**Section 331.120 Payment of Fees**

Fees shall be assessed and paid as follows:

a) For categories of specific licenses that are shown to have an annual fee in Appendix F, applicants and licensees shall be billed as described in this subsection (a). Payment is due within 60 days after the date of billing. Fees shall be assessed as follows:

1) Annual fees: Unless a license or amendment application is exempt under Section 331.110, or the license fee is to be based on full cost recovery (see Appendix F), each licensee shall be assessed the fees specified in Appendix F for the primary material use category authorized by the license annually.

2) Annual remote site fee: For each remote site listed on a specific radioactive material license, where radioactive material is stored or used under the same license, the applicant shall annually be assessed the amount specified in Appendix F for each remote site that corresponds to the highest material use category authorized by the license for each site.

3) Changing the primary material use category or a remote site category. An application for amendment to a materials license that would change the primary material use category or a remote site category to a new category with a higher fee shall be assessed fees for the incremental difference between the applicable annual fees and the portion of the billing year remaining from the time the amendment is approved by the Agency.

4) The annual and remote site fees listed in Appendix F are nonrefundable, and are assessed based on a 12 month period.

5) Applicants requesting new licenses shall be assessed fees for the applicable Primary category as specified in Appendix F. Applicants shall be assessed fees for the portion of the billing year remaining from the time the application is received in the Agency to the end of the billing year.

6) An educational institution (as defined in Section 331.30) that seeks or has a license authorizing possession and use of radioactive material for human use or veterinary use, or remunerated leak testing or instrument calibration services to others shall pay 100% of the highest primary material use category for which a fee is due.

b) Recovery and remediation fees listed in Appendix F are nonrefundable and shall be billed along with the new license application fee described in subsection (a)(5) of this Section. The second installment, if required by Section 331.115, shall be assessed at the next billing date.

c) For categories of licenses that have fees based on full cost recovery, as listed in Appendix F, fees shall be assessed for all new applications, evaluations, inspections, amendments (including amendments to terminate or renew a license) and for monitoring of unlicensed properties contaminated with byproduct material (as defined in 32 Ill. Adm. Code 332.20) and assessing the decommissioning and decontamination activities at those properties. Fees based on full cost recovery shall be assessed as follows:

1) A licensee or applicant shall be assessed the deposit prescribed in Appendix F when the first application is received by the Agency after July 1, 2001. Licensees that already have adequate deposits on file with the Agency shall not be required to resubmit a deposit except for sealed source or device evaluations as indicated in subsection (d). This deposit shall be held by the Agency until a new license request has been denied by the Agency or withdrawn by the applicant, or an existing license is terminated. The deposit shall be refunded in accordance with Section 331.130.

2) The licensee may be billed quarterly, or when the Agency has incurred unpaid full cost expenses (as defined in Section 331.200(c)) in excess of the amount of the deposit, or upon completion of a license action (such as an amendment or renewal). Each bill shall identify the actions and the costs related to each. Payment is due within 60 days after the date of billing.

d) For evaluations of new sealed sources and devices, and amendments to existing sealed sources and device evaluations, fees shall be assessed based on the full cost of review. Each application for an evaluation of a new sealed source or device, or for an amendment to an existing sealed source or device evaluation, shall be accompanied by a deposit in the amount of $500. The applicant shall be billed or issued a refund upon the completion of the review. Each bill shall identify the actions and the costs related to each. Payment is due within 60 days after the date of billing.

e) For evaluations of financial assurance reclamation plans and cost estimates submitted to the Agency, fees for Agency review shall be assessed based on the full cost of review time in excess of two hours. Payment is due within 60 days after the date of billing.

f) For categories of licenses not exempted in Section 331.110, and licenses not subject to full cost recovery as described in Appendix F, full cost recovery fees shall be assessed for Agency confirmatory measurements and Agency assessment of decommissioning and decontamination activities associated with the termination of a license or use of a site. The licensee shall be billed upon the completion of the assessment and prior to removal of a site from the license or termination of the license. Each bill shall identify the actions and the costs related to each. Payment is due within 60 days after the date of the billing.

g) General license fees. Fees are nonrefundable and payment is due within 60 days after the date of the billing. The Agency shall assess fees:

1) Annually to each person who receives, acquires, possesses or uses a prepackaged unit for in vitro clinical or laboratory testing pursuant to the general license provided by 32 Ill. Adm. Code 330.220(e)(1); and

2) Annually to each person who receives, acquires, possesses or uses a generally licensed device and is required to register pursuant to 32 Ill. Adm. Code 330.220(a)(4).

h) Sealed source and device evaluation maintenance fee. Each person having an active sealed source or device evaluation on file with the Agency, except for custom sealed source and device evaluations, shall be billed the amount specified in Appendix F annually for each active evaluation sheet on file with the Agency. Fees are nonrefundable and payment is due within 60 days after the date of the billing.

i) Reciprocity fees. Each person generally licensed under 32 Ill. Adm. Code 330.900 for reciprocal recognition of an out-of-state specific license shall be assessed fees for the applicable annual license fee for the primary material use category indicated in Appendix F. Fees are nonrefundable and payment is due within 60 days after the date of the billing. The assessed billing period shall be for the 12 consecutive months following the licensee's first use under the general license. If, at the end of the 12 month period, the licensee is not using the general license, no additional fees are due until licensed activities commence again.

AGENCY NOTE: Reciprocity licensees are also subject to recovery and remediation fees specified in Section 331.115.

j) Fee payments. Payments shall be by check or money order made payable to the Illinois Emergency Management Agency.

(Source: Amended at 39 Ill. Reg. 11981, effective August 17, 2015)