



Children's Health Care St. Paul
345 North Smith Avenue
St. Paul, Minnesota 55102
(612) 220-6000

November 20, 1996

Mr. Loren Hueter
Nuclear Materials Licensing Branch
U.S. Nuclear Regulatory Commission
Region III
801 Warrenville Road
Lisle, Illinois 60532-4351

re: termination proceedings for NRC Materials License No. 22-16671-01
Control # 301244

Dear Mr. Hueter:

I am returning the paperwork regarding the termination of NRC Materials License No. 22-16671-01, along with the other information you requested. Since you stated this material may have to be passed on to others for review, I will restate the situation for their benefit.

The Biomedical Research Institute, for which this license was attained, officially closed its doors May 31, 1994. The last date that any radioisotopes were used in an experimental assay was 5-10-94. The final date that any long-life radioisotope was used was 11-09-93. (see enclosed radioactive log sheets). On May 17, 1994, ADCO Services, INC. picked up five barrels containing all of the long half-life material (an estimated total of 0.894mCi ; see enclosed manifest and bill of lading from ADCO). Due to the high cost of radioactive waste disposal, followed by the subsequent moratorium of shipments to Barnwell South Carolina, we decided to decay-in-site the final two barrels of radioactive material (^{35}S and ^{32}P). At that time, the goal of this institution was to recruit other scientists to use this space, and not knowing their intentions with regards to radiolabeling, we decided to keep the license intact. After 18 months it was decided by the new researchers that working with radioisotopes was too cost-prohibitive compared with new sensitive enzymeimmunoassays. No radioactive materials were purchased or used during this time. Thus in January of 1996, I commenced the termination proceedings of the above-stated license.

As I stated above, the only radioactive material left covered under this license was contained in two barrels waiting for the 10 half-life disintegration. The final ^{35}S purchase made by this institution was on 4-18-94, and based on an 87 day half-life, became eligible for incineration this past October (^{32}P has long since decayed to regular waste status). Having this material on-site though, became the only reason that the termination of this license could not be finalized.

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REGION III

FEE EXEMPT

Pm: 11-26-96

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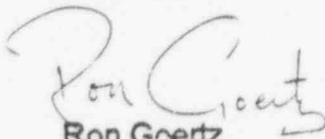
I am also including the calculations performed prior to the final pick-up by ADCO. These should show the total maximum values of the various isotopes used, and coupled with the log-in/usage sheets provide a clear trail to the use and elimination of the isotopes used.

I must reiterate the fact that starting in the fall of 1994 and continuing at present, Children's Health Care (the hospital within which these facilities are located), has assumed most of the space that had been designated research. At present, only L-284 remains from the areas that had had radioisotope usage (not including the space containing the barrels in decay). The other labs (L-270, L-272, L-274, L-102, L-106) have been converted to various office spaces as well as a childrens morgue. Because of this reconstruction, all sinks, hoods, bench tops, incubators, and flooring have been removed. The final surveys were of course performed before any of this took place. There were only three instances where the counts dictated a re-swab: 1) fume-hood sink drain L-284, 2) radioactive sink L-272, 3) refridgerator handle L-270. In all cases, upon retesting, CPM values were well within the range of acceptability (see enclosed final survey sheets). All final surveys are initialed and dated by the operator (names available upon request).

Finally, in August of 1995, we submitted a check for \$5,400 to the NRC for license renewal with amendments (deletion of most isotopes and investigators). Three months later, the decision was made to discontinue the pursuit of future radioisotope assays. In January of 1996, I commenced collecting the necessary information required to terminate this license. By April 22nd, everything had been submitted and approved with the one caveat that it could not be finalized until the aforementioned decay had been completed. Now I've been informed by the License Fee and Accounts Receivable Branch of the NRC that we are liable for \$5,163.92 for 1996 and may even be held partially or fully responsible for 1997. I hope you will reassess this based on the unique situation involved and give credence to the fact that no isotopes have been purchased or used under License No. 22-16671-01 since May of 1994.

I appreciate your time and especially the efforts of Mr. Hueter and Ms. Shirley Cruchfield in helping to try to get this resolved. If there is any more information you feel I can provide, please call or fax me at the numbers listed on my original termination application. Thank you very much.

Sincerely,



Ron Goertz

Neonatal Research, L-262
Children's Health Care of St. Paul
345 N. Smith Avenue
St. Paul, MN 55102

prior to March 31, 1996; and 3) is processing your April 18, 1996, termination request based on the additional information provided in your November 20, 1996, letter regarding final disposition of licensed material. Invoice No. AM6210-96 has been reissued to reflect the 50 percent proration, and you will not be subject to the FY 1997 annual fee (October 1, 1996 - September 30, 1997.)

Enclosed is revised Invoice AM6210-96 for \$2,550 and our Materials Annual Fee Billing Handbook. Interest and late charges will be waived if payment is received within 30 days from the date of this letter. If you have any questions, please contact Glenda Jackson at 301-415-6057.

Sincerely,

Original signed by *[Signature]*

Ronald M. Scroggins
Acting Chief Financial Officer

Enclosures: Revised Invoice AM6210-96
Materials Annual Fee Billing Handbook

Distribution:

L. Tremper, OC/DAF/LFARB/ARS
G. Jackson, OC/DAF/LFARB/LFS
S. Kimberley, OC/DAF/LFARB/LFS
Invoice File AM6210-96 w/cy inc & encl
License File 22-16671-01 w/cy inc & encl
NUDOCS (ML-61) w/cy inc & encl
PDR w/cy inc & encl
OC/DAF/LFARB (LF97-10)
OC/DAF/LFARB RF
OC/DAF RF (DAF-6-262)
OC/DAF SF (LF-3.2.2 w/orig inc & encl; LF-3.2.3 w/cy inc & encl)
OC RF

DOCUMENT NAME: G:\DAF6-262

Am 4
11/17/97

(To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy.)

OFFICE	OC/DAF/LFARB/LFS	C	OC/DAF/LFARB	C	OC/DAF	N	OC	N	OGC	C
NAME	DAF	Scratchfield/GCJackson	DBDandois	<i>DBD</i>	JTurdici	<i>5</i>	RMScroggins	<i>1/17/97</i>	TRothschild	<i>2/15/97</i>
DATE		1/10/97		1/14/97		1/16/97		1/17/97		1/15/97

OFFICIAL RECORD COPY

97019
1/10/97
1/16



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 17, 1997

Children's Health Care
ATTN: Ron Goertz
Neonatal Research, L-262
345 N. Smith Avenue
St. Paul, MN 55102

Dear Mr. Goertz:

I am responding to your November 20, 1996, letter to Mr. Loren Heuter of NRC's Region III office and your recent telephone conversation with Shirley Crutchfield of the Office of the Controller regarding your April 18, 1996, request for termination of Materials License 22-16671-01 issued to Biomedical Research Institute. We are considering your letter as a request for relief from the FY 1996 annual fee, Invoice No. AM6210-96.

The bases for your request are: 1) you made final purchase of radioisotopes on April 18, 1994; 2) you closed the Biomedical Research Institute on May 31, 1994; 3) May 10, 1994, was the final date that you used material in experimental assay; 4) November 10, 1993, was the final date for use of long-life radioisotopes; 5) on May 17, 1994, ADCO Services, Inc., transported the remaining five barrels containing long-life material; 6) you retained the license for new researchers; 7) in January 1996 you began termination proceedings after new researchers decided that maintaining Materials License 22-16671-01 was too costly; and 8) the remaining material which was being held for decay in storage became eligible for incineration in October 1996, and this is the only reason termination could not be finalized.

Footnote 1 of 10 CFR 171.16 provides that the annual fee is waived when a license is terminated prior to October 1 of each fiscal year. The 1996 annual fee is waived for those licensees and holders of certificates, registrations, and approvals who either filed for termination of their licenses or approvals or filed for possession only/storage only licenses prior to October 1, 1995, and permanently ceased licensed activities by September 30, 1995. An amendment request filed after October 1 of each fiscal year to cancel a license does not cancel the annual fee invoice. As provided in 10 CFR 171.17, licenses for which termination requests or requests for possession only licenses are filed during the period October 1 through March 31 of each fiscal year are assessed one-half of the annual fee.

Your April 18, 1996, termination request was not timely filed for purposes of avoiding the FY 1996 annual fee or for the 50 percent proration. However, based on the information you have provided, the NRC: 1) grants an extension of time to April 18, 1996, for purposes of the 50 percent proration of the FY 1996 annual fee; 2) acknowledges you permanently ceased licensed operations

U. S. NUCLEAR REGULATORY COMMISSION
FY 96 Annual Materials Fee Invoice
Period 10/1/1995 - 9/30/1996
10 CFR 171.16 REVISED

Invoice Date =====	License Anniversary Month =====	Invoice Number =====
08/22/96	September	AM6210-96

TO: CHILDREN'S HEALTH CARE
ATTENTION: RADIATION SAFETY OFFICER
DBA CHILDREN'S HEALTH CARE-ST.
345 NORTH SMITH AVENUE
ST. PAUL, MN 55102

***** Mark PAYMENT COPY with any billing address changes *****

License/Approval/ Registration/ Certificate Number =====	Code AA905 =====	Annual Fee Category(s) =====	Fee Amount =====
22-16671-01	ANN	3M	\$ 2,550.00
TOTAL:			\$ 2,550.00
TOTAL INVOICE:			\$ 2,550.00

Amount Billed Represents 50% Proration

If paid by Fedwire see attached Terms and Conditions. If paid by check,
make check payable to the NRC (reference invoice no.) and mail to:

=====

U.S. Nuclear Regulatory Commission	<=== This PO Box address is
License Fee & Accounts Receivable Branch	<=== for receipt of payments
P.O. Box 954514	<=== only.
St. Louis, MO 63195-4514	

For terms and conditions see attached.
Payment must be received within 30 days of the
date of this invoice to avoid late charges.
Questions: call 301/415-7554.

*
* PAYMENT COPY *
*

ENCLOSURE 1

U. S. NUCLEAR REGULATORY COMMISSION
FY 96 Annual Materials Fee Invoice
Period 10/1/1995 - 9/30/1996
10 CFR 171.16

Invoice Date

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08/22/96

License Anniversary Month

=====

September

REVISED

Invoice Number

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AM6210-96

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License/Approval/
Registration/
Certificate Number

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22-16671-01

Code

AA905

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ANN

Annual Fee

Category(s)

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3M

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TOTAL INVOICE: \$ 2,550.00

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* L I C E N S E E C O P Y *
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ENCLOSURE 1

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12/10

DAF Action Items		
Action: DAF-6-262: Children's Health Care		
Priority Item (*):	OC#:	EDO#:
Due Date: 97/01/31	Completion Date:	Responsible: LFARB
Date Received: 96/12/10		
Comment: LETTER TO: Loren Hueter, RGN-III FROM: Ron Goertz, Children's Health Care, St. Paul, MN SUBJECT: Termination of NRC Materials License No. 22-16671-01.		

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12/10

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REGION III

pm: 11-26-96

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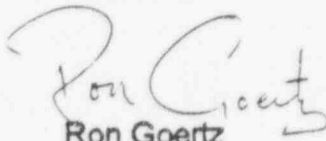
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