

CHAPTER 218. FEES**GENERAL**

Sec.
218.1. Purpose and scope.

PAYMENT OF FEES

218.11. Registration, renewal of registration and license fees.
218.11a. Special provisions for calculating fees during agreement state transition period.
218.12. Failure by registrant or licensee to pay required fee.

Authority

The provisions of this Chapter 218 issued under sections 302 and 401 of the Radiation Protection Act (35 P. S. §§ 7110.302 and 7110.401), unless otherwise noted.

Source

The provisions of this Chapter 218 adopted December 31, 1987, effective January 2, 1988, 18 Pa.B. 11, unless otherwise noted.

Cross References

This chapter cited in 25 Pa. Code § 215.32 (relating to exemption qualifications); 25 Pa. Code § 216.2 (relating to registration); 25 Pa. Code § 216.4 (relating to renewal of certificate of registration); 25 Pa. Code § 217.1 (relating to purpose and scope); 25 Pa. Code § 217.134 (relating to filing applications for specific licenses); 25 Pa. Code § 224.1 (relating to purpose and scope); 25 Pa. Code § 225.1 (relating to purpose and scope); 25 Pa. Code § 226.1 (relating to purpose and scope); and 25 Pa. Code § 232.1 (relating to purpose and scope).

GENERAL**§ 218.1. Purpose and scope.**

(a) This chapter establishes fees for registration and licensing and provides for their payment. For the purpose of this chapter, radiation-producing machines under the same administrative control in a single building are registered or licensed as a single facility. Radiation-producing machines under the same administrative control at the same address or in a contiguous group of buildings may be registered or licensed as a single facility if the Department determines that it is appropriate.

(b) Except as otherwise specifically provided, this chapter applies to a person who:

(1) Is required to register or renew registration for radiation-producing machines or radiation-producing machine service providers under Chapter 216 (relating to registration of radiation-producing machines and radiation-producing machine service providers).

(2) Is an applicant for or holder of a radioactive material license issued under Chapter 217 (relating to licensing of radioactive material).

(3) Is an applicant for or holder of an accelerator license issued under Chapter 228 (relating to radiation safety requirements for particle accelerators).

Authority

The provisions of this § 218.1 amended under sections 301 and 302 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source

The provisions of this § 218.1 amended October 2, 1998, effective October 3, 1998, 28 Pa.B. 4894; amended November 16, 2001, effective November 17, 2001, 31 Pa.B. 6280; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3823. Immediately preceding text appears at serial pages (285659) to (285660).

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	\$ 100	\$50
Hospitals	\$725	\$50
Other Facilities	\$350	\$50

(b) A registrant filing an initial registration under § 216.2 (relating to registration of radiation-producing machines) or an application for renewal of a certificate of registration under § 216.4 (relating to renewal of certificate of registration) shall remit the appropriate fee calculated by using the information on the registration or application form and the fee schedule in subsection (a). Fees for any initial registration under § 216.2 are payable upon the filing of the registration. Fees for the renewal of a certificate of registration are payable upon the submission of an application for a renewal of a certificate of registration. If the number of tubes increases after an initial registration or after an application for renewal has been filed with the Department, no additional fee is required until the time of the next registration. Likewise, if the number of tubes decreases during the year, no refund will be made for that year.

(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:

(1) Accelerators, below 50 MeV, other than for ion implantation—\$2,100 for the first accelerator at the facility plus \$700 for each additional unit at that facility.

(2) Accelerators used for ion implantation—\$700 plus \$70 for each additional unit at the same facility.

(3) Accelerators 50 MeV and above—full cost of staff time to review license applications and conduct inspections as needed. (Hourly rate is \$150 per hour). For the purpose of anticipating costs and compliance with subsections (e) and (f), a minimum annual fee of \$2,100 for the first accelerator at the facility plus \$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.

(e) An initial application for a license or reciprocity shall be accompanied by a check payable to the Department in accordance with the fee schedules in subsections (c) and (d). Thereafter, the Department will issue an annual fee invoice in accordance with the appropriate fee schedule at least 2 months prior to the license expiration. Fees are payable by the last day of the license expiration month as shown on the license fee invoice. This provision is not applicable to full cost recovery licenses specified in Appendix A.

(f) The Department will not accept an initial application for a license prior to payment of the fees required by subsections (c) and (d).

(g) If the registration involves more than one of the facilities in subsection (a), or if a license involves more than one of the categories in subsection (c), the highest applicable fee applies.

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

(i) The Department will review the adequacy of the fees established in this section at least once every 3 years and provide a written report to the EQB. The report must identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and must contain recommendations to increase fees to eliminate the disparity, including recommendations for regulatory amendments to increase program fees.

Authority

The provisions of this § 218.11 amended under sections 301 and 302 and 401 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source

The provisions of this § 218.11 adopted December 31, 1987, effective January 2, 1988, 18 Pa.B. 11; amended May 3, 1991, effective May 4, 1991, 21 Pa.B. 2005; amended October 2, 1998, effective October 3, 1998, 28 Pa.B. 4894; amended November 16, 2001, effective November 17, 2001, 31 Pa.B. 6280; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3823; amended November 14, 2008, effective January 1, 2009, 38 Pa.B. 6275. Immediately preceding text appears at serial pages (304448) to (304449).

Cross References

This section cited in 25 Pa. Code § 216.1 (relating to purpose and scope); 25 Pa. Code § 216.2a (relating to registration of radiation-producing machine service providers); 25 Pa. Code § 216.4 (relating to renewal of certificate of registration); 25 Pa. Code § 216.4a (relating to expiration and termination of certificates of registration); 25 Pa. Code § 218.11a (relating to special provisions for calculating fees during agreement state transition period); and 25 Pa. Code § 228.21a (relating to notification and license requirements).

§ 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 January 1, 2009, the provisions of this section and § 218.11 and Appendix A (relating to registration, renewal of registration and fees; and fees for radioactive material licenses) will be applied retroactively to NRC licenses transferred to the Commonwealth.

Authority

The provisions of this § 218.11a adopted under sections 301 and 302 and 401 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source

The provisions of this § 218.11a adopted November 14, 2008, effective January 1, 2009, 38 Pa.B. 6275; corrected March 7, 2009, effective January 1, 2009, 39 Pa.B. 1201.

§ 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.

Authority

The provisions of this § 218.12 amended under sections 301 and 302 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302).

Source

The provisions of this § 218.12 amended November 16, 2001, effective November 17, 2001, 31 Pa.B. 6280. Immediately preceding text appears at serial page (249247).

APPENDIX A

Fees for Radioactive Material Licenses

<i>Fee Category</i> ^{5,6}	<i>Description</i>	<i>Annual Fee (\$)</i> ^{1,2,3,4,7}
1C	Special Nuclear Material Sealed Source Gauges (X-Ray Fluorescence)	2,100
1D	Special Nuclear Material—Other	5,800
2A(2)(c)	Source Material—metal extraction	90,200
2A5	Removal of Radioactive Contaminants from Drinking Water	11,200
2B	Source Material as Shielding	750
2C	Source Material—Other (not 11e2)	13,400
3A	Manufacturing & Distribution Commercial Broad Scope—10 CFR 30, 33	29,100
3B	Manufacturing, Refurbishing & Distribution Commercial Specific License—10 CFR 30	8,300
3C	Manufacturing & Distribution Pharmaceuticals—10 CFR 32.72—32.74	11,900
3D	Pharmaceuticals—Distribution Only—10 CFR 32.7x	6,800
3E	Irradiator—Shielded Source	4,200
3F	Irradiator—Unshielded < 10kCi	7,800
3G	Irradiator—Unshielded >= 10kCi	31,200
3I	Distribution As Exempt—No Review of Device	10,700
3J	Distribution—SSD Devices to Part 31 GLs	2,500
3K	Distribution—No Review-Exempt Sealed Source	1,900
3L	Research & Development Broad Scope	15,100
3M	Research & Development	5,600
3N	Services other than Leak Testing, Waste Disposal or Calibration	8,500

<i>Fee Category</i> ^{5,6}	<i>Description</i>	<i>Annual Fee (\$)</i> ^{1,2,3,4,7}
3O	Radiography	14,100
3P	Other Byproduct Material	2,700
3Q	Generally licensed devices under § 217.143 (relating to certain measuring, gauging or controlling devices)	320
3R1	Greater than the General License Limits in 10 CFR 31.12(a)(3), (4) or (5) but not more than ten times those Limits	2,100
3R2	Greater than ten times the General License Limits in 10 CFR 31.12(a)(3), (4) or (5)	2,700
3S	Manufacturing & Distribution Pharmaceuticals—Accelerator Produced Only	11,800
4A	Waste Storage, Processing or Disposal	Full Cost *
4B	Waste Packaging or Repackaging	12,000
4C	Waste Receipt of Prepackaged for Disposal	9,200
5A	Well Logging & Non Field Flood Tracers	4,400
5B	Well Logging Field Flood Tracer Studies	Full Cost *
6A	Nuclear Laundry	28,800
7A	Human Use—Teletherapy	13,700
7B	Human Use—Broad Scope (except Teletherapy)	29,000
7C	Human Use—Specific License (except Teletherapy)	4,900
8A	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	2,100
14	Decontamination, Decommissioning, Reclamation or Site Restoration	Full Cost *
16	Reciprocity (180 days/year)	1,500
SB1 ₅	Small Business—Category 1	2,300

<i>Fee Category</i> ^{5,6}	<i>Description</i>	<i>Annual Fee (\$)</i> ^{1,2,3,4,7}
SB2 ₆	Small Business— Category 2	500

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 will be effective upon publication of the final rules in the *Pennsylvania Bulletin*. Existing NARM licenses will be changed to the corresponding category of byproduct material license in Appendix A upon publication of the final rule.

³ Annual fees for categories of NRC licenses that are not included in this table will be calculated as follows: PA Fee = (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 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 \$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.

Authority

The provisions of this Appendix A issued under sections 301, 302 and 401 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302); amended under sections 301 and 302 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302); and section 1920-A of The Administration Code of 1929 (71 P. S. 510-20).

Source

The provisions of this Appendix A adopted November 16, 2001, effective November 17, 2001, 31 Pa.B. 6280; amended July 16, 2004, effective July 17, 2004, 34 Pa.B. 3823; amended November 14, 2008, effective January 1, 2009, 38 Pa.B. 6275. Immediately preceding text appears at serial pages (304450) to (304453).

Cross References

This appendix cited in 25 Pa. Code § 218.11 (relating to registration, renewal of registration and license fees); and 25 Pa. Code § 218.11a (relating to special provisions for calculating fees during agreement state transition period).

[Next page is 219-1.]

218-8