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**ENVIRONMENTAL PROTECTION**

**AIR, ENERGY, AND MATERIALS SUSTAINABILITY**

**Radiation Protection Program Rules**

**Notice of Administrative Changes**

**Consumer Price Index Percentage Adjustments to Program Administration Fees for Radon**

**Measurement and Radon Mitigation Businesses and Annual Fees for Source, Special**

**Nuclear, and Byproduct Material and for Radioactive Materials**

**N.J.A.C. 7:28-27.27 and 64.2**

Effective Date: July 16, 2024

**Take notice** that the Department of Environmental Protection (Department) is changing its Schedule of Program Administration Fees for Radon Measurement and Radon Mitigation Businesses at N.J.A.C. 7:28-27.27 Fee Schedule B and Fee Schedule C; 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. 7:28-27.27, Fees, and 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 3.3 percent. <http://www.bls.gov/cpi/latest-numbers.htm>. As provided at N.J.A.C. 7:28-27.27, the fees related to certification of individuals and businesses to perform radon testing and mitigation were rounded down to the next whole dollar. Pursuant to

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N.J.A.C. 7:28-64.2, the fees related to the Agreement State program were rounded to the nearest \$5.00 increment (either higher or lower), using standard rounding techniques.

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

SUBCHAPTER 27. RADON TESTING AND MITIGATION

7:28-27.27 Fees

(a) - (d) (No change.)

FEE SCHEDULE A  
(No change.)

FEE SCHEDULE B  
Program Administration Fees-  
Radon Measurement Business

Number of Radon Tests Conducted by Affiliates and Owners and Reported by the Measurement Business Each Semi-Annual Period*	Program Fee (\$)	Activity Fee (\$)	Total Fee (\$)
-0-	[528] <b>545</b>	0	[528] <b>545</b>
1-49	[528] <b>545</b>	[59] <b>61</b>	[587] <b>606</b>
50-99	[528] <b>545</b>	[184] <b>190</b>	[712] <b>735</b>
100-199	[528] <b>545</b>	[365] <b>377</b>	[893] <b>922</b>
200-299	[528] <b>545</b>	[608] <b>628</b>	[1,136] <b>1,173</b>
300-499	[528] <b>545</b>	[972] <b>1,005</b>	[1,500] <b>1,550</b>
500-999	[528] <b>545</b>	[1,835] <b>1,896</b>	[2,363] <b>2,441</b>
1000-1999	[528] <b>545</b>	[3,649] <b>3,770</b>	[4,177] <b>4,315</b>
2000-5000	[528] <b>545</b>	[8,515] <b>8,796</b>	[9,043] <b>9,341</b>
Greater than 5000	[528] <b>545</b>	[12,170] <b>12,572</b>	[12,698] <b>13,117</b>

\*First Calendar Period: July 1 through December 31  
Second Calendar Period: January 1 through June 30

FEE SCHEDULE C  
Program Administration Fees-  
Radon Mitigation Business

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Number of Radon Mitigation Systems Installed by Affiliates Each Semi-Annual Period*	Program Fee (\$)	Activity Fee (\$)	Total Fee (\$)
0	[827] <b>854</b>	0	[827] <b>854</b>
1-10	[827] <b>854</b>	[126] <b>130</b>	[953] <b>984</b>
11-24	[827] <b>854</b>	[462] <b>478</b>	[1,289] <b>1,332</b>
25-49	[827] <b>854</b>	[945] <b>976</b>	[1,772] <b>1,830</b>
50-74	[827] <b>854</b>	[1,584] <b>1,637</b>	[2,411] <b>2,491</b>
75-99	[827] <b>854</b>	[2,224] <b>2,298</b>	[3,051] <b>3,152</b>
100-124	[827] <b>854</b>	[2,847] <b>2,941</b>	[3,674] <b>3,795</b>
125-149	[827] <b>854</b>	[3,503] <b>3,619</b>	[4,330] <b>4,473</b>
150-174	[827] <b>854</b>	[4,146] <b>4,283</b>	[4,973] <b>5,137</b>
175-200	[827] <b>854</b>	[4,785] <b>4,943</b>	[5,612] <b>5,797</b>
Greater than 200	[827] <b>854</b>	[5,113] <b>5,282</b>	[5,940] <b>6,136</b>

\*First Calendar Period: July 1 through December 31  
 Second Calendar Period: January 1 through June 30

(e) (No change.)

**SUBCHAPTER 64. RADIOACTIVE MATERIALS LICENSE FEES**

7:28-64.2 Schedule of fees

(a) - (h) (No change.)

Table 1  
 Schedule of Source, Special Nuclear, and Byproduct Material Annual Fees

FEE CATEGORY	LICENSE TYPE	ANNUAL FEE (\$)
1. A-B.	Special Nuclear Material (Reserved.)	
C.	Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers	[2,110] <b>2,180</b>
D.	All other special nuclear material except a) licenses authorizing special nuclear material in unsealed form in combination that would	[5,410] <b>5,590</b>

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	constitute a critical quantity, as defined at 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, including x-ray fluorescence analyzers; ore) licenses or certificates for the 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, or licenses that authorize possession, storage, and use of reference sources containing source material for calibration, proficiency testing, quality assurance, and/or in the manufacturing of exempt devices.	[725] <b>750</b>
C.	All other source material licenses	[12,435] <b>12,845</b>
3.	Byproduct material	
A.	Licenses of broad scope for possession and use of byproduct material issued pursuant to N.J.A.C. 7:28-51 and 54 for processing or manufacturing of items containing byproduct material for commercial distribution	[27,340] <b>28,240</b>
B.	Other licenses for possession and use of byproduct material issued pursuant to 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	[7,890] <b>8,150</b>
C.	Licenses issued pursuant to 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	[11,200] <b>11,570</b>

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	shielding authorized pursuant to N.J.A.C. 7:28-58 when included on the same license.	
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).	[3,795] <b>3,920</b>
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.	[7,400] <b>7,645</b>
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.	[29,250] <b>30,215</b>
H.	Licenses issued pursuant to N.J.A.C. 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 at 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.	[11,725] <b>12,110</b>
I.	Licenses issued under N.J.A.C. 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 at N.J.A.C. 7:28-51.	[11,050] <b>11,415</b>
J.	Licenses issued pursuant to N.J.A.C. 7:28-53 to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed pursuant to	[2,280] <b>2,355</b>

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- N.J.A.C. 7:28-52, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed pursuant to N.J.A.C. 7:28-52.
- K. Licenses issued pursuant to 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 pursuant to N.J.A.C. 7:28-52, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed pursuant to N.J.A.C. 7:28-52. [1,705] **1,760**
- L. Licenses of broad scope for possession and use of byproduct material issued pursuant to N.J.A.C. 7:28-51 and 54 for research and development that do not authorize commercial distribution. [13,925] **14,385**
- M. Other licenses for possession and use of byproduct material issued pursuant to N.J.A.C. 7:28-51 for research and development that do not authorize commercial distribution. [5,320] **5,495**
- 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 at fee Category 3.P. [7,890] **8,150**
- O. Licenses for possession and use of byproduct material issued pursuant to N.J.A.C. 7:28-63 for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized pursuant to N.J.A.C. 7:28-58 when authorized on the same license. [13,385] **13,825**
- P. All other specific byproduct material licenses, except those at Categories 4.A through 9.D. [2,570] **2,655**
- Q. (Reserved.)
- R. Possession of items or products containing radium-226 identified at 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

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	apply if the radium sources are possessed for storage only.)	
1.	Possession of quantities exceeding the number of items or limits at N.J.A.C. 7:28-52, but less than or equal to 10 times the number of items or limits specified.	[1,990] <b>2,055</b>
2.	Possession of quantities exceeding 10 times the number of items or limits specified at N.J.A.C. 7:28-52.	[2,570] <b>2,655</b>
S.	Licenses for production of accelerator-produced radionuclides.	[10,250] <b>10,590</b>
4.	Waste Processing	
A.	(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.	[11,405] <b>11,780</b>
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.	[9,080] <b>9,380</b>
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.	[4,075] <b>4,210</b>
B.	(Reserved.)	
6.	Nuclear Laundry	
A.	(Reserved.)	
7.	Medical	
A.	Licenses issued pursuant to N.J.A.C. 7:28-51, 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.	[12,815] <b>13,240</b>

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- |        |  |                        |
|--------|--|------------------------|
| B.     | Licenses of broad scope issued to medical institutions or two or more physicians pursuant to 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 pursuant to Category 7.B. or 7.C. | [27,360] <b>28,265</b> |
| C.     | Other licenses issued pursuant to 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 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 pursuant to Category 7.B. or 7.C.  | [4,555] <b>4,705</b>   |
| 8.     | Civil Defense  |                        |
| A.     | Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.  | [2,045] <b>2,110</b>   |
| 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 pursuant to N.J.A.C. 7:28-51, 58, and 60.  | Full Cost              |
| B.     | Site-specific decommissioning activities associated with unlicensed sites, whether or not the sites have been previously licensed.   | Full Cost              |
| 15.    | (Reserved.)  |                        |
| 16.    | Reciprocity  |                        |

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	Reciprocal recognition of an out-of-State license for a period of less than 180 days.	50 percent of annual fee of applicable category, rounded to the nearest \$ 5.00.
17.-18.	(Reserved.)	

Table 2  
Schedule of Radioactive Materials Annual Fees

FEE CATEGORY	LICENSE TYPE	ANNUAL FEE (\$)
1.	Water Treatment Facilities as defined at N.J.A.C. 7:10-3.6	
A.	Very Small Community Water Systems	[380] <b>395</b>
B.	Small Community Water Systems	[1,100] <b>1,135</b>
C.	Medium Community Water Systems	[1,580] <b>1,630</b>
D.	Large Community Water Systems	[3,160] <b>3,265</b>
E.	Non-Transient Non-Community Water Systems treating 1,000 gallons per day or less, with accumulated activity of radium greater than or equal to 10 $\mu$ Ci.	[255] <b>265</b>
F.	Non-Transient Non-Community Water Systems treating more than 1,000 gallons per day, with accumulated activity of radium greater than or equal to 10 $\mu$ Ci.	[635] <b>655</b>
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.	[250] <b>260</b>
C.	Request to amend a license requiring technical review whether or not a site visit is also required. This includes, but is not limited to, a facility move or the addition of a process.	[490] <b>505</b>
3.	Inspections	
A.	Routine	0
B.	Non-routine Reinspection	Full Cost
C.	Pre-licensing	[490] <b>505</b>
D.	Reciprocity	[490] <b>505</b>
E.	Inspection as a result of an incident	Full Cost
4.	Additional Use Sites (Non-contiguous)	

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A.	Non-profit educational institutions	25 percent of appropriate fee
B.	Medical Private Practices	50 percent of appropriate fee
5.	Devices under a General License Requiring Registration	[445] <b>460</b>
6.	General License Registration for Community or Non-Community Water Treatment Systems	[255] <b>265</b>
7.	Diffuse NARM License	[3,160] <b>3,265</b>
8.	X-ray fluorescence devices	
A.	A government body, department, agency, authority, or any other unit of any state, Federal, county, or local government using an X-ray fluorescence device	[255] <b>265</b>
B.	All others	[1,285] <b>1,325</b>