



Protecting, maintaining and improving the health of all Minnesotans

February 8, 2001

Frederick Combs, Deputy Director
Office of State and Tribal Programs
United States Regulatory Commission
Washington, D.C. 20555-0001

01 FEB 13 PM 3:49

OSP

Dear Mr. Combs:

In response to your letter dated December 27, 2000, I would like to share with you our activities in Minnesota in pursuit of the agreement state status.

We are currently in the midst of the state legislative session. This sessions runs from January through mid-May, 2001. We have three items that have been approved by the Governor's office for consideration by the state legislature.

The enclosed bill includes the request for an extension of one year for the ultimate deadline that was imposed previously. When Jim Lynch and Roland Lickus came to visit in December, they were very helpful in convincing the Commissioner of Health that this extension would be a good idea. This is not to say we are planning on using or changing our original intent, however, this does give us both some leeway.

Secondly, the fee structure must go into statute for the funding of the program. This also appears in the bill.

The processing schedule that was included with your letter appears to be the target we are aiming at maintaining. Currently our rule is undergoing internal review prior to us sending it to you.

Please contact me or Sue McClanahan if you have any questions. I am planning to attend RIC 2001 in March and would be glad to meet with you if there are any outstanding issues we need to discuss.

Sincerely,

Linda Bruemmer, Manager
Asbestos, Indoor Air, Lead and Radiation
Environmental Health Division
P.O. Box 64975
St. Paul, Minnesota 55164-0975

Enclosure

cc: Cardelia Maupin
Jim Lynch
Roland Lickus

OSP-006 Implate
RIDS L.A. 5P07

1 A bill for an act

2 relating to health; extending deadlines related to a
3 nuclear materials agreement; establishing fees for the
4 licensing of radioactive material and source and
5 special nuclear material; providing for inspections;
6 amending Minnesota Statutes 2000, section 144.1202,
7 subdivision 4; proposing coding for new law in
8 Minnesota Statutes, chapter 144.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

10 Section 1. Minnesota Statutes 2000, section 144.1202,
11 subdivision 4, is amended to read:

12 Subd. 4. [AGREEMENT; CONDITIONS OF IMPLEMENTATION.] (a) An
13 agreement entered into before August 2, ~~2002~~ 2003, must remain
14 in effect until terminated under the Atomic Energy Act of 1954,
15 United States Code, title 42, section 2021, paragraph (j). The
16 governor may not enter into an initial agreement with the
17 Nuclear Regulatory Commission after August 1, ~~2002~~ 2003. If an
18 agreement is not entered into by August 1, ~~2002~~ 2003, any rules
19 adopted under this section are repealed effective August 1, ~~2002~~
20 2003.

21 (b) An agreement authorized under subdivision 1 must be
22 approved by law before it may be implemented.

23 Section 1. [144.1205] [RADIOACTIVE MATERIAL; SOURCE AND
24 SPECIAL NUCLEAR MATERIAL; FEES; INSPECTION.]

25 Subdivision 1. [APPLICATION AND LICENSE RENEWAL FEE.] When
26 a license is required for radioactive material or source or
27 special nuclear material by a rule adopted under section

1 144.1202, subdivision 2, an application fee according to
 2 subdivision 4 must be paid upon initial application for a
 3 license. The licensee must renew the license 60 days before the
 4 expiration date of the license by paying a license renewal fee
 5 equal to the application fee under subdivision 4. The
 6 expiration date of a license is the date set by the United
 7 States Nuclear Regulatory Commission before transfer of the
 8 licensing program under section 144.1202 and thereafter as
 9 specified by rule of the commissioner of health.

10 Subd. 2. [ANNUAL FEE.] A licensee must pay an annual fee
 11 at least 60 days before the anniversary date of the issuance of
 12 the license. The annual fee is an amount equal to 80 percent of
 13 the application fee under subdivision 4, rounded to the nearest
 14 whole dollar.

15 Subd. 3. [FEE CATEGORIES; INCORPORATION OF FEDERAL
 16 LICENSING CATEGORIES.] (a) Fee categories under this section are
 17 equivalent to the licensing categories used by the United States
 18 Nuclear Regulatory Commission under Code of Federal Regulations,
 19 title 10, parts 30 to 36, 39, 40, 70, 71, and 150, except as
 20 provided in paragraph (b).

21 (b) The category of "Academic, small" is the type of
 22 license required for the use of radioactive materials in a
 23 teaching institution. Radioactive materials are limited to ten
 24 radionuclides not to exceed a total activity amount of one curie.

25 Subd. 4. [APPLICATION FEE.] A licensee must pay an
 26 application fee as follows:

<u>Radioactive material,</u> <u>source and</u> <u>special material</u>	<u>Application</u> <u>fee</u>	<u>U.S. Nuclear Regulatory</u> <u>Commission licensing</u> <u>category as reference</u>
<u>Type A broadscope</u>	<u>\$20,000</u>	<u>Medical institution type A</u>
<u>Type B broadscope</u>	<u>\$15,000</u>	<u>Research and development</u> <u>type B</u>
<u>Type C broadscope</u>	<u>\$10,000</u>	<u>Academic type C</u>
<u>Medical use</u>	<u>\$4,000</u>	<u>Medical</u> <u>Medical institution</u>

1			<u>Medical private practice</u>
2	<u>Mobile nuclear</u>		
3	<u>medical laboratory</u>	<u>\$4,000</u>	<u>Mobile medical laboratory</u>
4	<u>Medical special use</u>		
5	<u>sealed sources</u>	<u>\$6,000</u>	<u>Teletherapy</u>
6			<u>High dose rate remote</u>
7			<u>afterloaders</u>
8			<u>Stereotactic</u>
9			<u>radiosurgery devices</u>
10	<u>In vitro testing</u>	<u>\$2,300</u>	<u>In vitro testing</u>
11			<u>laboratories</u>
12	<u>Measuring gauge,</u>		
13	<u>sealed sources</u>	<u>\$2,000</u>	<u>Fixed gauges</u>
14			<u>Portable gauges</u>
15			<u>Analytical instruments</u>
16			<u>Measuring systems - other</u>
17	<u>Gas chromatographs</u>	<u>\$1,200</u>	<u>Gas chromatographs</u>
18	<u>Manufacturing and</u>		
19	<u>distribution</u>	<u>\$14,700</u>	<u>Manufacturing and</u>
20			<u>distribution - other</u>
21	<u>Distribution only</u>	<u>\$8,800</u>	<u>Distribution of</u>
22			<u>radioactive material</u>
23			<u>for commercial use only</u>
24	<u>Other services</u>	<u>\$1,500</u>	<u>Other services</u>
25	<u>Nuclear medicine</u>		
26	<u>pharmacy</u>	<u>\$4,100</u>	<u>Nuclear pharmacy</u>
27	<u>Waste disposal</u>	<u>\$9,400</u>	<u>Waste disposal service</u>
28			<u>prepackage</u>
29			<u>Waste disposal service</u>
30			<u>processing/repackage</u>
31	<u>Waste storage only</u>	<u>\$7,000</u>	<u>To receive and store</u>
32			<u>radioactive material waste</u>
33	<u>Industrial</u>		
34	<u>radiography</u>	<u>\$8,400</u>	<u>Industrial radiography</u>
35			<u>fixed location</u>
36			<u>Industrial radiography</u>

1			<u>portable/temporary sites</u>
2	<u>Irradiator -</u>		
3	<u>self-shielded</u>	<u>\$4,100</u>	<u>Irradiators self-shielded</u>
4			<u>less than 10,000 curies</u>
5	<u>Irradiator -</u>		
6	<u>less than 10,000 Ci</u>	<u>\$7,500</u>	<u>Irradiators less than</u>
7			<u>10,000 curies</u>
8	<u>Irradiator -</u>		
9	<u>more than 10,000 Ci</u>	<u>\$11,500</u>	<u>Irradiators greater than</u>
10			<u>10,000 curies</u>
11	<u>Research and</u>		
12	<u>development,</u>		
13	<u>no distribution</u>	<u>\$4,100</u>	<u>Research and development</u>
14	<u>Radioactive material</u>		
15	<u>possession only</u>	<u>\$1,000</u>	<u>Byproduct possession only</u>
16	<u>Source material</u>	<u>\$1,000</u>	<u>Source material shielding</u>
17	<u>Special nuclear</u>		
18	<u>material, less than</u>		
19	<u>200 grams</u>	<u>\$1,000</u>	<u>Special nuclear material</u>
20			<u>plutonium-neutron sources</u>
21			<u>less than 200 grams</u>
22	<u>Pacemaker</u>		
23	<u>manufacturing</u>	<u>\$1,000</u>	<u>Pacemaker byproduct</u>
24			<u>and/or special nuclear</u>
25			<u>material - medical</u>
26			<u>institution</u>
27	<u>General license</u>		
28	<u>distribution</u>	<u>\$2,100</u>	<u>General license</u>
29			<u>distribution</u>
30	<u>General license</u>		
31	<u>distribution, exempt</u>	<u>\$1,500</u>	<u>General license</u>
32			<u>distribution -</u>
33			<u>certain exempt items</u>
34	<u>Academic, small</u>	<u>\$1,000</u>	<u>Possession limit of ten</u>
35			<u>radionuclides, not to</u>
36			<u>exceed a total of one curie</u>

1			<u>of activity</u>
2	<u>Veterinary</u>	<u>\$2,000</u>	<u>Veterinary use</u>
3	<u>Well logging</u>	<u>\$5,000</u>	<u>Well logging</u>

4 Subd. 5. [PENALTY FOR LATE PAYMENT.] An annual fee or a
5 license renewal fee submitted to the commissioner after the due
6 date specified by rule must be accompanied by an additional
7 amount equal to 25 percent of the fee due.

8 Subd. 6. [INSPECTIONS.] The commissioner of health shall
9 make periodic safety inspections of the radioactive material and
10 source and special nuclear material of a licensee. The
11 commissioner shall prescribe the frequency of safety inspections
12 by rule.

13 Subd. 7. [RECOVERY OF REINSPECTION COST.] If the
14 commissioner finds serious violations of public health standards
15 during an inspection under subdivision 6, the licensee must pay
16 all costs associated with subsequent reinspection of the
17 source. The costs shall be the actual costs incurred by the
18 commissioner and include, but are not limited to, labor,
19 transportation, per diem, materials, legal fees, testing, and
20 monitoring costs.

21 Subd. 8. [RECIPROCITY FEE.] A licensee submitting an
22 application for reciprocal recognition of a materials license
23 issued by another agreement state or the United States Nuclear
24 Regulatory Commission for a period of 180 days or less during a
25 calendar year must pay one-half of the application fee specified
26 under subdivision 4. For a period of 181 days or more, the
27 licensee must pay the entire application fee under subdivision 4.

28 Subd. 9. [FEES FOR LICENSE AMENDMENTS.] A licensee must
29 pay a fee to amend a license as follows:

30 (1) to amend a license requiring no license review
31 including, but not limited to, facility name change or removal
32 of a previously authorized user, no fee;

33 (2) to amend a license requiring review including, but not
34 limited to, addition of isotopes, procedure changes, new
35 authorized users, or a new radiation safety officer, \$200; and

36 (3) to amend a license requiring review and a site visit

- 1 including, but not limited to, facility move or addition of
- 2 processes, \$400.