of
the material.**

- 5. Well Logging
- A. Licenses for possession and use of [3,225]**3,290**
byproduct material, source material,
and/or special nuclear material for
well logging, well surveys, and tracer
studies other than field flooding
tracer studies.
- B. (Reserved.)
- 6. (No change.)
- 7. Medical
- A. Licenses issued under N.J.A.C. 7:28- [10,125]**10,325**
51, 55, 58 and 60 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.
- B. Licenses of broad scope issued to [21,615]**22,045**
medical institutions or two or more

physicians under N.J.A.C. 7:28-51,
55, 58 and 60 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 N.J.A.C. 7:28-51, 55, 58 and 60 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	[3,600] 3,670
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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. Civil Defense

A.	Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	1,650
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[8.]**9.**-13. (Reserved.)

14. – 18. (No change.)

Table 2
 Schedule of Radioactive Materials Annual Fees

<u>FEE CATEGORY</u>	<u>LICENSE TYPE</u>	<u>ANNUAL FEE (\$)</u>
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| 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 | \$[1,250] 1,275 |
| D. | Large Community Water Systems | \$[2,500] 2,550 |
| E. | Non-Transient Non-Community Water Systems treating equal to or less than 1,000 gallons per day | \$[200] 205 |
| F. | Non-Transient Non-Community Water Systems treating more than 1,000 gallons per day | \$[500] 510 |
| 2.-4. | (No change.) | |
| 5. | Generally Licensed Devices | \$[350] 360 |
| 6. | Diffuse NARM License | \$[2,500] 2,550 |

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