

REQUEST FOR TECHNICAL CHANGE

AGENCY: Secretary of the Department of Health and Human Services

RULE CITATION: 10A NCAC 15 .1106

DEADLINE FOR RECEIPT: Thursday, April 4, 2019

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In Specific Licenses, lines 20 and 21, I take it these do not involve X-rays, such that the limitations of fees in G.S. 104E-19(b) will not apply?

In (c), line 17, I suggest either deleting "provisions of" or insert a "the" before "provisions"

In (d), line 21, what is "contiguous property"? Does your regulated public know?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: March 21, 2019

1 10A NCAC 15 .1106 is amended with changes as published in 33:10 NCAC 1022-1023 as follows:

3 **10A NCAC 15 .1106 RADIOACTIVE MATERIALS AND ACCELERATOR FEE AMOUNTS**

4 (a) Annual fees for persons licensed pursuant to the provisions of Section .0300 of this Chapter ~~are as listed in the~~
5 ~~following table: shall be:~~

6	Type of Radioactive Material License	Annual Fee
7	Specific license of broad scope <u>including:</u>	
8	Medical Broad -academic or research and development (R&D)	\$ 5,250.00 <u>\$ 5,180.00</u>
9	Academic Broad -manufacture or distribution	\$ 3,500.00 <u>\$ 6,100.00</u>
10	Research and Development Broad	\$ 3,000.00
11	-medical	\$ 6,760.00
12		
13	Specific license <u>including:</u>	
14	-educational institutions, R&D laboratories	\$ 2,960.00
15	-industrial radiography (with temporary subsites)	\$ 3,500.00 <u>\$ 5,400.00</u>
16	-industrial radiography (in plant only)	\$ 2,600.00
17	-irradiator >10,000Ci	\$ 19,140.00
18	-irradiator ≤10,000Ci	\$ 2,160.00
19	-manufacture or distribution	\$ 2,320.00
20	-medical (human use), [no written directive required] diagnostic	\$ 2,940.00
21	-medical (human use), [written directive required] therapeutic	\$ 4,760.00
22	-medical institution other than teletherapy	\$ 2,900.00
23	-medical private practice	\$ 950.00
24	-mobile medical practice (home office including 1 client site)	\$ 1,600.00
25	-mobile medical practice (per additional client location)	\$ 350.00
26	-medical teletherapy	\$ 2,100.00
27	-fixed industrial gauges	\$ 550.00
28	-portable gauges	\$ 425.00
29	-gas chromatographs	\$ 375.00
30	-manufacture or distribute	\$ 2,250.00
31	-irradiator >100,000Ci	\$ 8,500.00
32	-irradiator ≤100,000Ci	\$ 4,500.00
33	-educational institutions	\$ 1,900.00
34	-water remediation activities (home office including 1 client site)	\$ 1,350.00
35	-water remediation activities (per additional client location)	\$ 280.00
36	-services/consultants	\$ 400.00
37	other -services, consultants, gauges (all types), or not specified above	\$ 500.00 <u>\$ 1,860.00</u>

1 -well logging, subsurface tracer studies \$ 3,200.00

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3 General licenses license including:

4 ~~licenses subject~~ -not subject to annual registration requirements \$ ~~325.00~~ \$ 200.00

5 ~~licenses not subject~~ -subject to annual registration requirements \$ ~~200.00~~ \$ 325.00

6 ~~-possession of self-luminous devices under Rule .0309 of this Chapter~~ no fee

7 ~~-possession of source material from water remediation activities under Rule .0307 of this Chapter~~ no fee

8 (b) Annual fees for persons licensed pursuant to the provisions of Section .0900 of this Chapter ~~are as listed in the~~
 9 ~~following table:~~ shall be four thousand seven hundred sixty dollars (\$4,760.00).

Type of Accelerator License	Annual Fee
Medical (home office including 1 unit)	\$ 2,000.00
Medical (per additional unit)	\$ 200.00
Industrial/Manufacturing (home office including 1 unit)	\$ 2,000.00
Industrial/Manufacturing (per additional unit)	\$ 200.00
Sales, Service, Refurbishment, Manufacture	\$ 2,000.00

16 (c) ~~Annual fees Fees~~ for out-of-state persons granted permission to use sources of radiation in this ~~state~~ State pursuant
 17 to provisions of Rule .0345 of this Chapter are the same as that provided for in the applicable category specified in
 18 Paragraphs (a) and (b) of this Rule. ~~Such~~ The fees are shall be due when the application for reciprocal recognition of
 19 out-of-state license ~~or registration is made in the same manner as for a new license or registration as specified in Rule~~
 20 ~~.1102~~ is made.

21 (d) Each location listed on a license issued by the Agency that is not part of a contiguous property controlled by the
 22 licensee shall require an additional fee equal to the amount specified in Paragraphs (a) and (b) of this Rule. Fees for
 23 client locations listed on mobile medical licenses shall be one-half of the amount specified in Paragraphs (a) or (b) of
 24 this Rule for each client site.

25 (e) Persons licensed to conduct activities subject to multiple categories of fees under Paragraph (a) of this Rule shall
 26 be required to pay only the highest fee category.

27 (f) Persons possessing Sealed Source and Device Registration (SS&D) certificates shall pay an annual fee of one
 28 thousand four hundred eighty dollars (\$1,480.00) per active SS&D certificate issued by the Agency, in addition to
 29 any amounts specified in Paragraph (a) of this Rule.

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31 *History Note:* Authority G.S. 104E-9(a)(8); 104E-19(a);
 32 Eff. August 1, 2007;
 33 Amended Eff. July 1, 2011;
 34 Transferred and Recodified from 15A NCAC 11 .1106 Eff. February 1, 2015- 2015.
 35 Amended Eff. May 1, 2019.