

DOCKET NUMBER  
PETITION RULE PRM 170-3  
657 PR 46818  
STATE OF COLORADO

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COLORADO DEPARTMENT OF HEALTH

Dedicated to protecting and improving the health and environment of the people of Colorado

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Roy Romer  
Governor

Patricia A. Nolan, MD, MPH  
Executive Director

December 8, 1992

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

ATTN: Docketing and Service Branch

SUBJECT: Docket No. PRM-170-3  
Petition for Rulemaking  
American College of Nuclear  
Physicians and Society of  
Nuclear Medicine.

The Radiation Control Division of the Colorado Department of Health submits the following comments on the above petition.

1. Colorado is an Agreement State. Colorado's Radiation Control Act states in part "...Licenses and fees shall be in accordance with policies and priorities of the nuclear regulatory commission...". Consequently, when the Nuclear Regulatory Commission (NRC) exempts one category of licensees from fees or provides for reduced fees to one category of licensees, Colorado must consider that fact in detail in setting its fee structure. Further impacting on the Colorado fee structure is that Colorado does not license nuclear power reactors and thus does not have that category of licensees to pick up the revenues lost from fee exemptions or fee reductions such as was done by the NRC in their fee setting process. Colorado looks to the NRC to set its fee structure on an equitable basis considering the overall cost of its licensing and regulatory activities. As the NRC has been directed to recover 100% of its costs from licensees, likewise this Division has been given that objective as a goal to reach over the next few years. Consequently, this Division requests that the NRC take into consideration the impact on Agreement States of the NRC fee setting process and criteria.
2. With respect to the merits of the arguments presented by the American College of Nuclear Physicians and Society of Nuclear Medicine, it is true that fees have increased substantially in the past several years. However, this has occurred for almost all licensees and just not in nuclear medicine alone. While medicine does provide service to the community, so do many other uses of radioactive material. In a meeting of Colorado's Radiation Advisory Committee, it was the consensus that all licensees should pay their cost of licensing and inspection and that no exemptions should be granted. This would also preclude a sliding scale of fees.
3. Not only licensees, but all other affected should have a voice in "...the NRC's decision making process for developing new programs when the development costs could have substantial economic impacts."

Sincerely,

Robert M. Quillin, Director  
Radiation Control Division

RMQ/msm

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510