

CHAPTER 33.1-10-11
FEES FOR ISSUANCE OF LICENSE AND REGISTRATION CERTIFICATES AND
INSPECTIONS

Section

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33.1-10-11-01. Purpose.

This chapter establishes fees charged for the issuance of licenses and registration certificates by the department. This chapter also establishes fees charged to recover costs associated with nonroutine regulatory inspections and surveys of licensees and registrants.

History: Effective January 1, 2019.

General Authority: NDCC 23.1-03-04, 23.1-03-09; S.L. 2017, ch. 199, § 1

Law Implemented: NDCC 23.1-03-04, 23.1-03-09; S.L. 2017, ch. 199, § 18

33.1-10-11-02. Scope.

This chapter applies to a person who is an applicant for, or a holder of, a radioactive material license or a registration certificate issued by the department.

History: Effective January 1, 2019.

General Authority: NDCC 23.1-03-04, 23.1-03-09; S.L. 2017, ch. 199, § 1

Law Implemented: NDCC 23.1-03-03, 23.1-03-04, 23.1-03-09; S.L. 2017, ch. 199, § 18

33.1-10-11-03. Exemptions.

No application fees, license fees, amendment fees, renewal fees, or special project fees, shall be required for:

1. A license authorizing the use of source material as shielding only in devices and containers provided; however, that all other licensed byproduct material, naturally occurring or accelerator-produced radioactive material, source material, or special nuclear material in the device or container will be subject to the fees prescribed in appendix A of this chapter.
2. Nonprofit educational institutions are exempt from the fees prescribed in appendices A and B of this chapter. This exemption does not apply to those radioactive material licenses or machine registration certificates which authorize any of the following:
 - a. Human use.
 - b. Remunerated services to other persons.
 - c. Distribution of byproduct material, naturally occurring or accelerator-produced radioactive material, source material, or special nuclear material, or products containing byproduct material, naturally occurring or accelerator-produced radioactive material, source material, or special nuclear material.
 - d. Activities performed under a government contract.

3. The department may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of this chapter as it determines are authorized by law and are otherwise in the public interest.

History: Effective January 1, 2019.

General Authority: NDCC 23.1-03-04, 23.1-03-09; S.L. 2017, ch. 199, § 1

Law Implemented: NDCC 23.1-03-03, 23.1-03-04, 23.1-03-09; S.L. 2017, ch. 199, § 18

33.1-10-11-04. Payment of fees.

The following fees are nonrefundable:

1. **License and registration fees.** The appropriate licensing or registration fee shall accompany the application for licensure or registration when filed with the department. For new radioactive material licenses, the application fee is equal to the appropriate annual fee.
2. **Amendment fees.** The amendment fee given in appendix A category 24 shall accompany the application for amendment when filed with the department.
3. **Reciprocity fee.** The appropriate reciprocity fee shall accompany the written notification as required in chapters 33.1-10-03.1 and 33.1-10-02.
4. **Special project fees.** Fees for special projects are payable upon notification by the department when the review of the project is completed. Special projects mean those projects submitted to the department for review and for which specific fees are not prescribed in this chapter. Special project fees will be based upon the current professional staff hourly rate (thirty-three percent of the current nuclear regulatory commission rate listed in 10 CFR 170).
5. **Annual fees.** Annual fees are required to be paid by all radioactive material licensees no later than January first of each year the license is active, except that the annual fee due on January first of the year following the issuance of a new license shall be prorated to the number of months the license was in effect the first calendar year (example: for a new license issued in May the annual fee due January first would be seven-twelfths [June-December] of the annual fee listed in appendix A).
6. **Inspection and survey fees.** Fees for regulatory inspections and surveys of North Dakota licensees are included in the registration or annual fees for each registration or license type. Nonroutine inspections will require the nonroutine inspection fee to be paid upon notification by the department when the inspection has been completed.
7. **Annual fees for small entities.** If a licensee qualifies as a small entity and provides the department with the proper certification, the small entity fee of sixty percent of the applicable annual fee listed in appendix A shall be paid.
 - a. "Small business" means a business entity, including its affiliates, which:
 - (1) Is independently owned and operated; and
 - (2) Employs fewer than twenty-five full-time employees or has gross annual sales of less than two million five hundred thousand dollars;
 - b. "Small entity" includes small business, small organization, and small political subdivision;
 - c. "Small organization" means any not-for-profit enterprise that is independently owned and operated and is not dominant in its field;
 - d. "Small political subdivision" means a political subdivision with a population of less than five thousand;

- e. A licensee who seeks to establish status as a small entity for purposes of paying the fees required under this chapter shall file a certification statement with the department. The licensee shall:
 - (1) Certify, on the business's letterhead, that the business meets the conditions in this subsection;
 - (2) Sign the certification as the chief executive officer of the business or as an official designee; and
 - (3) Have the certification notarized.
 - f. A licensee who seeks to qualify as a small entity shall submit the certification with the reduced annual fee payment; and
 - g. For purposes of this chapter, the licensee shall submit a new certification with its annual fee payment each year.
8. **Method of payment.** Fee payments shall be by check, draft, or money order made payable to the department of environmental quality.
9. **Submittal of application and fee payment.** The application for licensure or registration shall be accompanied by the fee payment and shall be submitted to:

Department of Environmental Quality
Division of Air Quality
918 East Divide Avenue, Second Floor
Bismarck, ND 58501-1947

History: Effective January 1, 2019.

General Authority: NDCC 23.1-03-04, 23.1-03-09; S.L. 2017, ch. 199, § 1

Law Implemented: NDCC 23.1-03-04, 23.1-03-09; S.L. 2017, ch. 199, § 18

33.1-10-11-05. Failure by applicant or licensee to pay prescribed fees.

- 1. In any case where the department finds that an applicant or a licensee has failed to pay a prescribed fee required in this chapter, the department will not process any application and may suspend or revoke any license or approval involved or may issue an order with respect to licensed activities as the department determines to be appropriate or necessary in order to carry out the provisions of this chapter and of the North Dakota Century Code.
- 2. In any case where the department does not receive the prescribed fee by the stated due date, an additional fee shall be levied as stated in category 27 of appendix A.

History: Effective January 1, 2019.

General Authority: NDCC 23.1-03-04, 23.1-03-09; S.L. 2017, ch. 199, § 1

Law Implemented: NDCC 23.1-03-04, 23.1-03-09; S.L. 2017, ch. 199, § 18

Appendix A - Schedule of Fees for 2016 Radioactive Material Licenses

Applicants for radioactive material licenses and other regulatory services and holders of radioactive material licenses shall pay the following fees.

Category	Description	Base Fees (USD)		Additional Charges
1. SPECIAL NUCLEAR MATERIAL				
A	Licenses for possession and use of 200 grams or more of plutonium in unsealed form or 350 grams or more of contained U-235 in unsealed form or 200 grams or more of U-233 in unsealed form. This includes applications to terminate licenses as well as licenses authorizing possession only.	Nonroutine inspection Annual fee	Full cost \$221,640	Items 23 and/or 27 as applicable
B	Licenses for receipt and storage of spent fuel at an independent spent fuel storage installation (regulated by NRC)	Nonroutine inspection Annual fee	N/A N/A	Items 23 and/or 27 as applicable
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	Nonroutine inspection Annual fee	\$1,370 \$1,910	Items 23 and/or 27 as applicable
D	All other special nuclear material licenses except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical quantity	Nonroutine inspection Annual fee	\$1,370 \$2,830	Items 23 and/or 27 as applicable

Category	Description	Base Fees (USD)		Additional Charges
2. SOURCE MATERIAL				
A	Licenses for possession and use of source material in recovery operations, such as milling, in situ leaching, heap-leaching, refining uranium mill concentrates to uranium hexafluoride, or buying stations, ion exchange facilities, and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode	Nonroutine inspection	Full cost	Items 23 and/or 27 as applicable
		Annual fee	\$1,152,420	
B	Licenses for possession, use and or installation of source material for shielding only	Nonroutine inspection	\$410	Items 23 and/or 27 as applicable
		Annual fee	\$670	
C	All other source material licenses	Nonroutine inspection	\$1,530	Items 23 and/or 27 as applicable
		Annual fee	\$4,730	
3. BYPRODUCT, NATURALLY OCCURRING OR ACCELERATOR-PRODUCED RADIOACTIVE MATERIAL				
A	Licenses of broad scope for possession and use of byproduct material or naturally occurring or accelerator-produced radioactive material issued pursuant to chapter 33.1-10-03.1 for processing or manufacturing of items containing byproduct material or naturally occurring or accelerator-produced radioactive material for commercial distribution	Nonroutine inspection	\$3,260	Items 23 and/or 27 as applicable
		Annual fee	\$13,490	

Category	Description	Base Fees (USD)		Additional Charges
B	Other licenses for possession and use of byproduct material or naturally occurring or accelerator-produced radioactive material issued pursuant to chapter 33.1-10-03.1 for processing or manufacturing of items containing byproduct material or naturally occurring or accelerator-produced radioactive material for commercial distribution	Nonroutine inspection	\$2,030	Items 23 and/or 27 as applicable
		Annual fee	\$6,210	
C	Licenses issued pursuant to chapter 33.1-10-03.1 authorizing the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits and/or sources and devices containing byproduct material or naturally occurring or accelerator-produced radioactive material	Nonroutine inspection	\$1,940	Items 23 and/or 27 as applicable
		Annual fee	\$13,490	
D	Licenses and approvals issued pursuant to chapter 33.1-10-03.1 authorizing distribution or redistribution of radiopharmaceuticals, generators, reagent kits and/or sources or devices not involving processing of byproduct material or naturally occurring or accelerator-produced radioactive material	Nonroutine inspection	\$1,220	Items 23 and/or 27 as applicable
		Annual fee	\$5,390	
E	Licenses for possession and use of byproduct material or naturally occurring or accelerator-produced radioactive material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units)	Nonroutine inspection	\$720	Items 23 and/or 27 as applicable
		Annual fee	\$2,440	
F	Licenses for possession and use of less than 370 terabecquerels [10,000 curies] of byproduct material or naturally occurring or accelerator-produced radioactive material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes	Nonroutine inspection	\$790	Items 23 and/or 27 as applicable
		Annual fee	\$2,370	

Category	Description	Base Fees (USD)		Additional Charges
G	Licenses for possession and use of 370 terabecquerels [10,000 curies] or more of byproduct material or naturally occurring or accelerator-produced radioactive material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes	Nonroutine inspection	\$1,400	Items 23 and/or 27 as applicable
		Annual fee	\$21,610	
H	Licenses issued pursuant to chapter 33.1-10-03.1 to distribute items containing byproduct material or naturally occurring or accelerator-produced radioactive material that require device review to persons exempt from the licensing requirements of chapter 33.1-10-03.1, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licenses of chapter 33.1-10-03.1	Nonroutine inspection	\$1,070	Items 23 and/or 27 as applicable
		Annual fee	\$7,020	
I	Licenses issued pursuant to chapter 33.1-10-03.1 to distribute items containing byproduct material or naturally occurring or accelerator-produced radioactive material, or quantities of byproduct material or naturally occurring or accelerator-produced radioactive material that do not require device evaluation to persons exempt from the licensing requirements of chapter 33.1-10-03.1, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of chapter 33.1-10-03.1	Nonroutine inspection	\$720	Items 23 and/or 27 as applicable
		Annual fee	\$9,740	

Category	Description	Base Fees (USD)		Additional Charges
K	Licenses issued pursuant to chapter 33.1-10-03.1 to distribute items containing byproduct material or naturally occurring or accelerator-produced radioactive material, or quantities of byproduct material or naturally occurring or accelerator-produced radioactive material that do not require sealed source and/or device review to persons generally licensed under this chapter, except specific licenses authorizing for redistribution of items that have been authorized for distribution to persons generally licensed under this chapter	Nonroutine inspection	\$1,060	Items 23 and/or 27 as applicable
		Annual fee	\$2,700	
L	Licenses of broad scope for possession and use of byproduct material or naturally occurring or accelerator-produced radioactive material issued pursuant to chapter 33.1-10-03.1 for research and development that do not authorize commercial distribution	Nonroutine inspection	\$1,220	Items 23 and/or 27 as applicable
		Annual fee	\$4,050	
M	Other licenses for possession and use of byproduct material or naturally occurring or accelerator-produced radioactive material issued pursuant to chapter 33.1-10-03.1 for research and development that do not authorize commercial distribution	Nonroutine inspection	\$930	Items 23 and/or 30 as applicable
		Annual fee	\$3,780	
N	Licenses that authorize services for other licensees, except (1) licenses that authorize calibration or leak testing services only are subject to the fees specified in fee Categories 15 and 16, and (2) licenses that authorize waste disposal services are subject to the fees specified in fee Categories 4A, 4B, and 4C.	Nonroutine inspection	\$1,060	Items 23 and/or 27 as applicable
		Annual fee	\$6,110	

Category	Description	Base Fees (USD)		Additional Charges
O	Licenses for possession and use of byproduct material or naturally occurring or accelerator-produced radioactive material issued pursuant to chapter 33.1-10-05.1 for industrial radiographic operations	Nonroutine inspection	\$2,550	Items 23 and/or 27 as applicable
		Annual fee	\$8,250	
P	All other specific byproduct material or naturally occurring or accelerator-produced radioactive material licenses, except as described in item 1 below or listed in Categories 4A through 9	Nonroutine inspection	\$1,830	Items 23 and/or 27 as applicable
		Annual fee	\$2,370	
1	Portable x-ray fluorescence analyzers only	Nonroutine inspection	\$300	Items 23 and/or 27 as applicable
		Annual fee	\$590	
Q.	Registration of a device(s) generally licensed under chapter 33.1-10-03.1	Nonroutine inspection	\$670	Items 23 and/or 27 as applicable
		Annual fee	\$1,370	
	(Each address or location where the device(s) are used or stored represents a separate general license and requires a separate registration and fee.)			
4. WASTE DISPOSAL AND PROCESSING				
A	Licenses specifically authorizing the receipt of waste byproduct material, naturally occurring, technologically enhanced, or accelerator-produced radioactive material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material	Nonroutine inspection	Full cost	Items 23 and/or 27 as applicable
		Annual fee	\$134,720	

Category	Description	Base Fees (USD)		Additional Charges
B	Licenses specifically authorizing the receipt of waste byproduct material, naturally occurring, technologically enhanced, or accelerator-produced radioactive 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.	Nonroutine inspection	\$2,140	Items 23 and/or 27 as applicable
		Annual fee	\$16,180	
C	Licenses specifically authorizing the receipt of prepackaged waste byproduct material, naturally occurring, technologically enhanced, or accelerator-produced radioactive 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.	Nonroutine inspection	\$2,140	Items 23 and/or 27 as applicable
		Annual fee	\$7,550	
5. WELL LOGGING				
A	Licenses for possession and use of byproduct material, naturally occurring or accelerator-produced radioactive material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies	Nonroutine inspection	\$1,220	Items 23 and/or 27 as applicable
		Annual fee	\$6,750	
B	Licenses for possession and use of byproduct material or naturally occurring or accelerator-produced radioactive material, for field flooding tracer studies	Nonroutine inspection	Full cost	Items 23 and/or 27 as applicable
		Annual fee	\$15,640	
6. NUCLEAR LAUNDRY				
A	Licenses for commercial collection and laundry of items contaminated with byproduct material, naturally occurring or accelerator-produced radioactive material, source material, or special nuclear material	Nonroutine inspection	\$1,940	Items 23 and/or 27 as applicable
		Annual fee	\$7,290	

Category	Description	Base Fees (USD)		Additional Charges
7. HUMAN USE OF BYPRODUCT, NATURALLY OCCURRING OR ACCELERATOR-PRODUCED, SOURCE, OR SPECIAL NUCLEAR MATERIAL				
A	Licenses issued pursuant to chapter 33.1-10-03.1 for human use of byproduct material, naturally occurring or accelerator-produced radioactive material, source material, or special nuclear material in sealed sources contained in teletherapy devices	Nonroutine inspection	\$1,940	Items 23 and/or 27 as applicable
		Annual fee	\$16,770	
B	Licenses of broad scope issued to medical institutions or two or more physicians pursuant to chapter 33.1-10-03.1 authorizing research and development, including human use of byproduct material, except licenses for byproduct material, naturally occurring or accelerator-produced radioactive material, source material, or special nuclear material in sealed sources contained in teletherapy devices	Nonroutine inspection	\$1,830	Items 23 and/or 27 as applicable
		Annual fee	\$17,550	
C	Other licenses issued pursuant to chapter 33.1-10-03.1 for human use of byproduct material, naturally occurring or accelerator-produced radioactive material, source material, and/or special nuclear material, except licenses for byproduct material, source material, naturally occurring or accelerator-produced radioactive material, and special nuclear material in sealed sources contained in teletherapy devices	Nonroutine inspection	\$1,530	Items 23 and/or 27 as applicable
		Annual fee	\$5,950	
8. VETERINARY MEDICINE				
A	Licenses issued for the veterinary use of byproduct material, naturally occurring or accelerator-produced radioactive material, source material, or special nuclear material in animals for diagnostic procedures only	Nonroutine inspection	\$1,220	Items 23 and/or 27 as applicable
		Annual fee	\$3,530	

Category	Description	Base Fees (USD)		Additional Charges
B	Licenses issued for the veterinary use of byproduct material, naturally occurring or accelerator-produced radioactive material, source material, or special nuclear material in animals for diagnostic and/or therapeutic procedures	Nonroutine inspection	\$1,220	Items 23 and/or 27 as applicable
		Annual fee	\$4,050	
9.	Civil defense licenses for possession and use of byproduct material, naturally occurring or accelerator-produced radioactive material, source material, or special nuclear material for civil defense activities	Nonroutine inspection	\$720	Items 23 and/or 27 as applicable
		Annual fee	\$1,910	
10. DEVICE, PRODUCT OR SEALED SOURCE SAFETY EVALUATION (Regulated by NRC)				
11.	Licenses for possession and use of byproduct material, naturally occurring or accelerator-produced radioactive material, source material, or special nuclear material for civil defense activities	Nonroutine inspection	\$720	Items 23 and/or 27 as applicable
		Annual fee	\$1,910	
12. SPENT FUEL STORAGE (Regulated by NRC)				
13. IMPORT AND EXPORT LICENSES (Regulated by NRC)				
14.	Reciprocity: Other agreement state and/or NRC licensees who conduct activities in North Dakota under the reciprocity provisions of chapters 33.1-10-03 and 33.1-10-19	Annual fee	Same as annual fee for license type	Items 23 and/or 27 as applicable
	(Application fee is due three working days prior to entering the state.)	Nonroutine inspection	Same as inspection fee for license type	
15. SERVICES FOR OTHER LICENSED ENTITIES				
A	Leak test and analysis services (for other licensed entities) only	Nonroutine inspection	\$930	Items 23 and/or 27 as applicable
		Annual fee	\$1,760	
B	Instrument calibration services (for other licensed entities) only	Nonroutine inspection	\$930	Items 23 and/or 27 as applicable
		Annual fee	\$1,760	
16.	Combination leak test and analysis services and instrument calibration services (for other licensed entities) only	Nonroutine inspection	\$1,070	Items 23 and/or 27 as applicable
		Annual fee	\$2,370	

Category	Description	Base Fees (USD)		Additional Charges
17.	Calibration and/or reference sources (not for providing service to other licensed entities) only	Nonroutine inspection Annual fee	\$670 \$1,220	Items 23 and/or 27 as applicable
18.	Storage of radioactive material only	Nonroutine inspection Annual fee	\$930 \$1,630	Items 23 and/or 27 as applicable
19.	Providing deliberate operations to reduce or remove residual radioactivity from equipment, facilities, and land owned, possessed, or controlled by other persons to a level that permits release of equipment, facilities, and land for unrestricted use and/or termination of a license rendered from a fixed facility or a mobile unit	Nonroutine inspection Annual fee	\$1,370 \$21,610	Items 23 and/or 27 as applicable
20.	Radiation training courses involving the use of licensed material by the instructor and/or the participants	Annual fee	\$540	Item 27 as applicable
21.	Demonstration and sales of devices containing radioactive materials	Annual fee	\$540	Item 27 as applicable
22.	Installation, removal, repair, and servicing of devices containing radioactive materials	Annual fee	\$2,070	Item 27 as applicable
23.	Multiple offices: Add the following fees per additional office location (This does not apply to additional locations in Category 21 above.)	Annual fee	25 percent of base fee for category type per location	Item 27 as applicable
24.	Administrative fee for all license amendments	Amendment	\$280	Item 27 as applicable
25.	Inspection of radioactive materials package shipments to low-level radioactive waste disposal facility	Inspection	Full cost	Item 27 as applicable
26.	Certificate - In vitro testing with radioactive material under general license	Certificate (valid for three years)	\$330	Item 27 as applicable
27.	Late payment of any fees described in items 1 through 26 above	From payment due date	\$1	An additional fee per day after 30 days late

Note 1: All fee amounts are shown in United States dollars (USD).

Note 2: The fees established under this appendix may be adjusted on an annual basis to account for any increase in the consumer price index published by the department of labor, as of the close of the twelve-month period ending on August thirty-first of each calendar year. Fee adjustments will be rounded off to the nearest dollar amount (example: for a value of 0.50 or greater, the number would be rounded up; for a value of 0.49 or less, the number would be rounded down).

Note 3: A current list of fees established under this appendix will be maintained on the department of environmental quality website.

History: Effective January 1, 2019.

General Authority: NDCC 23.1-03-09, 28-32-02; S.L. 2017, ch. 199, § 1

Law Implemented: NDCC 23.1-03-04, 23.1-03-09; S.L. 2017, ch. 199, § 18

Appendix B

2016 Schedule of Fees for Registration Certifications and Inspection

Applications for registration of radiation machines and other regulatory services shall pay the following fees for each machine that they possess and use at their facilities. The fees cover a three-year registration period and the renewal fee is the amount listed.

Registration Category	Fee/Machine (in U.S. Dollars)
Dentistry	\$230
Medical:	
A. Radiographic machine (including computer tomography)	\$350
B. Fluoroscopic machine	\$530
C. Combined radiographic-fluoroscopic	\$700
D. (1) Therapeutic: Linear accelerator (less than 10 MeV)	\$530
(2) Therapeutic: Linear accelerator (greater than 10 MeV)	\$850
E. Superficial x-ray	\$260
Chiropractic	\$320
Podiatry	\$260
Veterinary medicine	\$230
Industrial radiography	\$850
Accelerators (industrial and research)	\$530
Education and research	\$530
Other Registration Fees and Services	Annual Service Fees (in U.S. Dollars)
X-ray services and installers	\$530
Radiation training courses	\$350
X-ray sales and demonstrations	\$530
Combined sales and service (assembler)	\$700
Dosimeterists and physicists	\$350
Shielding evaluations (routine)	\$530 per evaluation
Shielding evaluations (nonroutine)	Full cost
Reciprocity (x-ray producing machines)	\$530 per year per machine

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