

Annex A
TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart D. ENVIRONMENTAL HEALTH AND SAFETY
ARTICLE V. RADIOLOGICAL HEALTH

CHAPTER 218. FEES

PAYMENT OF FEES

§ 218.11. Registration, renewal of registration and license fees.

(a) Annual registration fees for radiation-producing machines, other than accelerators, are the sum of an annual administrative fee and an annual fee for each X-ray tube or radiation generating device as follows:

<i>Type Facility</i>	<i>Annual Administrative Fee</i>	<i>Annual Fee per X-ray Tube or Radiation Generating Device</i>
Dentists, podiatrists, veterinarians	[\$ 70] <u>\$100</u>	[\$35] <u>\$50</u>
Hospitals	[\$520] <u>\$725</u>	[\$35] <u>\$50</u>
Other Facilities	[\$250] <u>\$350</u>	[\$35] <u>\$50</u>

(c) Annual license fees for radioactive material are set forth in Appendix A (relating to fees for radioactive material licenses).

- (1) No refund will be made for termination of a license.
- (2) 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.

(d) Particle accelerators are licensed under Chapter 228 (relating to radiation safety requirements for particle accelerators). Annual fees are as follows:

- (i) Accelerators, below 50 MeV, other than for ion implantation—[~~\$1,500~~] **\$2100** for the first accelerator at the facility plus [~~\$500~~] **\$700** for each additional unit at that facility.
- (ii) Accelerators used for ion implantation—[~~\$500~~] **\$700** plus [~~\$50~~] **\$70** for each additional unit at the same facility.
- (iii) Accelerators [~~above~~] 50 MeV **and above**—full cost of staff time to review license applications and conduct inspections as needed. (Hourly rate is [~~\$50~~] **\$150** per hour). For the purpose of anticipating costs and compliance with subsections (e) and (f), a minimum annual fee of [~~\$1,500~~] **\$2100** for the first accelerator at the facility plus [~~\$500~~] **\$700** for each additional unit is established. Additional invoices will be issued by the Department at regular intervals at least quarterly when net costs are incurred above the minimum annual fee.

(h) A radiation-producing machine service provider shall pay an annual registration fee of [~~\$100~~] **\$140**.

(i) The Department will review the adequacy of the fees established in this section at least once every three years and provide a written report to the Environmental Quality Board. The report must identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and it must contain recommendations to increase fees to eliminate the disparity, including recommendations for regulatory amendments to increase program fees.

§ 218.11a. Special provisions for calculating fees during Agreement State transition period.

(a) The fees for the NRC licenses that are transferred to the Commonwealth on the date the Commonwealth becomes an Agreement State will be invoiced on the license's next anniversary date.

(b) During the first year after the date the Department attains Agreement State status, the annual fee for each NRC license transferred to the Commonwealth will include a proportional amount, based on the schedule of fees in Appendix A, for the period from the date Agreement State status is attained until the license's next anniversary date, in addition to the amount assessed for the year following the license's anniversary date.

(c) In the event that the Commonwealth attains Agreement State status prior to _____ (Editor's Note: The blank refers to the date of adoption of this proposal.), the provisions of § 218.11, § 218.11a and Appendix A will be applied retroactively to NRC licenses transferred to the Commonwealth.

§ 218.12. Failure by registrant or licensee to pay required fee.

(a) A registrant or licensee who fails to pay an annual fee required under this chapter shall be subject to the civil and criminal penalties provided under the act.

(b) Nonpayment of fees required by this chapter shall be cause for revocation of licenses or registrations issued by the Department under the act.

(Editor's Note: For context, Appendix A is displayed in its entirety.)

APPENDIX A

Fees for Radioactive Material Licenses

<i>Fee Category^{5,6}</i>	<i>Description</i>	<i>Annual Fee (\$) ^{1,2,3,4,7}</i>
1C	Special Nuclear Material Sealed Source Gauges (X-Ray Fluorescence)	[875] <u>2,100</u>
1D	Special Nuclear Material—Other	[2,475] <u>5,800</u>
<u>2A(2)(c)</u>	<u>Source Material – metal extraction</u>	<u>90,200</u>
<u>2A5</u>	<u>Removal of Radioactive Contaminants from Drinking Water</u>	<u>11,200</u>
2B	Source Material as Shielding	[450] <u>750</u>
2C	Source Material—Other (not 11e2)	[8,650] <u>13,400</u>
[3A1] <u>3A</u>	Manufacturing & Distribution Commercial Broad Scope—10 CFR 30, 33	[19,875] <u>29,100</u>
[3A2]	<u>Manufacturing & Distribution Commercial Broad Scope—NARM Only</u>	<u>4,000</u>

[3B1] 3B	Manufacturing, Refurbishing & Distribution Commercial Specific License—10 CFR 30	[4,650] 8,300
[3B2]	Manufacturing & Distribution Commercial Specific License—NARM Only	2,000]
[3C1] 3C	Manufacturing & Distribution Pharmaceuticals—10 CFR 32.72—32.74	[11,650] 11,900
[3C2]	Manufacturing & Distribution Pharmaceuticals— Accelerator Produced Only	4,000]
[3D1] 3D	Pharmaceuticals—Distribution Only—10 CFR 32.7x	[2,825] 6,800
[3D2]	Pharmaceuticals—Distribution Only—NARM Only	2,000]
3E	Irradiator—Shielded Source	[2,575] 4,200
3F	Irradiator—Unshielded < 10kCi	[4,300] 7,800
3G	Irradiator—Unshielded >= 10kCi	[10,750] 31,200
3I	Distribution As Exempt—No Review of Device	[3,525] 10,700
3J	Distribution—SSD Devices to Part 31 GLs	[1,550] 2,500
3K	Distribution—No Review-Exempt Sealed Source	[1,300] 1,900
[3L1] 3L	Research & Development Broad Scope	[8,300] 15,100
[3L2]	Research & Development Broad Scope—NARM Only	2,000]
[3M1] 3M	Research & Development	[3,650] 5,600
[3M2]	Research & Development—NARM Only	750]
3N	Services other than Leak Testing, Waste Disposal or Calibration	[3,875] 8,500
3O	Radiography	[10,850] 14,100
[3P1] 3P	Other Byproduct Material	[1,900] 2,700
[3P2]	NARM Licenses not covered elsewhere	750]
3Q	Generally Licensed Devices under § 217.143 (relating to certain measuring, gauging or controlling devices)	[315] 320
3R1	<u>Greater than the General License Limits in 10 CFR 31.12(a)(3), (4) or (5) but not more than ten times those Limits</u>	<u>2,100</u>
3R2	<u>Greater than ten times the General License Limits in 10 CFR 31.12(a)(3), (4) or (5)</u>	<u>2,700</u>
3S	<u>Manufacturing & Distribution Pharmaceuticals— Accelerator Produced Only</u>	<u>11,800</u>
4A	Waste Storage, Processing or Disposal	Full Cost *

4B	Waste Packaging or Repackaging	[8,175] <u>12,000</u>
4C	Waste Receipt of Prepackaged for Disposal	[6,125] <u>9,200</u>
5A	Well Logging & Non Field Flood Tracers	[7,500] <u>4,400</u>
5B	Well Logging Field Flood Tracer Studies	Full Cost *
6A	Nuclear Laundry	[14,250] <u>28,800</u>
7A	Human Use—Teletherapy	[11,275] <u>13,700</u>
[7B1] <u>7B</u>	Human Use—Broad Scope (except Teletherapy)	[19,975] <u>29,000</u>
[7B2]	Human Use—Broad Scope (except Teletherapy)— NARM Only	2,000]
[7C1] <u>7C</u>	Human Use—Specific License (except Teletherapy)	[4,300] <u>4,900</u>
[7C2]	Human Use—Specific License (except Teletherapy)— NARM Only	750]
[8A1] <u>8A</u>	Specifically licensed sources used in static eliminators, nonexempt smoke detectors, fixed gauges, dew pointers, calibration sources, civil defense uses or in temporary (2 years or less) storage	[875] <u>2,100</u>
[8A2]	Specifically licensed NARM sources used in static eliminators, nonexempt smoke detectors, fixed gauges, dew pointers, calibration sources, civil defense uses or in temporary (2 years or less) storage	200]
14	Decontamination, Decommissioning, Reclamation or Site Restoration	Full Cost *
[16A] <u>16</u>	Reciprocity (180 days/year)	[900] <u>1,500</u>
[16B]	Reciprocity—NARM (180 days/year)	300]
SB1 ⁵	Small Business—Category 1	[2,100] <u>2,300</u>
SB2 ⁶	Small Business—Category 2	[400] <u>500</u>

¹ A license may include as many as four noncontiguous sites at the base fee. Sites that are within 5 miles of the main Radiation Safety Office where the license records are kept will be considered contiguous. An additional fee of 25% of the base fee will be added for each noncontiguous site above four.

² All fees [for NARM licenses] will be effective upon publication of the final rules in the *Pennsylvania Bulletin*. [The fees for NRC licenses that are transferred to the Commonwealth will be effective on the next license anniversary date.] Existing NARM licenses will be changed to the corresponding category of byproduct material license in Appendix A upon publication of the final rule [on the next license anniversary date after achievement of Agreement State status and fees adjusted at that time. The NARM license categories will cease to exist one year after Agreement State status is

achieved].

³ Annual fees for categories of NRC licenses that are not included in this table will be calculated as follows: PA Fee = [0.7] (NRC Annual Fee + 0.10 NRC Application or Renewal fee).

⁴ Annual fees charged to holders of transferred NRC licenses with multiple sites will not exceed the fees charged by the NRC for the same licenses **that are in effect** in the year of transfer, provided the number of noncontiguous sites [**remains constant**] **does not increase**.

⁵ Small Businesses Not Engaged in Manufacturing, and Small Not-For-Profit Organizations with Gross Annual Receipts of more than \$350,000 and less than \$5 million; Manufacturing Entities that have an average of 35—500 employees with Gross Annual Receipts of more than \$350,000 and less than \$5 million; Small Government Jurisdictions (including publicly supported, nonmedical educational institutions) with a population between 20,000 and 50,000; and nonmedical Educational Institutions that are not state or publicly supported and have 35—500 employees.

⁶ Small Businesses Not Engaged in Manufacturing, and Small Not-For-Profit Organizations with Gross Annual Receipts of less than \$350,000; Manufacturing Entities that have an average of less than 35 employees and less than \$350,000 in Gross Annual Receipts; Small Government Jurisdictions (including publicly supported nonmedical educational institutions) with a population less than 20,000; and nonmedical Educational Institutions that are not state or publicly supported and have less than 35 employees.

⁷ Full cost recovery licensees and licensees required to provide financial assurance for decommissioning are not eligible for reduced fees under category SB1 or SB2.

* Full cost recovery consists of a professional fee, to cover the activities and support of Department personnel, and any other additional incidental charges incurred, such as related contracted services or laboratory costs. The professional fee component (Hourly Rate) is [~~\$50~~] **\$150** per hour. Other costs are recovered at 100% of actual cost. Invoices shall be issued by the Department at regular intervals but at least quarterly when net costs are incurred.

CHAPTER 240. RADON CERTIFICATION

Subchapter A. GENERAL PROVISIONS

GENERAL

§ 240.3. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Primary Device- Continuous monitors and/or electrets read and/or analyzed by a primary tester.

Primary Tester- A tester who reads and/or analyzes the continuous monitors and/or electrets that he places and/or retrieves.

Subchapter B. CERTIFICATION

CERTIFICATION FOR RADON TESTING

§ 240.102. Prerequisites for radon testing certification.

(a) *Individual certification for radon testing.* An Individual will not be certified to test unless the individual has done the following:

(3) Had 1 year of professional experience in performing radon measurements **or equivalent as determined by the Department.**

(b) *Firm certification for radon testing.* If the applicant for testing certification is a firm, it shall employ at least one individual who is certified to test and who is in responsible charge of the firm's testing activities. If the firm loses its certified individual, the certification automatically lapses and is void until the firm has notified the Department of employment of another certified individual. Within 5 days the firm shall notify the Department in writing when it loses its certified individual. **Each testing firm employee, after the first initial testing firm employee, will be charged a fee as set forth in Appendix A (relating to radon certification fee schedule).**

§ 240.103. Radon testing application contents.

An application for radon testing certification, by both individual and firm, shall be submitted to the Department in writing on forms provided by the Department and shall contain:

(2) A nonrefundable fee [**of \$200 for individuals, \$500 for firms**] **as set forth in Appendix A (relating to radon certification fee schedule).**

§ 240.104. Application filing deadline.

A person who expects to conduct radon testing shall file a complete application for certification a minimum of 30 days prior to the anticipated starting date of testing activity **and any application postmarked after the certification expiration date will be charged a late application fee as set forth in Appendix A (relating to radon certification fee schedule).**

CERTIFICATION FOR RADON MITIGATION

§ 240.113. Radon mitigation application contents.

An application for radon mitigation certification, by both individual and firm, shall be submitted to the Department in writing on forms provided by the Department and shall contain:

(2) A nonrefundable fee [**of \$200 for individuals, \$500 for firms**] **as set forth in Appendix A (relating to radon certification fee schedule).**

CERTIFICATION FOR RADON LABORATORY

§ 240.124. Application filing deadline.

A person who anticipates performing laboratory analysis of samples to determine radon concentrations

shall file a complete application for laboratory analysis certification a minimum of 30 days prior to the anticipated starting date of laboratory analysis **and any application postmarked after the certification expiration date will be charged a late application fee as set forth in Appendix A (relating to radon certification fee schedule).**

Subchapter D. OPERATION REQUIREMENTS

§ 240.303. Reporting of information.

(a) Within 45 days after testing, mitigation or other radon-related service is provided, the person providing the service shall submit to the Department in a format approved by the Department the results of testing, including screening measurements, follow-up measurements, premitigation measurements, postmitigation measurements and the method used to mitigate against radon contamination. **If no testing, mitigation or radon-related service has been provided during this 45-day period that person must inform the Department of same in writing. Anyone required to provide this 45-day reporting and does not report within 90 days of the completion of the activity will be subject to the Late 45-Day Reporting Fee as set forth in Appendix A (relating to radon certification fee schedule).** At a minimum, these results will be retained for 2 years. The information shall include:

§ 240.306. Continuing education program.

A person conducting radon-related activities shall have a radon education program to assure that the applicant and all employees have a minimum of 4 hours initial training, and the certified person shall participate in a continuing education program consisting of a minimum of 8 hours of Department-approved courses or seminars on radon testing or mitigation each year. **All course providers are required to submit course information as requested by the Department and the Course Provider Fee as set forth in Appendix A (relating to radon certification fee schedule) prior to DEP approval of any course.**

APPENDIX A

Editor's Note: The following table is new and printed in regular text to enhance readability.

Radon Certification Fee Schedule

Testing Individual	\$350 every two years
Testing Employee	\$100 every two years
Testing Firm	\$700 every two years
Mitigation Individual	\$300 every two years
Mitigation Firm	\$700 every two years
Laboratory Individual	\$400 every two years
Laboratory Firm	\$750 every two years
Primary Testing Device Listing	\$100 every two years (1)
Course Provider	\$375 every two years (2)
Late Application Renewal	\$100
Late 45-Day Reporting	\$100 (3)

1. Primary radon testers must submit the Primary Testing Device fee as specified in the Radon Certification Fee Schedule for each device they read and/or analyze.
2. A person approved by the department to provide initial and/or continuing education courses shall submit the Course Provider fee as specified above

3. Anyone not submitting their required 45-day testing and/or mitigation reporting within 90 days of the completion of the testing and/or mitigation activity (or if no activities have been performed during this period of informing us of same in writing) will be subject to the Late 45-Day Reporting Fee as specified above.
4. The Department will review the adequacy of the fees established in this schedule at least once every three years and provide a written report to the Environmental Quality Board. The report must identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and it must contain recommendations to increase fees to eliminate the disparity, including recommendations for regulatory amendments to increase program fees.