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SUBCHAPTER 64. RADIOACTIVE MATERIALS LICENSE FEES

7:28-64.1 Purpose and Applicability

(a) This subchapter establishes fees for registration and licensing of radioactive materials. Annual license fees for radioactive materials are set forth in Tables 1 and 2 at N.J.A.C. 7:28-64.2.

(b) Fees will be effective on the (the operative date of the rules).

(c) Fees for NRC licenses that are transferred to New Jersey will be prorated to (July of the year following the operative date of these rules), when the Department will again issue invoices for annual fees.

7:28-64.2 Schedule of fees

(a) Except as set forth in (b) and (c) below, this section incorporates by reference the table in 10 CFR 171.16 entitled "Schedule of materials annual fees and fees for government agencies licensed by NRC."

(b) The Department does not regulate nuclear reactors, special nuclear materials in quantities sufficient to form a critical mass, high-level waste disposal facilities, or byproduct material defined in Section 11e(2) of the Atomic Energy Act of 1954, 42 U.S.C. § 2014, as amended.

(c) Insofar as the incorporated rules refer to the facilities and/or materials in (b) above, they do not apply. The following provisions of the table identified in (a) above are incorporated by reference with the specified changes:

1. Delete column 2, labeled "Annual fees";
2. Delete row labeled 2.A.(5);
3. Row labeled 3.A, replace "parts 30 and 33 of this chapter" with "N.J.A.C. 7:28-51 and 54";
4. Row labeled 3.C., replace "§§ 32.72 and/or 32.74 of this chapter" with "N.J.A.C. 7:28-53.
5. Row labeled 3.C., delete "This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under 171.11(a)(1). The licenses are covered by fee under Category 3.D.";
6. Row labeled 3.J., replace "Subpart B of part 32 of this chapter" with "N.J.A.C. 7:28-53," and replace "part 31 of this chapter" with "N.J.A.C. 7:28-52";
7. Row labeled 3.K, replace " Subpart B of part 32 of this chapter" with "N.J.A.C. 7:28-53," and replace "part 31 of this chapter" with "N.J.A.C. 7:28-52";
8. Row labeled 3.L., replace "parts 30 and 33 of this chapter" with "N.J.A.C. 7:28-51 and 54";
9. Row labeled 3.M., replace "part 30 of this chapter" with "N.J.A.C. 7:28-51";
10. Row labeled 3.O., replace "part 40 of this chapter" with "N.J.A.C. 7:28-58";
11. Row labeled 3.R., replace "10 CFR 31.12" with "N.J.A.C. 7:28-52";
12. Row labeled 3.R.2., replace "10 CFR 31.12(a)(4), or (5)" with "N.J.A.C. 7:28-52";
13. Row labeled 7.A., replace "parts 30, 35, 40, and 70 of this chapter" with "N.J.A.C. 7:28-51, 55, 58, and 60";

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14. Row labeled 7.B., replace "parts 30, 33, 35, 40, and 70" with "N.J.A.C. 7:28-51, 54, 55, 58, and 60";

15. Row labeled 7.C., replace "parts 30, 35, 40, and 70 of this chapter " with "N.J.A.C. 7:28-51, 55, 58, and 60";

16. Row labeled 14.A., replace "parts 30, 40, 70, 72, and 76 of this chapter" with "N.J.A.C. 7:28-51, 58, and 60";

(d) Fees for source, byproduct, and certain special nuclear materials are established in Table 1, Schedule of Source, Special Nuclear, and Byproduct Material Annual Fees, and are matched to the NRC categories, incorporated by reference in (a) and (b) above.

(e) Other specified fees, including fees for diffuse NARM, are established in Table 2, Schedule of Radioactive Materials Annual Fees.

(f) If, by amendment or otherwise, a license changes to another fee category, the fee for the new category will take effect on the anniversary date of the license.

(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) and 64.4(e).

Table 1

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

FEE CATEGORY	LICENSE TYPE	ANNUAL FEE (\$)
1.	Special Nuclear Material	
A.	(Reserved.)	
B.	(Reserved.)	
C.	(Reserved.)	
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 operation of a uranium enrichment facility.	4,275

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E.	(Reserved.)	
2.	Source Material	
A.	(Reserved.)	
B.	Licenses that authorize only the possession, use and/or installation of source material for shielding.	575
C.	All other source material licenses	9,825
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
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 distribution. This category also includes licenses for repair, assembly, and disassembly of products containing radium-226.	6,225
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
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
F.	Licenses for possession and use of less than 10,000 curies of byproduct material in sealed sources for	5,850

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	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
H.	(Reserved.)	
I.	(Reserved.)	
J.	Licenses issued under subchapter 53 of this chapter to distribute items containing byproduct material that 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.	1,800
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
L.	Licenses of broad scope for possession and use of byproduct material issued under subchapters 51 and 54 of this chapter for research and development that do not	11,000

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	authorize commercial distribution.	
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
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
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
P.	All other specific byproduct material licenses, except those in Categories 4.A through 9.D.	2,025
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
2.	Possession of quantities exceeding 10 times the number of items or limits specified in Subchapter 52.	2,025
S.	Licenses for production of accelerator-produced radionuclides.	8,100
4.	Waste Processing	

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- A. (Reserved.)
- B. (Reserved.)
- C. (Reserved.)
- 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
 - 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
 - B. Licenses of broad scope issued to medical institutions or two or more 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. 21,615
 - C. Other licenses issued under subchapters 51, 55, 58, and 60 of this chapter for human use of byproduct material, source material, and/or special nuclear material except 3,600

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	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.)	
9.	(Reserved.)	
10.	(Reserved.)	
11.	(Reserved.)	
12.	(Reserved.)	
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 chapter.	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 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.	(Reserved.)	
18.	(Reserved.)	

Table 2

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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
B.	Small Community Water Systems	\$875
C.	Medium Community Water Systems	\$1250
D.	Large Community Water Systems	\$2500
E.	Non-Transient Non-Community Water Systems treating equal to or less than 1000 gallons per day	\$200
F.	Non-Transient Non-Community Water Systems treating more than 1000 gallons per day	\$500
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	Full Cost

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	incident	
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
6.	Diffuse NARM License	\$2500

7:28-64.3 Application Fee

(a) An initial application for a license shall be accompanied by payment in the full amount of the fee specified in Tables 1 and 2 at N.J.A.C. 7:28-64.2.

(b) The Department may not process the application prior to the receipt of the required fee. The application fee is not refundable except in those cases where the Department determines that a license is not required.

(c) A license covering more than one of the categories in Tables 1 and 2 at N.J.A.C. 7:28-64.2 shall be accompanied by the prescribed fee for each category applicable to the license.

(d) The application fee for a category of NRC license that is not included in Table 1 at N.J.A.C. 7:28-64.2 shall be calculated as follows: NJ Fee = 0.75 (NRC Annual fee + 0.1 NRC application fee). NRC fees are established in 10 CFR Parts 170 and 171. The Department incorporates by reference the fee provisions of 10 CFR Parts 170 and 171, for purposes of calculating fees pursuant to this subsection.

7:28-64.4 Annual Fee

(a) The annual fee is not refundable except in those cases where the Department determines that the fee is not required.

(b) Fees are payable 30 days after the date of the invoice.

(c) A license covering more than one of the categories in Tables 1 and 2 at N.J.A.C. 7:28-64.2 shall be invoiced for the prescribed fee for each category applicable to the license.

(d) The annual fee for a category of NRC license that is not included in Tables 1 and 2 at N.J.A.C. 7:28-64.2 shall be calculated as follows: NJ Fee = 0.75 (NRC Annual fee + 0.1 NRC application fee). NRC fees are established in 10 CFR Part 170 and 171. The Department incorporates by reference the fee provisions of 10 CFR Parts 170 and 171, for purposes of calculating fees pursuant to this subsection.

(e) No refund of a fee will be provided if a license is terminated.

7:28-64.5 Inspections

(a) The Department shall make periodic inspections of licensees.

(b) If the Department finds a violation that could have implications regarding worker or public dose limits at Subchapter 6 during an inspection, the licensee must pay all Department costs associated with subsequent reinspection of the licensee. The costs shall be the actual costs incurred by the Department and include, but not limited to, labor, transportation, per diem, materials, legal fees, and monitoring costs.

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7:28-64.6 Reciprocity fees

(a) A licensee submitting an application for reciprocal recognition of a materials license issued by another Agreement State or the NRC for a period of 180 days or less during a calendar year must pay one-half of the fee specified under Tables 1 and 2 at N.J.A.C. 7:28-64.2 .

(b) The Department will not process the application for reciprocity prior to the receipt of the required fee.

7:28-64.7 Fees for Licensees with Additional Use Sites

(a) The Department will consider sites that are not contiguous or adjacent as additional use sites for non-profit educational institutions provided that:

1. The sites are operated by the same person;
2. The sites are in the same license category or categories;
3. The applicant for a license provides for one radiation safety officer, and if applicable, one radiation safety committee, as responsible for all sites; and
4. The Department is reasonably satisfied from the information provided in the application that the applicant will adequately control radioactive material at all sites listed in the application.

(b) Each additional use site as defined (a) above shall be charged 25 percent of the applicable fee for each applicable category.

(c) The Department will consider sites that are not contiguous or adjacent as additional use sites for private medical practices, provided that:

1. The sites are operated by the same person;
2. The sites are in the same license category or categories;
3. The applicant for a license provides for one radiation safety officer, and if applicable, one radiation safety committee, as responsible for all sites;
4. The Department is reasonably satisfied from the information provided in the application that the applicant will adequately control radioactive material at all sites listed in the application; and
5. There shall be no more than three additional use sites per license.

(d) Each additional use site as defined (c) above shall be charged 50 percent of the applicable fee for each applicable category.

7:28-64.8 Fees for license amendments

A letter requesting an amendment to a specific license shall be accompanied by payment in full of the fee specified in Table 2 at N.J.A.C. 7:28-64.2.

7:28-64.9 Failure to pay prescribed fees

(a) The Department will not process any application unless the licensee pays, on or before the due date, the fee prescribed by this subchapter.

(b) If the Department finds that a licensee has not paid a renewal fee prescribed by this section by the due date, the Department will take the appropriate enforcement action.

7:28-64.10 Annual adjustment of fees

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- (a) Each year the annual fees in Tables 1 and 2 in N.J.A.C. 7:28-64.2 will be adjusted by the previous 12 month inflation factor. The inflation factor is calculated from the Consumer Price Index, all urban consumers, U.S. city average (CPI-U), published monthly by the U.S. Department of Labor, Bureau of Labor Statistics. The CPI-U for purposes of calculating the inflation factor shall be the CPI-U for the 12 month period ending May 31.
- (b) The inflation factor shall be the past year percent change for the United States city average, all items, all urban consumers.
- (c) If the inflation factor for a 12 month period is negative, the fees will remain unchanged from the previous year.
- (d) The adjusted fees shall be reflected through a Notice of Administrative Change, published in the New Jersey Register; however, the adjusted fees shall be effective on July 1, whether or not a Notice of Administrative Change has been published.