

DCLD/SP07

OSP Action (75-26)

OHIO DEPARTMENT OF HEALTH

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GEORGE V. VOINOVICH
Governor

PETER SOMANI, M.D., Ph.D.
Director of Health

February 3, 1997

Dennis Sollenberger
Office of State Programs
US Nuclear Regulatory Commission
Washington D.C. 20555

97 FEB 10 PM 3:30

OSP

Dear Mr. *Dennis* Sollenberger

Attached you will find rules 3701-38-021 and 3701-39-021. These 2 rules will be going to our Public Health Council for hearing and rule promulgation process. Since the committees appointed by the Radiation Advisory Council are about half finished with their review of rules, the Bureau of Radiation Protection is promulgating interim rules. These rules will be in place until the Advisory Council Committees complete their review. The interim rules are the parts of 10 CFR that would be applicable to a state program, with some added detail for specific NARM/NORM applications. A reference date for 10 CFR has intentionally been omitted. According to our Office of Legal Affairs, the state does not want to change its rules with every change in federal rules.

Please review the attached rules and let me know if we have omitted any necessary items or if we have included pieces of 10 CFR that are not necessary. We can make changes up to March 5, 1997. On March 6, 1997, it will go before the Public Health Council for a public hearing. The next step will be the Legislative Joint Rules Review Committee. It will then return to the Public Health Council for final approval and become effective 10 days later. If there are no major problems the rules could have an effective date prior to 4/30/97.

Thank you for your assistance in this review.

Sincerely,

180008

Marcia Howard

Marcia Howard, Program Administrator
Nuclear Materials Safety Section

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PDR STPRG ESGOH
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SP-NA-15

nuded changes

as it went to PHC 11/23/9.

3701-39-021 STANDARDS FOR HANDLING RADIOACTIVE MATERIAL.

- (A) EXCEPT FOR A FACILITY THAT IS LICENSED FOR THE DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE, AND EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPHS (B) TO (F) OF THIS RULE, ANY FACILITY AS DEFINED IN RULE 3701-38-021 OF THE ADMINISTRATIVE CODE THAT HANDLES NATURALLY OCCURRING OR ACCELERATOR-PRODUCED RADIOACTIVE MATERIALS FOR WHICH A LICENSE IS REQUIRED BY CHAPTER 3748 OF THE REVISED CODE AND THIS RULE SHALL COMPLY WITH STANDARDS AND REQUIREMENTS SET FORTH IN 10 C.F.R. PARTS 19 TO 20, PARTS 30 TO 36, PARTS 39 TO 46, PART 61, PARTS 70 TO 71, AND PART 150, AS IF THOSE SECTIONS HAD NOT EXCLUDED NATURALLY OCCURRING OR ACCELERATOR-PRODUCED MATERIAL. THIS RULE SUPERSEDES ALL PROVISIONS OF CHAPTERS 3701-38, 3701-39, 3701-40, 3701-70 AND 3701-71 OF THE ADMINISTRATIVE CODE THAT WERE EFFECTIVE PRIOR TO SEPTEMBER 1, 1995, RELATING TO STANDARDS AND REQUIREMENTS FOR THE RECEIPT, POSSESSION, USE, STORAGE, INSTALLATION, TRANSFER, SERVICING, AND DISPOSAL OF RADIOACTIVE MATERIAL, INCLUDING THE CLOSURE, DECONTAMINATION, DECOMMISSIONING, RECLAMATION, AND LONG-TERM SURVEILLANCE AND CARE OF RADIOACTIVE MATERIAL TO THE EXTENT THAT THE PROVISIONS OF THOSE CHAPTERS OF THE ADMINISTRATIVE CODE ARE NOT CONSISTENT WITH THE PROVISIONS OF CHAPTER 3748 OF THE REVISED CODE AND THIS RULE. STANDARDS SET FORTH FOR BYPRODUCT MATERIAL IN 10 C.F.R. PARTS 19 TO 20, PARTS 30 TO 36, PARTS 39 TO 46, PART 61, PARTS 70 TO 71, AND PART 150 SHALL APPLY TO NARM. AS USED IN THIS RULE, "NATURALLY OCCURRING RADIOACTIVE MATERIAL" OR "NORM" MEANS ANY NUCLIDE THAT IS RADIOACTIVE IN ITS NATURAL PHYSICAL STATE, BUT DOES NOT INCLUDE SOURCE MATERIAL, BYPRODUCT MATERIAL, OR SPECIAL NUCLEAR MATERIAL. AS USED IN THIS RULE, "NATURALLY OCCURRING OR ACCELERATOR-PRODUCED RADIOACTIVE MATERIAL" OR "NARM", MEANS NATURALLY OCCURRING OR ACCELERATOR-PRODUCED RADIOACTIVE MATERIAL, INCLUDING NATURALLY OCCURRING MATERIAL THAT IS TECHNOLOGICALLY ENHANCED, AND THOSE NUCLIDES THAT ARE GENERATED IN A CHARGED PARTICLE ACCELERATOR BUT DOES NOT INCLUDE SOURCE MATERIAL, BYPRODUCT MATERIAL, OR SPECIAL NUCLEAR MATERIAL. AS USED IN THIS RULE, "TECHNOLOGICALLY ENHANCED" MEANS THE CHEMICAL PROPERTIES OR PHYSICAL STATE OF NATURAL SOURCES OF RADIATION HAVE BEEN ALTERED OR THE POTENTIAL EXPOSURE PATHWAYS OF NATURAL SOURCES OF RADIATION TO HUMANS HAVE BEEN ALTERED TO INCREASE THE HUMAN RADIATION EXPOSURE. IN ALL CASES WHERE THE "COMMISSION" OR "NUCLEAR REGULATORY COMMISSION" IS REFERENCED IN 10 C.F.R. PARTS 19 TO 20, PARTS 30 TO 36, PARTS 39 TO 46, PART 61, PARTS 70 TO 71, AND PART 150, THAT TERM SHALL REFER TO THE DIRECTOR. IN ALL CASES WHERE "SPECIAL NUCLEAR MATERIAL" IS REFERENCED, THAT TERM SHALL REFER TO QUANTITIES NOT SUFFICIENT TO FORM A CRITICAL MASS.

(B) NOTWITHSTANDING PARAGRAPH (A) OF THIS RULE, A FACILITY THAT HANDLES NARM OF A TYPE AND IN AN AMOUNT NOT MORE THAN THAT LISTED IN THIS PARAGRAPH, 10 C.F.R. 30.15, AND 10 C.F.R. 30.71 IS EXEMPT FROM LICENSURE AS A HANDLER OF RADIOACTIVE MATERIAL UNLESS THE DIRECTOR DETERMINES THAT THE DOSE RECEIVED BY WORKERS OR THE PUBLIC WOULD REACH THE OCCUPATIONAL DOSE LIMITS SET FORTH IN 10 C.F.R. 20.1502: *mean this with monitoring rules*

(1) PERSONS WHO RECEIVE, POSSESS, USE, PROCESS, TRANSFER, TRANSPORT, STORE, DISPOSE, OR COMMERCIALY DISTRIBUTE:

(a) NARM OR PRODUCTS THAT CONTAIN NARM OR ARE CONTAMINATED AT CONCENTRATIONS OF:

- (i) 1.0 BECQUEREL PER GRAM (27 PICOCURIES PER GRAM) OR LESS OF TECHNOLOGICALLY ENHANCED RADIUM-226 OR RADIUM-228 IN SOIL, AVERAGED OVER ANY ONE HUNDRED SQUARE METERS, AND AVERAGED OVER THE FIRST FIFTEEN CENTIMETERS OF SOIL BELOW THE SURFACE, PROVIDED THE RADON EMANATION RATE IS LESS THAN $7.4E-1$ BECQUERELS PER SQUARE METER PER SECOND (20 PICOCURIES PER SQUARE METER PER SECOND);
- (ii) 1.0 BECQUEREL PER GRAM (27 PICOCURIES PER GRAM) OR LESS OF TECHNOLOGICALLY ENHANCED RADIUM-226 OR RADIUM-228 IN MEDIA OTHER THAN SOIL IN WHICH THE RADON EMANATION RATE IS LESS THAN $7.4E-1$ BECQUERELS PER SQUARE METER PER SECOND (20 PICOCURIES PER SQUARE METER PER SECOND);
- (iii) $1.85E-1$ BECQUEREL PER GRAM (5 PICOCURIES PER GRAM) OR LESS OF TECHNOLOGICALLY ENHANCED RADIUM-226 OR RADIUM-228 IN SOIL, AVERAGED OVER ANY ONE HUNDRED SQUARE METERS, AND AVERAGED OVER THE FIRST FIFTEEN CENTIMETERS OF SOIL BELOW THE SURFACE, PROVIDED THE RADON EMANATION RATE IS EQUAL TO OR GREATER THAN $7.4E-1$ BECQUERELS PER SQUARE METER PER SECOND (20 PICOCURIES PER SQUARE METER PER SECOND);
- (iv) $1.85E-1$ BECQUEREL PER GRAM (5 PICOCURIES PER GRAM) OR LESS OF TECHNOLOGICALLY ENHANCED RADIUM-226 OR RADIUM-228 IN MEDIA OTHER THAN SOIL IN WHICH THE RADON EMANATION RATE IS EQUAL TO OR GREATER THAN $7.4E-1$ BECQUERELS PER

SQUARE METER PER SECOND (20 PICOCURIES PER SQUARE METER PER SECOND);

- (v) 4.995 BECQUERELS PER GRAM (135 PICOCURIES PER GRAM) OR LESS OF ANY OTHER NARM RADIONUCLIDE IN SOIL, AVERAGED OVER ANY ONE HUNDRED SQUARE METERS, AND AVERAGED OVER THE FIRST FIFTEEN CENTIMETERS OF SOIL BELOW THE SURFACE; OR
- (vi) 4.995 BECQUERELS PER GRAM (135 PICOCURIES PER GRAM) OR LESS OF ANY OTHER NARM RADIONUCLIDE IN MEDIA OTHER THAN SOIL.
- (b) MATERIALS IN THE RECYCLING PROCESS CONTAMINATED WITH SCALE OR RESIDUE NOT OTHERWISE EXEMPTED OR OTHER EQUIPMENT CONTAINING NARM WITH A RADIATION EXPOSURE LEVEL THAT DOES NOT EXCEED 0.25 MICROGRAYS (25 MICRORADS) PER HOUR ABOVE BACKGROUND AT ANY ACCESSIBLE POINT.
- (2) THE MANUFACTURE, WHOLESALE OR RETAIL COMMERCIAL DISTRIBUTION, USE, OR DISPOSAL OF THE FOLLOWING PRODUCTS OR MATERIALS, OR THE RECYCLING OF EQUIPMENT USED TO PRODUCE, CONTAIN, OR TRANSPORT THE FOLLOWING:
 - (a) POTASSIUM OR POTASSIUM COMPOUNDS THAT HAVE NOT BEEN ISOTOPICALLY ENRICHED IN THE RADIONUCLIDE POTASSIUM-40;
 - (b) FOSSIL FUEL OR BYPRODUCTS FROM FOSSIL FUEL COMBUSTION, INCLUDING BOTTOM ASH, FLY ASH, AND FLUE-GAS EMISSION CONTROL BYPRODUCTS; OR
 - (c) MATERIAL USED FOR BUILDING CONSTRUCTION, INDUSTRIAL PROCESSING, SANDBLASTING, METAL CASINGS, OR OTHER NARM IN WHICH THE RADIONUCLIDE CONTENT HAS NOT BEEN CONCENTRATED TO A LEVEL HIGHER THAN IS FOUND IN ITS NATURAL STATE, OR ZIRCONIUM-BEARING SANDS AND PRODUCTS PRODUCED FROM THOSE SANDS PROVIDED THAT THE RADIOACTIVE CONSTITUENT IS CONSISTENT WITH THE RADIOACTIVE LEVELS STATED IN THE MATERIAL SAFETY DATA SHEET ACCOMPANYING THE ZIRCONIUM-BEARING MATERIALS,
- (3) THE WHOLESALE AND RETAIL COMMERCIAL DISTRIBUTION, INCLUDING CUSTOM BLENDING, POSSESSION, AND USE OF THE FOLLOWING PRODUCTS OR MATERIALS OR THE RECYCLING OF

EQUIPMENT OR CONTAINERS USED TO PRODUCE, CONTAIN, OR TRANSPORT THESE PRODUCTS AS FOLLOWS:

- (a) PHOSPHATE OR POTASH FERTILIZER;
- (b) PHOSPHOGYPSUM FOR AGRICULTURAL USES IF SUCH COMMERCIAL DISTRIBUTION AND USES MEET THE REQUIREMENTS OF 40 C.F.R. 61.204; OR
- (c) MATERIALS USED FOR BUILDING CONSTRUCTION IF THE MATERIALS CONTAIN NARM THAT HAS NOT BEEN CONCENTRATED TO HIGHER LEVELS THAN FOUND IN ITS NATURAL STATE.

THE EXEMPTIONS CONTAINED IN THIS PARAGRAPH DO NOT APPLY TO THE MANUFACTURE OF PHOSPHATE OR POTASH FERTILIZER.

- (4) THE POSSESSION, STORAGE, USE, TRANSPORTATION, OR COMMERCIAL DISTRIBUTION OF NATURAL GAS AND NATURAL GAS PRODUCTS OR OF CRUDE OIL AND CRUDE OIL PRODUCTS CONTAINING NARM. THE EXEMPTIONS CONTAINED IN THIS PARAGRAPH DO NOT APPLY TO THE PROCESSING OF NATURAL GAS OR CRUDE OIL OR THE MANUFACTURE OF NATURAL GAS PRODUCTS OR CRUDE OIL PRODUCTS CONTAINING NARM.
- (5) POSSESSION OF PRODUCED WATERS FROM CRUDE OIL OR NATURAL GAS PRODUCTION PROVIDED THAT THE PRODUCED WATERS ARE REINJECTED IN A WELL APPROVED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OR DISCHARGED UNDER THE AUTHORITY OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.
- (6) THE POSSESSION, STORAGE, USE, TRANSPORTATION OR COMMERCIAL DISTRIBUTION OF COMPRESSED GASES AND COMPRESSED GAS PRODUCTS CONTAINING NARM. THE EXEMPTIONS CONTAINED IN THIS PARAGRAPH DO NOT APPLY TO THE PROCESSING OF COMPRESSED GAS OR COMPRESSED GAS PRODUCTS CONTAINING NARM.
- (7) THE POSSESSION, STORAGE, USE, TRANSPORTATION AND COMMERCIAL DISTRIBUTION, WHEN NOT INTENDED FOR MEDICAL USE, OF THE FOLLOWING:

<u>RADIONUCLIDE</u>	<u>QUANTITY IN MICROCURIES</u>	<u>QUANTITIES IN MBQ</u>
COBALT 57	100	3.7
GALLIUM 67	100	3.7
GOLD 195	10	0.37
INDIUM 111	100	3.7
IODINE 123	100	3.7
IRON 52	10	0.37
RADIUM 224, 226, 228	0.10	0.0037
RUBIDIUM 81	10	0.37
SODIUM 22	10	0.37

- (8) PRODUCTS OR MATERIALS CONTAINING NARM DISTRIBUTED IN ACCORDANCE WITH A SPECIFIC LICENSE OR AN EQUIVALENT LICENSE ISSUED BY A CONFERENCE OF RADIATION CONTROL PROGRAM DIRECTORS (CRCPD) LICENSING STATE OR ANOTHER NARM LICENSING STATE OR UNITED STATES NUCLEAR REGULATORY COMMISSION AGREEMENT STATE.
- (9) A COMPONENT OF A PARTICLE ACCELERATOR THAT BECOMES RADIOACTIVE AS PART OF THE PARTICLE ACCELERATOR OPERATION UNLESS THE RADIOACTIVE COMPONENT IS REMOVED FROM THE IMMEDIATE PROXIMITY OF THE PARTICLE ACCELERATOR, OR IS ALTERED IN PHYSICAL OR CHEMICAL FORM.
- (C) NOTWITHSTANDING PARAGRAPH (A) OF THIS RULE, ANY FACILITY THAT HANDLES NARM FOR WHICH LICENSE IS REQUIRED BY CHAPTER 3748 OF THE REVISED CODE DOES NOT HAVE TO COMPLY WITH THE FOLLOWING STANDARDS OR REQUIREMENTS AS INDICATED:
- (1) INFORMATION COLLECTION AND THE UNITED STATES OFFICE OF MANAGEMENT AND BUDGET (OMB) APPROVAL PROVISIONS OF 10 C.F.R. 30.8, 10 C.F.R. 31.4, 10 C.F.R. 32.8, 10 C.F.R. 33.8, 10 C.F.R. 34.8, 10 C.F.R. 35.8, 10 C.F.R. 36.8, 10 C.F.R. 39.8, 10 C.F.R. 40.8, 10 C.F.R. 61.8, 10 C.F.R. 70.8, AND 10 C.F.R. 71.6.
- (2) REFERENCES REQUIRING COMMUNICATION TO THE UNITED STATES NUCLEAR REGULATORY COMMISSION. INSTEAD, THE REQUIRED COMMUNICATION SHALL BE DIRECTED TO THE DIRECTOR, OHIO DEPARTMENT OF HEALTH, P.O. BOX 118, COLUMBUS, OHIO

43266-0118. AN INCIDENT OR A MISADMINISTRATION REQUIRING REPORTING SHALL BE MADE BY CALLING (614) 644-2727.

- (3) REFERENCES TO WRITTEN INTERPRETATIONS BY THE UNITED STATES NUCLEAR REGULATORY COMMISSION CONTAINED IN 10 C.F.R. 30.5, 10 C.F.R. 36.5, 10 C.F.R. 37.5, 10 C.F.R. 40.6, 10 C.F.R. 61.5, 10 C.F.R. 70.6, AND 10 C.F.R. 71.2.
- (4) REFERENCES TO THE IMPORT OR EXPORT OF SOURCE, BYPRODUCT, AND SPECIAL NUCLEAR MATERIAL.
- (5) REFERENCES TO ANY FEES. INSTEAD, FEES SHALL BE ASSESSED AND COLLECTED IN ACCORDANCE WITH CHAPTER 3748 OF THE REVISED CODE AND RULE 3701-38-021 OF THE ADMINISTRATIVE CODE.
- (6) REFERENCES TO ANY ENFORCEMENT, OR CIVIL OR CRIMINAL PENALTIES. INSTEAD, ENFORCEMENT ACTIVITIES AND CIVIL OR CRIMINAL PENALTIES SHALL BE IN ACCORDANCE WITH CHAPTER 3748 OF THE REVISED CODE.
- (D) NOTWITHSTANDING PARAGRAPH (A) OF THIS RULE REQUIREMENTS AND STANDARDS SET FORTH IN 10 C.F.R. PARTS 19 TO 20, PARTS 30 TO 36, PARTS 39 TO 46, PART 61, PARTS 70 TO 71, AND PART 150 SHALL NOT BE EFFECTIVE TO THE EXTENT THAT THE PROVISION OR PART THEREOF IS NOT CONSISTENT WITH CHAPTER 3748. AS SUCH, REFERENCES TO SELF-INSURANCE FINANCIAL ASSURANCE ARRANGEMENTS IN 10 C.F.R. 30.35 ARE NOT EFFECTIVE AS THE PROVISION CONFLICTS WITH PARAGRAPH (I) (3) OF SECTION 3748.04 OF THE REVISED CODE.
- (E) NOTWITHSTANDING PARAGRAPH (A) OF THIS RULE, THE REQUIREMENTS OF 10 C.F.R. PART 35 ARE IN ADDITION TO ANY APPLICABLE LICENSING REQUIREMENTS CONTAINED IN CHAPTER 4773 OF THE REVISED CODE.
- (F) NOTWITHSTANDING PARAGRAPH (A) OF THIS RULE, IN ADDITION TO THE LISTED CERTIFYING BODIES FOR INDUSTRIAL RADIOGRAPHERS CONTAINED IN PARAGRAPH (b) (5) OF 10 C.F.R. 34.11, THE DIRECTOR MAY ACCEPT A CERTIFICATION BY THE CONFERENCE OF RADIATION CONTROL PROGRAM DIRECTORS (CRCPD), THE STATE OF TEXAS INDUSTRIAL RADIOGRAPHER CERTIFICATION, OR ANY OTHER CERTIFYING BODY APPROVED BY THE DIRECTOR.

- (H) INFORMATION PROVIDED BY A LICENSEE OR APPLICANT FOR A LICENSE OR LICENSE RENEWAL THAT CONSTITUTES A "TRADE SECRET" AS DEFINED IN SECTION 1333.61 OF THE REVISED CODE IS NOT SUBJECT TO PUBLIC DISCLOSURE IN ACCORDANCE WITH SECTION 1333.51 OF THE REVISED CODE.

Effective:

Certified by:

Mary Ann Keough, Secretary
Public Health Council

Date

Promulgated under: Chapter 119.

Rule authorized by: section 3748.04

Rule amplifies: sections 3748.01 to 3748.07, 3748.10 to 3748.11,
3748.13 to 3748.22, 3748.99

Five-year review date:

Prior effective date: none

needed changes as it went to PHC 1/23/97

3701-38-021 APPLICATION, RENEWAL, AND INSPECTION FEES, ISSUANCE.

(A) EXCEPT AS PROVIDED IN PARAGRAPH (F) OF THIS RULE, EVERY FACILITY THAT PROPOSES TO HANDLE RADIOACTIVE MATERIAL FOR WHICH LICENSURE IS REQUIRED BY CHAPTER 3748 OF THE REVISED CODE AND RULE 3701-39-021 OF THE ADMINISTRATIVE CODE SHALL APPLY FOR A LICENSE, LICENSE AMENDMENT, OR RENEWAL IN ACCORDANCE WITH THIS RULE. APPLICATION FOR A LICENSE, LICENSE AMENDMENT, OR RENEWAL SHALL BE MADE ON A FORM PRESCRIBED AND PROVIDED BY THE DIRECTOR AND SHALL BE ACCOMPANIED BY A FEE AS PROVIDED IN PARAGRAPH (B) OF THIS RULE. A LICENSE ISSUED UNDER THIS RULE SHALL EXPIRE FIVE YEARS FROM THE DATE OF ISSUANCE. AS USED IN THIS RULE, A "FACILITY" MEANS AS DEFINED IN PARAGRAPH (H) OF 3748.01 OF THE REVISED CODE AND ALL BUILDINGS, EQUIPMENT, STRUCTURES, AND OTHER STATIONARY ITEMS THAT ARE LOCATED ON A SINGLE SITE OR ON CONTIGUOUS OR ADJACENT SITES AND THAT ARE OWNED OR OPERATED BY THE SAME PERSON. HOWEVER, IN THE CASE OF A SITE OR CONTIGUOUS OR ADJACENT SITES THAT ARE OWNED BY THE SAME PERSON AND ON WHICH TWO OR MORE ESTABLISHMENTS ARE LOCATED, EACH PORTION OF THE SITE OR CONTIGUOUS OR ADJACENT SITES AND THE BUILDINGS, EQUIPMENT, STRUCTURES, AND OTHER STATIONARY ITEMS LOCATED THEREON THAT IS OCCUPIED BY AN ESTABLISHMENT THAT IS NOT OWNED OR OPERATED BY THE SAME PARENT CORPORATION AS, OR DOES NOT HAVE COMMON CORPORATE OR BUSINESS INTERESTS IN OR WITH, ANOTHER ESTABLISHMENT LOCATED THEREON IS A SEPARATE FACILITY; AND, IN THE CASE OF A BUILDING OR STRUCTURE THAT IS SO LOCATED AND THAT IS OCCUPIED BY TWO OR MORE ESTABLISHMENTS, EACH PORTION OF THE BUILDING OR STRUCTURE AND THE EQUIPMENT AND OTHER STATIONARY ITEMS LOCATED THEREIN THAT IS OCCUPIED BY AN ESTABLISHMENT THAT IS NOT OWNED OR OPERATED BY THE SAME PARENT CORPORATION AS, OR DOES NOT HAVE COMMON CORPORATE OR BUSINESS INTERESTS IN OR WITH, ANOTHER ESTABLISHMENT THAT IS LOCATED THEREIN IS A SEPARATE FACILITY. AS USED IN THIS RULE, "ESTABLISHMENT" MEANS AN ECONOMIC UNIT GENERALLY AT A SINGLE PHYSICAL LOCATION WHERE BUSINESS IS CONDUCTED OR WHERE SERVICES OR INDUSTRIAL OPERATIONS ARE PERFORMED. NOTWITHSTANDING THE DEFINITION OF "FACILITY", THE DIRECTOR MAY ISSUE A NEW LICENSE TO INCLUDE SITES NOT CONTIGUOUS OR ADJACENT, PROVIDED THAT:

- 1) THE SITES ARE OWNED OR OPERATED BY THE SAME PERSON;
- 2) THE SITES ARE IN THE SAME LICENSE CATEGORY;
- 3) THE APPLICANT FOR A LICENSE PROVIDES FOR ONE RADIATION SAFETY OFFICER, OR IF APPLICABLE, ONE RADIATION SAFETY COMMITTEE AS RESPONSIBLE FOR ALL SITES; AND
- 4) THE DIRECTOR IS REASONABLY SATISFIED FROM THE INFORMATION PROVIDED IN THE APPLICATION THAT THE APPLICANT WILL ADEQUATELY CONTROL RADIOACTIVE MATERIAL AT ALL SITES LISTED IN THE LICENSE APPLICATION.

ANY LICENSE ISSUED UNDER PARAGRAPH (A)(1) TO (A)(4) OF THIS RULE SHALL BE RENEWED PROVIDED THAT THE LICENSEE DEMONSTRATES CONTINUED COMPLIANCE WITH THIS PARAGRAPH, CHAPTER 3748 OF THE REVISED CODE AND THE RULES ADOPTED THEREUNDER. ANY APPLICANT APPLYING TO INCLUDE SITES NOT CONTIGUOUS OR ADJACENT SHALL PAY AN ADDITIONAL FEE FOR EACH NON-CONTIGUOUS OR NON-ADJACENT SITE PROPOSED IN THE APPLICATION. THIS ADDITIONAL FEE SHALL BE FIFTY PERCENT OF THE APPLICABLE NEW LICENSE, INSPECTION FEE PER LICENSE CYCLE, LICENSE RENEWAL, AND LICENSE AMENDMENT FEES FOR EACH SITE AS THOSE FEES ARE SET FORTH IN PARAGRAPH (B) OF THIS RULE, UNLESS THE PARTICULAR FEE IS DESIGNATED AS "FULL COST" IN PARAGRAPH (G)(2) OF THIS RULE OR APPENDIX A TO THIS RULE.

- (B) THE LICENSE FEE FOR A RADIOACTIVE MATERIAL LICENSE SHALL BE IN AN AMOUNT IN ACCORDANCE WITH APPENDIX A OF THIS RULE.
- (1) LICENSE APPLICATION AND RENEWAL FEES ARE NOT REFUNDABLE.
- (2) THE DIRECTOR SHALL CONSIDER THE APPLICATION ABANDONED IF THERE IS NO REPLY TO A REQUEST FOR ADDITIONAL INFORMATION DURING AN APPLICATION REVIEW WITHIN SIXTY DAYS FROM THE DATE OF THE INFORMATION REQUEST BY THE DEPARTMENT. FUTURE CONSIDERATION FOR A LICENSE OR AMENDMENT WILL REQUIRE A NEW APPLICATION ACCOMPANIED BY THE APPROPRIATE FEE.
- (3) FEES STATED AS FULL COST IN APPENDIX A TO THIS RULE SHALL BE INVOICED QUARTERLY AND SHALL BE DETERMINED AS THE CURRENT SALARY, FRINGE BENEFITS, AND INDIRECT COST RATES OF THE REVIEW STAFF FOR THE NUMBER OF HOURS SPENT ON THE REVIEW AND IN TRAVEL, AND THE COST OF ANY SPECIAL CONTRACTORS AS DETERMINED NECESSARY BY THE DIRECTOR. TRAVEL EXPENSES SHALL ALSO BE INVOICED AND SHALL BE CALCULATED AT THE RATE DETERMINED BY RULE 126-1-02 OF THE ADMINISTRATIVE CODE.
- (4) AN AMENDMENT TO A LICENSE THAT RESULTS IN A CHANGE TO A LICENSE CATEGORY WITH A HIGHER FEE WILL BE INVOICED AT AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE FEE FOR THE CURRENT CATEGORY AND THE ONE TO WHICH THE AMENDED LICENSE SHALL ESCALATE, PRORATED. THE PRORATED FEE SHALL BE CALCULATED BASED ON MONTHLY INTERVALS AND SHALL BE CHARGED FROM THE FIRST DAY OF THE MONTH THE AMENDMENT IS EFFECTIVE UNTIL THE END OF THE CURRENT LICENSE PERIOD.
- (C) THE DIRECTOR SHALL GRANT A LICENSE TO ANY APPLICANT WHO HAS SUBMITTED A COMPLETE APPLICATION, PAID THE REQUIRED FEE,

INCLUDING ALL FEES INVOICED IN ACCORDANCE WITH PARAGRAPH (B)(3) OF THIS RULE, AND IS IN COMPLIANCE WITH CHAPTER 3748 OF THE REVISED CODE AND THE RULES ADOPTED THEREUNDER.

- (D) A HANDLER OF RADIOACTIVE MATERIAL THAT IS CURRENTLY REGISTERED WITH A REGISTRATION EXPIRING WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS RULE SHALL APPLY FOR A LICENSE TO HANDLE RADIOACTIVE MATERIAL WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS RULE. HOWEVER, IN THE CASE OF A REGISTRANT APPLYING FOR A BROAD SCOPE LICENSE, THE APPLICANT MAY APPLY WITHIN TWO HUNDRED AND SEVENTY DAYS FROM THE EFFECTIVE DATE OF THIS RULE, PROVIDED THAT THE APPLICANT PROVIDES THE DIRECTOR WRITTEN NOTICE AND OTHER INFORMATION ON A FORM PROVIDED TO THE DIRECTOR THAT THE APPLICANT INTENDS TO FILE A BROAD SCOPE LICENSE APPLICATION. THE NOTICE OF INTENT SHALL BE ACCOMPANIED BY THE LICENSE APPLICATION FEE.
- (E) LICENSES SHALL BE RENEWED IN ACCORDANCE WITH THE STANDARD RENEWAL PROCEDURE ESTABLISHED IN CHAPTER 4745 OF THE REVISED CODE. A LICENSEE SHALL APPLY FOR RENEWAL OF THE LICENSE AT LEAST NINETY DAYS PRIOR TO THE EXPIRATION DATE OF THE CURRENT LICENSE.
- (F) THE PROVISIONS OF THIS RULE DO NOT APPLY TO THE APPLICATION FOR A LICENSE FOR THE DEVELOPMENT, CONSTRUCTION, AND OPERATION OF A FACILITY FOR THE DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE.
- (G) THE DEPARTMENT SHALL CHARGE AN INSPECTION FEE TO A RADIOACTIVE MATERIAL LICENSEE IN ACCORDANCE WITH APPENDIX A TO THIS RULE. THE INSPECTION FEE COVERS ANY ROUTINE INSPECTIONS DUE DURING THE EFFECTIVE PERIOD OF THE LICENSE AS PROVIDED IN APPENDIX B TO THIS RULE, ONE FOLLOW-UP INSPECTION AS DETERMINED TO BE NECESSARY BY THE DIRECTOR, AND MINOR LICENSE AMENDMENTS THAT THE DIRECTOR DETERMINES DO NOT REQUIRE REVIEW BY MEMBERS OF THE TECHNICAL STAFF, AND OTHER REGULATORY, ADMINISTRATIVE, AND ENFORCEMENT ACTIVITIES ASSOCIATED WITH INSPECTIONS IN ACCORDANCE WITH SECTION 3748.22 OF THE REVISED CODE.
 - (1) THE ROUTINE INSPECTION FEE WILL BE BILLED WITH FIVE EQUAL ANNUAL INVOICES EACH REPRESENTING TWENTY PERCENT OF THE INSPECTION FEE LISTED IN APPENDIX A TO THIS RULE.
 - (2) FEES FOR NON-ROUTINE INSPECTIONS WILL BE INVOICED AT A BASE FEE OF FIVE HUNDRED DOLLARS PLUS THE COST OF INSPECTION STAFF AT CURRENT SALARY, FRINGE BENEFITS, AND INDIRECT COST RATES FOR THE NUMBER OF HOURS SPENT ON THE INSPECTION, TRAVEL, AND INSPECTION REPORT. TRAVEL EXPENSES SHALL ALSO BE INVOICED AND SHALL BE CALCULATED AT THE RATE DETERMINED BY RULE 126-1-02 OF

THE ADMINISTRATIVE CODE. NON-ROUTINE INSPECTIONS MAY INCLUDE:

- (a) RECIPROCITY INSPECTIONS;
 - (b) INSPECTIONS PERFORMED AS A RESULT OF AN INCIDENT INVESTIGATION;
 - (c) A PRELICENSE INSPECTION FOR A NEW LICENSE APPLICANT THAT THE DIRECTOR DETERMINES IS NECESSARY TO ASSESS THE ADEQUACY OF THE HANDLER'S RADIATION SAFETY PROGRAM RELATIVE TO THE CONDITIONS OF USE SET FORTH BY THE APPLICANT IN THE LICENSE APPLICATION;
 - (d) ANY ADDITIONAL COMPLIANCE INSPECTION THAT THE DIRECTOR DETERMINES IS NECESSARY BEYOND THE FOLLOW-UP INSPECTION; AND
 - (e) A CLOSE-OUT INSPECTION AT LICENSE TERMINATION.
- (H) NOTWITHSTANDING PARAGRAPH(C) OF RULE 3701-71-03 OF THE ADMINISTRATIVE CODE OR PARAGRAPH (G) OF THIS RULE, DURING THE PERIOD THAT THE DEPARTMENT IS ASSESSING A FEE PURSUANT TO RULE 3701-71-03 OF THE ADMINISTRATIVE CODE, A HANDLER THAT POSSESSES BOTH A STATE OF OHIO LICENSE FOR RADIOACTIVE MATERIAL AND A LICENSE ISSUED BY THE UNITED STATES NUCLEAR REGULATORY COMMISSION FOR SOURCE, BYPRODUCT, OR SPECIAL NUCLEAR MATERIAL WILL BE CHARGED THE GREATER AMOUNT OF EITHER THE ANNUAL INVOICED INSPECTION FEE PER LICENSE CYCLE AS SET FORTH IN APPENDIX A TO THIS RULE AND INVOICED ACCORDING TO PARAGRAPH (G) OF THIS RULE, OR THE ANNUAL ASSESSMENT FEE ESTABLISHED IN RULE 3701-71-03 OF THE ADMINISTRATIVE CODE.
- (I) A LICENSEE THAT HOLDS A VALID UNITED STATES NUCLEAR REGULATORY COMMISSION LICENSE FOR SOURCE, BYPRODUCT, OR SPECIAL NUCLEAR MATERIAL ON THE EFFECTIVE DATE OF THE AGREEMENT WILL BE DEEMED TO HOLD A LICENSE AS PROVIDED IN PARAGRAPH (C) OF SECTION 3748.03 OF THE REVISED CODE. THE LICENSE SHALL EXPIRE NINETY DAYS AFTER THE HOLDER RECEIVES A NOTICE OF EXPIRATION FROM THE DEPARTMENT OR ON THE DATE OF EXPIRATION SPECIFIED IN THE LICENSE ISSUED BY THE UNITED STATES NUCLEAR REGULATORY COMMISSION, WHICHEVER IS LATER, PROVIDED THAT NO SUCH LICENSE SHALL EXPIRE DURING THE NINETY DAYS IMMEDIATELY FOLLOWING THE EFFECTIVE DATE OF THE AGREEMENT. THE DEPARTMENT MAY EXTEND A CURRENT LICENSE AN ADDITIONAL NINETY DAYS AFTER EXPIRATION IF THE LICENSE WOULD EXPIRE DURING THE INITIAL NINETY DAYS OF THE AGREEMENT.
- (J) NOTWITHSTANDING PARAGRAPH (G) OF THIS RULE, A FACILITY THAT ELECTS TO QUALIFY AS A SMALL ENTITY AS DEFINED IN 10 C.F.R. 2.810 SHALL PAY AN ANNUAL AMOUNT FOR AN INSPECTION FEE AS

LISTED BELOW AND INVOICED ACCORDING TO (G) OF THIS RULE:

- (1) IN THE CASE OF A SMALL ENTITY THAT MEETS THE DEFINITION AS A SMALL BUSINESS UNDER 10 C.F.R. 2.810(A)(1) OR A SMALL ORGANIZATION UNDER 10 C.F.R. 2.810(B), TWO

THOUSAND DOLLARS IF IT HAS GROSS ANNUAL RECEIPTS OF THREE HUNDRED AND FIFTY THOUSAND TO FIVE MILLION DOLLARS, OR FIVE HUNDRED DOLLARS IF IT HAS GROSS ANNUAL RECEIPTS LESS THAN THREE HUNDRED AND FIFTY THOUSAND DOLLARS;

- (2) IN THE CASE OF A SMALL ENTITY THAT MEETS THE DEFINITION AS A SMALL BUSINESS UNDER 10 C.F.R. 2.810(A)(2), TWO THOUSAND DOLLARS IF IT HAS THIRTY FIVE TO FIVE HUNDRED EMPLOYEES, OR FIVE HUNDRED DOLLARS IF IT HAS LESS THAN THIRTY FIVE EMPLOYEES;

- (3) IN THE CASE OF A SMALL ENTITY THAT MEETS THE DEFINITION AS A SMALL GOVERNMENTAL JURISDICTION UNDER 10 C.F.R. 2.810(C), TWO THOUSAND DOLLARS IF IT HAS A POPULATION OF TWENTY THOUSAND TO FIFTY THOUSAND, OR FIVE HUNDRED DOLLARS IF IT HAS A POPULATION OF LESS THAN TWENTY THOUSAND;

- (4) IN THE CASE OF A SMALL ENTITY THAT MEETS THE DEFINITION AS A SMALL EDUCATIONAL INSTITUTION UNDER 10 C.F.R. 2.810(D), TWO THOUSAND DOLLARS IF IT HAS THIRTY FIVE TO FIVE HUNDRED EMPLOYEES, OR FIVE HUNDRED DOLLARS IF IT HAS LESS THAN THIRTY FIVE EMPLOYEES;

TO QUALIFY AS A SMALL ENTITY, A HANDLER SHALL PROVIDE ON A FORM PROVIDED BY THE DIRECTOR, ANY APPROPRIATE CERTIFICATION THAT THE DIRECTOR MAY REQUIRE TO VERIFY THAT THE HANDLER MEETS THE REQUIREMENTS OF A SMALL ENTITY. A BOARD OF HEALTH OF A CITY OR GENERAL HEALTH DISTRICT, OR THE AUTHORITY HAVING THE DUTIES OF A BOARD OF HEALTH UNDER SECTION 3709.05 OF THE REVISED CODE OR A HIGH SCHOOL AS DEFINED IN SECTION 3301.16 OF THE REVISED CODE SHALL PAY AN ANNUAL INSPECTION FEE OF FIVE HUNDRED DOLLARS, INVOICED ACCORDING TO PARAGRAPH (G) OF THIS RULE.

- (K) IN ACCORDANCE WITH SECTION 3748.22 REVISED CODE, THE DEPARTMENT SHALL CHARGE FEES SUFFICIENT TO COVER ALL COSTS OF REGULATORY, ADMINISTRATIVE, AND ENFORCEMENT ACTIVITIES CONDUCTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE. THE DIRECTOR SHALL RECOMMEND TO THE RADIATION ADVISORY COUNCIL AND THE PUBLIC HEALTH COUNCIL CHANGES IN THE RADIOACTIVE MATERIALS FEES IF THE DIRECTOR FINDS THAT FEES DO NOT MEET THE REQUIREMENTS OF SECTION 3748.22 OF THE REVISED CODE.

Effective date:

Certified by:

Mary Ann Keough, Secretary
Public Health Council

Date

Promulgated under: Chapter 119.

Rule authorized by: section 3748.04

Rule amplifies: sections 3748.01 to 3748.07, 3748.10 to 3748.11,
3748.13 to 3748.22, 3748.99

Five year review date:

Prior effective date: none

APPENDIX A

OHIO FEE SCHEDULE (DRAFT)

FEE CATEGORY	FEE EXPLANATION	INSPECTION FEE PER LICENSE CYCLE	NEW LICENSE	LICENSE RENEWAL	LICENSE AMENDMENT
1A	HOT CELL OPERATION	\$345,350.00	FULL COST	FULL COST	FULL COST
1B	LICENSES FOR POSSESSION AND USE OF SPECIAL NUCLEAR MATERIAL IN SEALED SOURCES CONTAINED IN DEVICES USED IN INDUSTRIAL MEASURING SYSTEMS INCLUDING X-RAY FLUORESCENCE ANALYZERS, BOTH NARM AND SNM	\$5,750.00	\$440.00	\$360.00	\$260.00
1C	ALL OTHER SPECIAL NUCLEAR MATERIAL LICENSES EXCEPT LICENSES AUTHORIZING SPECIAL NUCLEAR MATERIAL IN UNSEALED FORM IN COMBINATION THAT WOULD CONSTITUTE A CRITICAL QUANTITY	\$10,700.00	\$480.00	\$390.00	\$240.00
2A	LICENSES FOR POSSESSION AND USE OF SOURCE MATERIAL IN RECOVERY OPERATIONS SUCH AS MILLING, IN-SITU LEACHING, HEAP-LEACHING, REFINING URANIUM MILL CONCENTRATES TO URANIUM HEXAFLUORIDE, ORE BUYING STATIONS, ION EXCHANGE FACILITIES AND IN PROCESSING OF ORES CONTAINING SOURCE MATERIAL FOR EXTRACTION OF METALS OTHER THAN URANIUM OR THORIUM, INCLUDING LICENSES AUTHORIZING THE POSSESSION OF BYPRODUCT WASTE MATERIAL (TAILINGS) FROM SOURCE MATERIAL RECOVERY OPERATIONS, AS WELL AS LICENSES AUTHORIZING THE POSSESSION AND MAINTENANCE OF A FACILITY IN A STANDBY MODE	\$345,350.00	FULL COST	FULL COST	FULL COST
2B	LICENSES THAT AUTHORIZE THE RECEIPT OF BYPRODUCT MATERIAL, AS DEFINED IN SECTION 11E(2) OF THE ATOMIC ENERGY ACT, FROM OTHER PERSONS FOR POSSESSION AND DISPOSAL	\$204,700.00	FULL COST	FULL COST	FULL COST
2C	LICENSES THAT AUTHORIZE THE RECEIPT OF BYPRODUCT MATERIAL, AS DEFINED IN SECTION 11E(2) OF THE ATOMIC ENERGY ACT, FROM OTHER PERSONS FOR POSSESSION AND DISPOSAL INCIDENTAL TO THE DISPOSAL OF THE URANIUM WASTE TAILINGS GENERATED BY THE LICENSEE'S MILLING OPERATIONS	\$32,000.00	FULL COST	FULL COST	FULL COST
2D	ALL OTHER SOURCE MATERIAL LICENSES	\$33,900.00	\$2,140.00	\$1,720.00	\$340.00
2E	LICENSES WHICH AUTHORIZE THE POSSESSION, USE AND/OR INSTALLATION OF SOURCE MATERIAL FOR SHIELDING	\$2,350.00	\$150.00	\$120.00	\$200.00
3A	LICENSES OF BROAD SCOPE FOR POSSESSION AND USE OF BYPRODUCT MATERIAL AND/OR NARM ISSUED PURSUANT TO (PARTS 30 AND 33) FOR PROCESSING OR MANUFACTURING OF ITEMS CONTAINING BYPRODUCT AND/OR NARM MATERIAL FOR COMMERCIAL DISTRIBUTION	\$68,700.00	\$2,300.00	\$1,840.00	\$420.00
3B	OTHER LICENSES FOR POSSESSION AND USE OF BYPRODUCT MATERIAL AND/OR NARM ISSUED PURSUANT TO (PART 30) FOR PROCESSING OR MANUFACTURING OF ITEMS CONTAINING BYPRODUCT AND/OR NARM MATERIAL FOR COMMERCIAL DISTRIBUTION	\$22,300.00	\$1,000.00	\$800.00	\$470.00
3C	LICENSES ISSUED PURSUANT TO (32.72, 32.73, AND/OR 32.74) AUTHORIZING THE PROCESSING OR MANUFACTURING AND DISTRIBUTION OR REDISTRIBUTION OF RADIOPHARMACEUTICALS, GENERATORS, REAGENT KITS AND/OR SOURCES AND DEVICES CONTAINING BYPRODUCT MATERIAL AND/OR NARM	\$44,700.00	\$3,070.00	\$2,460.00	\$410.00
3D	LICENSES AND APPROVALS ISSUED PURSUANT TO (32.72, 32.73, AND/OR 32.74) AUTHORIZING DISTRIBUTION	\$19,350.00	\$1,150.00	\$920.00	\$330.00

APPENDIX A

OR REDISTRIBUTION OF RADIOPHARMACEUTICALS.
GENERATORS REAGENT KITS AND/OR SOURCES OR
DEVICES NOT INVOLVING PROCESSING OF BYPRODUCT MATERIAL
AND/OR NARM

3E	LICENSES FOR POSSESSION AND USE OF BYPRODUCT MATERIAL AND/OR NARM IN SEALED SOURCES FOR IRRADIATION OF MATERIALS IN WHICH THE SOURCE IS NOT REMOVED FROM ITS SHIELD (SELF-SHIELDED)	\$12,700.00	\$900.00	\$720.00	\$280.00
3F	LICENSES FOR POSSESSION AND USE OF LESS THAN 10,000 CURIES OF BYPRODUCT MATERIAL AND/OR NARM IN SEALED SOURCES FOR IRRADIATION OF MATERIALS IN WHICH THE SOURCE IS EXPOSED FOR IRRADIATION PURPOSES. THIS CATEGORY ALSO INCLUDES UNDERWATER IRRADIATORS FOR IRRADIATION OF MATERIALS WHERE THE SOURCE IS NOT EXPOSED FOR IRRADIATION PURPOSES	\$15,750.00	\$1,150.00	\$920.00	\$290.00
3G	LICENSES FOR POSSESSION AND USE OF 10,000 CURIES OR MORE OF BYPRODUCT MATERIAL AND/OR NARM IN SEALED SOURCES FOR IRRADIATION OF MATERIALS IN WHICH THE SOURCE IS EXPOSED FOR IRRADIATION PURPOSES. THIS CATEGORY ALSO INCLUDES UNDERWATER IRRADIATORS FOR IRRADIATION OF MATERIALS WHERE THE SOURCE IS NOT EXPOSED FOR IRRADIATION PURPOSES	\$82,550.00	\$4,560.00	\$3,650.00	\$580.00
3H	LICENSES ISSUED PURSUANT TO (SUBPART A OF PART 32) TO DISTRIBUTE ITEMS CONTAINING BYPRODUCT MATERIAL AND/OR NARM THAT REQUIRE DEVICE REVIEW TO PERSONS EXEMPT FROM THE LICENSING REQUIREMENTS OF (PART 30) EXCEPT SPECIFIC LICENSES AUTHORIZING REDISTRIBUTION OF ITEMS THAT HAVE BEEN AUTHORIZED FOR DISTRIBUTION TO PERSONS EXEMPT FROM THE LICENSING REQUIREMENTS OF (PART 30)	\$21,900.00	\$1,900.00	\$1,520.00	\$750.00
3I	LICENSES ISSUED PURSUANT TO (SUBPART A OF PART 32) TO DISTRIBUTE ITEMS CONTAINING BYPRODUCT MATERIAL AND/OR NARM OR QUANTITIES OF BYPRODUCT MATERIAL THAT DO NOT REQUIRE DEVICE EVALUATION TO PERSONS EXEMPT FROM THE LICENSING REQUIREMENTS OF (PART 30) EXCEPT FOR SPECIFIC LICENSES AUTHORIZING REDISTRIBUTION OF ITEMS THAT HAVE BEEN AUTHORIZED FOR DISTRIBUTION TO PERSONS EXEMPT FROM THE LICENSING REQUIREMENTS OF (PART 30)	\$39,350.00	\$3,550.00	\$2,840.00	\$750.00
3J	LICENSES ISSUED PURSUANT TO (SUBPART B OF PART 32) TO DISTRIBUTE ITEMS CONTAINING BYPRODUCT MATERIAL AND/OR NARM THAT REQUIRE SEALED SOURCE AND/OR DEVICE REVIEW TO PERSONS GENERALLY LICENSED UNDER (PART 31) EXCEPT SPECIFIC LICENSES AUTHORIZING REDISTRIBUTION OF ITEMS THAT HAVE BEEN AUTHORIZED FOR DISTRIBUTION TO PERSONS GENERALLY LICENSED UNDER (PART 31)	\$18,400.00	\$1,390.00	\$1,120.00	\$250.00
3K	LICENSES ISSUED PURSUANT TO (SUBPART B OF PART 32) TO DISTRIBUTE ITEMS CONTAINING BYPRODUCT MATERIAL AND/OR NARM THAT DO NOT REQUIRE SEALED SOURCE AND/OR DEVICE REVIEW TO PERSONS GENERALLY LICENSED UNDER (PART 31) EXCEPT SPECIFIC LICENSES AUTHORIZING REDISTRIBUTION OF ITEMS THAT HAVE BEEN AUTHORIZED FOR DISTRIBUTION TO PERSONS GENERALLY LICENSED UNDER (PART 31)	\$18,400.00	\$1,230.00	\$990.00	\$240.00
3L	LICENSES OF BROAD SCOPE FOR POSSESSION AND USE OF BYPRODUCT MATERIAL AND/OR NARM ISSUED PURSUANT TO (PARTS 30 AND 33) FOR RESEARCH AND DEVELOPMENT THAT DO NOT AUTHORIZE COMMERCIAL DISTRIBUTION	\$50,950.00	\$3,260.00	\$2,610.00	\$520.00
3M	OTHER LICENSES FOR POSSESSION AND USE OF BYPRODUCT MATERIAL AND/OR NARM ISSUED PURSUANT TO (PART 30 FOR RESEARCH AND DEVELOPMENT THAT DO NOT	\$20,800.00	\$1,180.00	\$950.00	\$510.00

APPENDIX A

AUTHORIZE COMMERCIAL DISTRIBUTION

3N	LICENSES THAT AUTHORIZE SERVICES FOR OTHER LICENSEES EXCEPT (1) LICENSES THAT AUTHORIZE ONLY CALIBRATION AND/OR LEAK TESTING SERVICES ARE SUBJECT TO THE FEES SPECIFIED IN CATEGORY 3P AND (2) LICENSES THAT AUTHORIZE WASTE DISPOSAL SERVICES ARE SUBJECT TO THE FEES SPECIFIED IN CATEGORIES 4A, 4B AND 4C	\$23,500.00	\$1,440.00	\$1,160.00	\$490.00
3O	LICENSES FOR POSSESSION AND USE OF BYPRODUCT MATERIAL AND/OR NARM ISSUED PURSUANT TO (PART 34) FOR INDUSTRIAL RADIOGRAPHY OPERATIONS	\$61,200.00	\$3,040.00	\$2,440.00	\$570.00
3P	ALL OTHER SPECIFIC BYPRODUCT MATERIAL AND/OR NARM LICENSES EXCEPT THOSE IN CATEGORIES 4A THROUGH 9D AND 12 AND 13	\$7,500.00	\$440.00	\$360.00	\$260.00
4A	LICENSES SPECIFICALLY AUTHORIZING THE RECEIPT OF WASTE BYPRODUCT MATERIAL, SOURCE MATERIAL, SPECIAL NUCLEAR MATERIAL, OR NARM FROM OTHER PERSONS FOR THE PURPOSE OF TEMPORARY STORAGE OR COMMERCIAL DISPOSAL BY THE LICENSEE, OR LICENSES AUTHORIZING TEMPORARY STORAGE OF LLRW AT THE SITE OF NUCLEAR POWER REACTORS, OR LICENSES FOR RECEIPT OF WASTE FROM OTHER PERSONS FOR TREATMENT OR PACKAGING OF RESULTING WASTE AND RESIDUES, AND TRANSFER OF PACKAGES TO ANOTHER PERSON AUTHORIZED TO RECEIVE OR DISPOSE OF WASTE MATERIAL	\$433,900.00	FULL COST	FULL COST	FULL COST
4B	LICENSES SPECIFICALLY AUTHORIZING THE RECEIPT OF WASTE BYPRODUCT MATERIAL, SOURCE MATERIAL, SPECIAL NUCLEAR MATERIAL, OR NARM FROM OTHER PERSONS FOR THE PURPOSE OF PACKAGING OR REPACKAGING THE MATERIAL. THE LICENSEE WILL DISPOSE OF THE MATERIAL BY TRANSFER TO ANOTHER PERSON AUTHORIZED TO RECEIVE OR DISPOSE OF THE MATERIAL	\$58,700.00	\$2,830.00	\$2,270.00	\$330.00
4C	LICENSES SPECIFICALLY AUTHORIZING THE RECEIPT OF PREPACKAGED WASTE BYPRODUCT MATERIAL, SOURCE MATERIAL, SPECIAL NUCLEAR MATERIAL, OR NARM FROM OTHER PERSONS. THE LICENSEE WILL DISPOSE OF THE MATERIAL BY TRANSFER TO ANOTHER PERSON AUTHORIZED TO RECEIVE OR DISPOSE OF THE MATERIAL	\$29,600.00	\$1,310.00	\$1,050.00	\$220.00
5A	LICENSES FOR POSSESSION AND USE OF BYPRODUCT MATERIAL, SOURCE MATERIAL, SPECIAL NUCLEAR MATERIAL, AND/OR NARM FOR WELL LOGGING, WELL SURVEYS, AND TRACER STUDIES OTHER THAN FIELD FLOODING TRACER STUDIES	\$37,750.00	\$2,700.00	\$2,160.00	\$510.00
5B	LICENSES FOR POSSESSION AND USE OF BYPRODUCT MATERIAL AND/OR NARM FOR FIELD FLOODING TRACER STUDIES	\$54,150.00	FULL COST	FULL COST	FULL COST
6A	LICENSES FOR COMMERCIAL COLLECTION AND LAUNDRY OF ITEMS CONTAMINATED WITH BYPRODUCT MATERIAL, SOURCE MATERIAL, SPECIAL NUCLEAR MATERIAL, AND/OR NARM	\$58,300.00	\$3,870.00	\$3,100.00	\$610.00
7A	LICENSES ISSUED PURSUANT TO (PARTS 30, 35, 40, AND 70) FOR HUMAN USE OF BYPRODUCT MATERIAL AND/OR NARM, SOURCE MATERIAL, OR SPECIAL NUCLEAR MATERIAL IN SEALED SOURCES CONTAINED IN TELETHERAPY DEVICES	\$48,800.00	\$2,460.00	\$1,970.00	\$400.00
7B	LICENSES OF BROAD SCOPE ISSUED TO MEDICAL INSTITUTIONS FOR TWO OR MORE PHYSICIANS PURSUANT TO (PARTS 30, 33, 35, 40, AND 70) AUTHORIZING RESEARCH AND DEVELOPMENT, INCLUDING HUMAN USE OF BYPRODUCT MATERIAL AND/OR NARM, EXCEPT LICENSES FOR BYPRODUCT MATERIAL AND/OR NARM, SOURCE MATERIAL, OR SPECIAL NUCLEAR MATERIAL IN SEALED SOURCES CONTAINED IN TELETHERAPY DEVICES	\$101,100.00	\$2,140.00	\$1,720.00	\$440.00
7C	OTHER LICENSES ISSUED PURSUANT TO (PARTS 30, 35, 40, AND 70) FOR HUMAN USE OF BYPRODUCT MATERIAL AND/OR NARM, SOURCE MATERIAL, OR SPECIAL NUCLEAR MATERIAL EXCEPT LICENSES FOR BYPRODUCT MATERIAL AND/OR NARM, SOURCE MATERIAL, OR	\$19,750.00	\$1,020.00	\$820.00	\$370.00

APPENDIX A

SPECIAL NUCLEAR MATERIAL IN SEALED SOURCES CONTAINED
IN TELETHERAPY DEVICES

8A	LICENSES FOR POSSESSION AND USE OF BYPRODUCT MATERIAL AND/OR NARM, SOURCE MATERIAL, OR SPECIAL NUCLEAR MATERIAL FOR CIVIL DEFENSE ACTIVITIES	\$7,350.00	\$580.00	\$470.00	\$320.00
10	BYPRODUCT AND/OR NARM, SOURCE, OR SPECIAL NUCLEAR MATERIAL LICENSES AND OTHER APPROVALS AUTHORIZING DECOMMISSIONING, DECONTAMINATION, RECLAMATION, OR SITE RESTORATION ACTIVITIES PURSUANT TO (PARTS 30, 40, 70, AND 72)	SEE SPECIFIC FULL COST LICENSE FEE CATEGORY	FULL COST	FULL COST	FULL COST
11	LICENSEES FROM AGREEMENT STATES, NARM LICENSING STATES, OR NRC LICENSEES WHO CONDUCT ACTIVITIES WITHIN THE STATE UNDER RECIPROCITY	N/A	\$1,000.00	N/A	\$180.00
12	ACADEMIC BROAD SCOPE A, B, AND C	\$25,500.00	\$2,090.00	\$1,680.00	\$330.00
13	ACADEMIC SMALL QUANTITIES FOR CLASSROOM LIMITED USE TEACHING PURPOSES ONLY	\$7,500.00	\$440.00	\$360.00	\$260.00

APPENDIX B

ROUTINE INSPECTION FREQUENCY

FEE CAT	ROGRAM CODE	LICENSE TYPE	INSP FREQ
1A	21130	HOT CELL OPERATIONS	3 PER YEAR
1B	22140	SNM PLUTONIUM-SEALED SOURCES IN DEVICES	EVERY 5 YRS
1C	22110	SNM PLUTONIUM-UNSEALED<A CRITICAL MASS	EVERY 2 YRS
1C	22120	SNM PLUTONIUM-NEUTRON SOURCES <200 GRAMS	EVERY 5 YRS
1C	22111	SNM U-235 AND/OR U-233 UNSEALED < A CRITICAL MASS	EVERY 2 YRS
1C	22150	SNM PLUTONIUM-SEALED SOURCES < A CRITICAL MASS	EVERY 5 YRS
1C	22151	SNM U-235 AND/OR U-233 SEALED SOURCES < A CRITICAL MASS	EVERY 5 YRS
1C/3B	22161	PACEMAKER-BYPRODUCT AND/OR SNM-MFG. AND DISTRIBUTION	ANNUAL
2A	11700	RARE EARTH EXTRACTION AND PROCESSING	EVERY 3 YRS
2E	11210	SOURCE MATERIAL SHIELDING	EVERY 5 YRS
2A/B/C/D	11800	SOURCE MATERIAL POSSESSION ONLY	EVERY 3 YRS
2D	11300	SOURCE MATERIAL OTHER>150 KILOGRAMS	EVERY 3 YRS
2D	11200	SOURCE MATERIAL OTHER<150 KILOGRAMS	EVERY 3 YRS
2D	11230	SOURCE MATERIAL GENERAL LICENSE DISTRIBUTION-40.34	EVERY 5 YRS
3A	3212	MANUFACTURING AND DISTRIBUTION BROAD	ANNUAL
3B	3214	MANUFACTURING AND DISTRIBUTION OTHER	EVERY 3 YRS
3C	2500	NUCLEAR PHARMACIES	ANNUAL
3C/3D	2511	MEDICAL PRODUCT DISTRIBUTION-32.72 PREPARED RADIOPHARMACEUTICALS	EVERY 3 YRS
3C/3D	2512	MEDICAL PRODUCT DISTRIBUTION-32.73-GENERATORS AND KITS	EVERY 3 YRS
3C/3D	2513	MEDICAL PRODUCT DISTRIBUTION-32.74 SOURCES AND DEVICES	EVERY 3 YRS
3F	3511	IRRADIATORS OTHER < 10000 CURIES	EVERY 3 YRS
3E	3510	IRRADIATORS SELF SHIELDED <10000 CURIES	EVERY 3 YRS
3E	3520	IRRADIATORS SELF SHIELDED >10000 CURIES	EVERY 3 YRS
3G	3521	IRRADIATORS OTHER > 10000 CURIES	ANNUAL
3H	3254	EXEMPT DISTRIBUTION-32.22 SELF LUMINOUS PRODUCTS	EVERY 5 YRS
3H	3255	EXEMPT DISTRIBUTION-SMOKE DETECTORS	EVERY 5 YRS
3H/3I	3251	EXEMPT DISTRIBUTION-CERTAIN ITEMS	EVERY 5 YRS
3I	3250	EXEMPT DISTRIBUTION-32.11 EXEMPT CONCENTRATIONS AND ITEMS	EVERY 5 YRS
3I	3252	EXEMPT DISTRIBUTION-32.17 RESINS	EVERY 5 YRS
3I	3253	EXEMPT DISTRIBUTION-SMALL QUANTITIES	EVERY 5 YRS
3J	3240	GENERAL LICENSE DISTRIBUTION-32.51	EVERY 5 YRS
3J	3241	GENERAL LICENSE DISTRIBUTION-32.53	EVERY 5 YRS
3J	3243	GENERAL LICENSE DISTRIBUTION-32.61	EVERY 5 YRS
3K	3242	GENERAL LICENSE DISTRIBUTION-32.57	EVERY 5 YRS
3K	3244	GENERAL LI CENSE DISTRIBUTION-32.71	EVERY 3 YRS
3L	3610	RESEARCH AND DEVELOPMENT BROAD	EVERY 2 YRS
3M	3620	RESEARCH AND DEVELOPMENT OTHER	EVERY 4 YRS
3N	3225	OTHER SERVICES	EVERY 3 YRS
3N	3219	DECONTAMINATION SERVICES	EVERY 2 YRS
3O	3310	INSUSTRIAL RADIOGRAPHY FIXED LOCATION	ANNUAL
3O	3320	INDUSTRIAL RADIOGRAPHY TEMPORARY JOB SITES	ANNUAL
3P	3221	INSTRUMENT CALIBRATION SERVICE ONLY-SOURCE <100 CURIES	EVERY 5 YRS
3P	3123	MEASURING SYSTEMS GAS CHROMATOGRAPHS	EVERY 5 YRS
3P	3220	LEAK TEST SERVICE	EVERY 5 YRS
3P	3224	LEAK TEST & INSTRUMENT CALIBRATION SERVICE ONLY-SOURCE>100 CURIES	EVERY 3 YRS
3P	3124	MEASURING SYSTEMS OTHER	EVERY 5 YRS
3P	3222	INSTRUMENT CALIBRATION SERVICE ONLY-SOURCE > 100 CURIES	EVERY 3 YRS
3P	3122	MEASURING SYSTEMS ANALYTICAL INSTRUMENTS	EVERY 5 YRS
3P	2400	VETERINARY NON-HUMAN	EVERY 5 YRS
3P	3121	MEASURING SYSTEMS PORTABLE GAUGES	EVERY 5 YRS

APPENDIX B

3P	3120	MEASURING SYSTEMS FIXED GAUGES	EVERY 5 YRS
3P	2410	IN-VITRO TESTING LABORATORIES	EVERY 5 YRS
3P	3223	LEAK TEST & INSTRUMENT CALIBRATION SERVICE ONLY-SOURCE<100 CURIES	EVERY 5 YRS
3P	3800	BYPRODUCT MATERIAL POSSESSION ONLY	EVERY 3 YRS
4A	3231	WASTE DISPOSAL FACILITY	ANNUAL
4B	3234	WASTE DISPOSAL SERVICE PROCESSING AND/OR REPACKAGING	ANNUAL
4C	3232	WASTE DISPOSAL SERVICE PREPACKAGED ONLY	EVERY 2 YRS
5A	3110	WELL LOGGING BYPRODUCT AND/OR SNM TRACER AND SEALED SOURCES	EVERY 3 YRS
5A	3111	WELL LOGGING BYPRODUCT AND/OR SNM SEALED SOURCES ONLY	EVERY 2 YRS
5A	3112	WELL LOGGING BYPRODUCT ONLY-TRACERS ONLY	EVERY 3 YRS
5B	3113	FIELD FLOODING STUDIES	EVERY 3 YRS
6A	3218	NUCLEAR LAUNDRY	EVERY 3 YRS
7A	2300	TELETHERAPY	ANNUAL
7B	2110	MEDICAL INSTITUTION BROAD	ANNUAL
7C	2121	MEDICAL INSTITUTION CUSTOM	EVERY 2 YRS
7C	2201	MEDICAL PRIVATE PRACTICE-CUSTOM	EVERY 2 YRS
7C	2220	MOBILE NUCLEAR MEDICINE SERVICE	ANNUAL
7C	2230	HIGH DOSE RATE REMOTE AFTERLOADER	ANNUAL
7C	2231	MOBILE HIGH DOSE RATE REMOTE AFTERLOADER	ANNUAL
7C	2120	MEDICAL INSTITUTION LIMITED	EVERY 2 YRS
7C	2200	MEDICAL PRIVATE PRACTICE-LIMITED	EVERY 2 YRS
7C	2209	GRANDFATHERED IN-VIVO GENERAL MEDICAL USE	EVERY 2 YRS
7C	2210	EYE APPLICATORS Sr-90	EVERY 3 YRS
7C	22160	PACEMAKER BYPRODUCT AND/OR SNM MEDICAL INSTITUTION	EVERY 5 YRS
8A	3710	CIVIL DEFENSE	EVERY 5 YRS
10	50000	DECOMMISSIONING OF FACILITIES	ANNUAL
12	1110	ACADEMIC BROAD	EVERY 2 YRS
13	1121	ACADEMIC- CLASSROOM USE ONLY	EVERY 5 YRS