



Protecting, maintaining and improving the health of all Minnesotans

February 26, 2001

Cardelia Maupin
Nuclear Regulatory Commission
1 White Flint North
11555 Knockville Pike
Rockville, Maryland 20852

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Dear Cardelia:

This is an update on Minnesota's progress in preparation to enter into an agreement with the U.S. Nuclear Regulatory Commission (NRC) to take over the regulation of radioactive materials licensing.

By way of review, in 1997, a bill was passed enabling the Governor to enter into an agreement with the NRC to initiate the process of preparing to become an Agreement State. To assist in the process, an Advisory Committee of current license holders and interested parties was formed in September 1997. Three subgroups - medical, industrial and research and development - were formed to look into these areas in greater detail. Meetings with the subgroups were held periodically in 1998. In late 1998 and the first few months of 1999 an Advisory Committee formed from members of each of the three subgroups began meeting to discuss several more general areas of concern. As some very early thoughts of how to write the proposed rules were put on paper, the Advisory Committee was kept informed.

The radiation staff continues to draft the new rule, Chapter 4731, that incorporates current State and applicable NRC rules. This draft rule will be submitted to the NRC State and Tribal Programs office in June 2001 along with the accompanying documentation on licensing and inspection procedures. The NRC will review this draft request by September 2001.

The Health Department's budget bill being considered by the Minnesota Legislature establishes the fee structure for the licenses and extends the August 2002 deadline of getting approval as an Agreement State to August 2003. This extended deadline is designed only to give us some flexibility in working with NRC. A copy of the draft bill language is enclosed.

We will provide an opportunity for you to see the draft rule Chapter 4731 this summer and if there is a need to meet with you to answer your questions and comments.

For your information there have been some changes in the MN Department of Health. During 1999, Judith Ball, the previous Manager of the Asbestos, Indoor Air, Lead and Radiation Section resigned and moved to Arizona.

As the new Manager for the Section, I joined the Health Department in January 2000. Sue McClanahan continues to supervise the Radiation Unit. In addition, in January 2001 the Radiation Unit moved to the Snelling Office Park (SOP) building at 1645 Energy Park Drive, St Paul, MN 55108. This is the building in which the Advisory Committee meetings were held. A list of the new telephone numbers for the Radiation Unit is enclosed.

Please call if you have any questions or comments. I look forward to working with you.

Sincerely,

Linda

Linda Bruemmer, Manager
Asbestos, Indoor Air, Lead and Radiation
Environmental Health Division
P.O. Box 64975
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:thl
Enclosures

*Cardelia -
Just to keep you
informed of what we're
sending out to our
advisory committee -*

1 Subd. 2. [PUMP HOIST.] (a) A person may not use a machine
2 such as a pump hoist for an activity requiring a license or
3 registration under this chapter to repair wells or borings, seal
4 wells or borings, or install pumps unless the machine is
5 registered with the commissioner.

6 (b) A person must apply for the registration on forms
7 prescribed by the commissioner and submit a \$50 \$75 registration
8 fee.

9 (c) A registration is valid for one year.

10 Sec. 28. 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 Sec. 29. [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
28 144.1202, subdivision 2, an application fee according to
29 subdivision 4 must be paid upon initial application for a
30 license. The licensee must renew the license 60 days before the
31 expiration date of the license by paying a license renewal fee
32 equal to the application fee under subdivision 4. The
33 expiration date of a license is the date set by the United
34 States Nuclear Regulatory Commission before transfer of the
35 licensing program under section 144.1202 and thereafter as
36 specified by rule of the commissioner of health.

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

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

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

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

18	<u>Radioactive material,</u>	<u>Application</u>	<u>U.S. Nuclear Regulatory</u>
19	<u>source and</u>	<u>fee</u>	<u>Commission licensing</u>
20	<u>special material</u>		<u>category as reference</u>
21			
22	<u>Type A broadscope</u>	<u>\$20,000</u>	<u>Medical institution type A</u>
23	<u>Type B broadscope</u>	<u>\$15,000</u>	<u>Research and development</u>
24			<u>type B</u>
25	<u>Type C broadscope</u>	<u>\$10,000</u>	<u>Academic type C</u>
26	<u>Medical use</u>	<u>\$4,000</u>	<u>Medical</u>
27			<u>Medical institution</u>
28			<u>Medical private practice</u>
29	<u>Mobile nuclear</u>		
30	<u>medical laboratory</u>	<u>\$4,000</u>	<u>Mobile medical laboratory</u>
31	<u>Medical special use</u>		
32	<u>sealed sources</u>	<u>\$6,000</u>	<u>Teletherapy</u>
33			<u>High dose rate remote</u>
34			<u>afterloaders</u>
35			<u>Stereotactic</u>
36			<u>radiosurgery devices</u>

1	<u>In vitro testing</u>	<u>\$2,300</u>	<u>In vitro testing</u>
2			<u>laboratories</u>
3	<u>Measuring gauge,</u>		
4	<u>sealed sources</u>	<u>\$2,000</u>	<u>Fixed gauges</u>
5			<u>Portable gauges</u>
6			<u>Analytical instruments</u>
7			<u>Measuring systems - other</u>
8	<u>Gas chromatographs</u>	<u>\$1,200</u>	<u>Gas chromatographs</u>
9	<u>Manufacturing and</u>		
10	<u>distribution</u>	<u>\$14,700</u>	<u>Manufacturing and</u>
11			<u>distribution - other</u>
12	<u>Distribution only</u>	<u>\$8,800</u>	<u>Distribution of</u>
13			<u>radioactive material</u>
14			<u>for commercial use only</u>
15	<u>Other services</u>	<u>\$1,500</u>	<u>Other services</u>
16	<u>Nuclear medicine</u>		
17	<u>pharmacy</u>	<u>\$4,100</u>	<u>Nuclear pharmacy</u>
18	<u>Waste disposal</u>	<u>\$9,400</u>	<u>Waste disposal service</u>
19			<u>prepackage</u>
20			<u>Waste disposal service</u>
21			<u>processing/repackage</u>
22	<u>Waste storage only</u>	<u>\$7,000</u>	<u>To receive and store</u>
23			<u>radioactive material waste</u>
24	<u>Industrial</u>		
25	<u>radiography</u>	<u>\$8,400</u>	<u>Industrial radiography</u>
26			<u>fixed location</u>
27			<u>Industrial radiography</u>
28			<u>portable/temporary sites</u>
29	<u>Irradiator -</u>		
30	<u>self-shielded</u>	<u>\$4,100</u>	<u>Irradiators self-shielded</u>
31			<u>less than 10,000 curies</u>
32	<u>Irradiator -</u>		
33	<u>less than 10,000 Ci</u>	<u>\$7,500</u>	<u>Irradiators less than</u>
34			<u>10,000 curies</u>
35	<u>Irradiator -</u>		
36	<u>more than 10,000 Ci</u>	<u>\$11,500</u>	<u>Irradiators greater than</u>

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

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

35 Subd. 6. [INSPECTIONS.] The commissioner of health shall
36 make periodic safety inspections of the radioactive material and

1 source and special nuclear material of a licensee. The
2 commissioner shall prescribe the frequency of safety inspections
3 by rule.

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

12 Subd. 8. [RECIPROCITY FEE.] A licensee submitting an
13 application for reciprocal recognition of a materials license
14 issued by another agreement state or the United States Nuclear
15 Regulatory Commission for a period of 180 days or less during a
16 calendar year must pay one-half of the application fee specified
17 under subdivision 4. For a period of 181 days or more, the
18 licensee must pay the entire application fee under subdivision 4.

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

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

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

27 (3) to amend a license requiring review and a site visit
28 including, but not limited to, facility move or addition of
29 processes, \$400.

30 Sec. 30. Minnesota Statutes 2000, section 144.122, is
31 amended to read:

32 144.122 [LICENSE, PERMIT, AND SURVEY FEES.]

33 (a) The state commissioner of health, by rule, may
34 prescribe reasonable procedures and fees for filing with the
35 commissioner as prescribed by statute and for the issuance of
36 original and renewal permits, licenses, registrations, and

Dolezal-Hennigan, Alice - 651.643.2142
Doerr, Chuck - 651.643.2137
Donakowski, Tim - 651.643.2128
Goepferd, John - 651.643.2133
Hawkinson, June - 651.643.2131
Holtz, Darrel - 651.643.2134
Jefferson, Johnetta - 651.643.2146
Leland, Tina - 651.643.2147
McClanahan, Sue - 651.643.2127
Peterson, Ron - 651.643.2139
Shaw, Marge - 651.643.2136
VanHorn, Dan - 651.643.2129
Verke, Craig - 651.643.2138
Radiation Receptionist - 651.643.2151
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New Address:

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Radiation Unit
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St. Paul, MN 55108