



STATE OF FLORIDA
DEPARTMENT OF HEALTH
BUREAU OF RADIATION CONTROL



REGULATORY GUIDE

Regulatory Guide 6.20
Revision 5

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RADIOACTIVE MATERIALS LICENSE FEES

I. INTRODUCTION

This guide is to inform applicants and licensees of the Department of Health, Bureau of Radiation Control, Radioactive Materials Program, of current fees for a radioactive materials license. This guide does not cover fees associated with low-level radioactive waste inspections or fines associated with escalated enforcement actions. Any questions should be sent to Department of Health, Bureau of Radiation Control, Radioactive Materials Program, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741 or call (850) 245-4545.

II. AUTHORITY

Pursuant to section 404.131, Florida Statutes (F.S.), the Bureau of Radiation Control has the authority to charge and collect fees for general and specific radioactive materials licenses. A copy of section 404.131, F.S., is listed as Appendix B. These fees are as follows:

1. Application fee for new license applications;
2. Annual fee; and
3. Reclamation fee.

The purpose of these fees is described in sections 404.122 and 404.131, F.S. (Appendix B). The licensing and inspecting of radioactive materials licensees by the Radioactive Materials Program is supported by these fees.

III. GENERAL LICENSES

There are 5 types of general licenses which require a fee. These general licenses are described in paragraphs 64E-5.204(1)(c) and (d), Florida Administrative Code (F.A.C.). A copy of section 64E-5.204, F.A.C., is listed in Appendix A. The licensee is billed annually for these general licenses. If radioactive material is contained within generally licensed static elimination devices or measuring, gauging, and controlling devices described in paragraphs 64E-5.206(1)(a) and (4), F.A.C., the licensee will be invoiced based on the number of devices the licensee possess as

Regulatory guides are issued to describe and make available to the public acceptable methods of implementing specific parts of Chapter 64E-5, Florida Administrative Code ("State of Florida Control of Radiation Hazard Regulations") to delineate techniques used by the staff in evaluating specific problems or postulating accidents, or to provide guidance to applicants or licensees. Regulatory guides are not a substitute for regulations and compliance with them is not required unless specifically referenced in a radioactive materials license. Methods or solutions different from those set forth in the guides will be acceptable if they provide a basis for the Bureau of Radiation Control to make necessary determinations to issue, renew, amend, or terminate a license, or to establish standards of protection.

Guides are issued in the following six broad categories:

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|-------------------------------|----------------------|
| 1) License Application Guides | 4) Radioactive Waste |
| 2) Inspection and Enforcement | 5) Transportation |
| 3) General Health Physics | 6) General |

Written comments and suggestions for improvements to regulatory guides are encouraged at all times. Guides will be revised, as appropriate, to accommodate comments and to reflect new information or experience. Comments or requests for single copies or issued guides (which may be reproduced) should be sent to: Department of Health, Bureau of Radiation Control, Radioactive Materials Program, 4052 Bald Cypress Way, Bin C21, Tallahassee, FL 32399-1741.

recorded by this office. If this inventory is incorrect, the licensee must submit a corrected inventory. The amount remitted shall be based on the current inventory. The licensee must submit proof that devices no longer possessed have been returned to the manufacturer. It is not necessary to remit an application or reclamation fee.

Licensees who possess a specific radioactive materials license with the generally licensed material listed as a line item need not remit the general license fee. The licensee should return the invoice with a copy of his specific license along with an updated inventory of generally licensed material possessed. If the licensee possesses a specific license and the generally licensed material is not listed on the specific license, the licensee may elect not to remit the general license fee by requesting an amendment to their specific license. An updated inventory of generally licensed devices must be submitted with the amendment request to include the generally licensed material.

The general license fee for reciprocal recognition of an out-of-state specific license is the same as the specific license annual fee for the type of use as described by license category. The specific license annual fees for the various licenses are listed in Appendix A. This fee covers all entries into the state of Florida for a period of 365 days from the first entry. The licensee must provide at least a 3-day notification to the Radioactive Materials Program (850/245-4545) prior to each entry into the state.

IV. SPECIFIC LICENSES:

A. Application Fee.

A new applicant must submit the appropriate application fee with the license application. Failure to do so will cause delays in processing the license application. This fee is a one time only fee for all new license applications and covers the cost of evaluating and processing the license application.

B. Annual Fee.

A new license is valid for 5 years. The new licensee will be billed for the annual fee for the coming year in the cover letter accompanying the license document. The licensee must remit this annual fee within 60 days from the date of the license issuance. Failure to remit this fee may result in enforcement actions including fines and license revocation. A new license applicant may wish to remit this fee with the application fee. The licensee will be billed each year for the annual fee, which covers inspections, processing of all amendments and renewal of the license. This fee does not cover any escalated enforcement actions such as fines that the licensee may incur while possessing the license.

C. Reclamation Fee.

The reclamation fee is 5 percent of the annual fee. The fee is placed in a special fund that may only be used to pay for measures to prevent or mitigate the adverse effects from the abandonment of radioactive materials, default on a licensee's lawful obligations, insolvency, or other inability to meet the requirements of the department or applicable state statutes or rules and to assure the protection of the public health and safety and the environment from the adverse effects of ionizing radiation. Please be advised that the existence of this fund does not make the department liable for the costs of decontamination, transfer, transportation, reclamation, surveillance, or disposal of radioactive material arising from a licensee's abandonment of radioactive materials, default on lawful obligation, insolvency, or inability to meet the requirements of the department. The specific uses of this fund are described in section 404.122, F.S. (Appendix B). As with the annual fee, the licensee will be billed each year for this fee. A new license applicant may wish to remit this fee and the annual fee with the application fee.

V. Method of Payment:

All checks, drafts or money orders for the payment of fees must be made payable to DOH, Bureau of Radiation Control; and sent to:

Department of Health
Bureau of Radiation Control
Radioactive Materials Program
Bin C21, 4052 Bald Cypress Way
Tallahassee, FL 32399-1741

APPENDIX A

SUBPART A LICENSE TYPES AND FEES

64E-5.204 **Types of Licenses.** Licenses for radioactive materials are of two types: general and specific.

- (1) Some general licenses provided in this part may be effective without the filing of applications with the department or the issuance of licensing documents to the particular persons, although the filing of a certificate with the department for general licenses pursuant to 64E-5.206(7) or (8) shall be required of the particular general licensee prior to the receipt of radioactive material. The payment of a fee is also required by all persons possessing general licensed material described in (1)(c), below. The general licensee is subject to all other applicable portions of these regulations and any limitations of the general license.
 - (a) The annual registration fee set forth in this section for general licenses shall be payable every July 1, for as long as the license remains in effect.
 - (b) The annual fee for a general license set forth in 64E-5.216 under reciprocal agreement shall be paid before the first entrance into the State and on each anniversary date thereafter, if applicable. Manufacturers, manufacturer's representatives, distributors, and waste treatment, storage or disposal companies servicing Florida radioactive materials license applicants or licensees are not exempt from this fee.
 - (c) Payment of the indicated annual fee pursuant to (1)(a), above, is required for the following types of devices held or activities performed under a general license:
 1. Static elimination devices
as described in 64E-5.206(1)(a)..... \$30.00 per unit.
 2. Measuring, gauging, and control devices
as described in 64E-5.206(4). \$30.00 per unit.
 3. *In Vivo* testing
as described in 64E-5.206(7). \$150.00 per license.
 4. *In Vitro* testing
as described in 64E-5.206(8). \$150.00 per license.
 5. Depleted uranium
as described in 64E-5.206(4). \$150.00 per license.
 - (d) Those persons who hold a specific license from the U.S. Nuclear Regulatory Commission, an agreement state or licensing state and conduct activities under a reciprocal agreement with this State shall meet the requirements of 64E-5.216(1), and pay the annual fee as specified in (2)(e), below.

- (2) Specific licenses require the submission of an application to the department and the issuance of a licensing document by the department. The licensee is subject to all applicable portions of these regulations as well as any limitations specified in the licensing document. The licensee is subject to the payment of fees as authorized under section 404.131, F.S., and as outlined below:
- (a) The requirements of this part apply to a person who is an applicant for, or holder of a specific radioactive materials license issued pursuant to Subpart III C, and for a special review of safety designs of sealed sources and devices, whether or not in conjunction with a license application on file or which may be filed.
 - (b) All communications concerning the requirements of this part should be addressed to the Department of Health, Bureau of Radiation Control, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741, or delivered to Department of Health, Bureau of Radiation Control, Radioactive Materials Program, Room 220.09, 4042 Bald Cypress Way, Tallahassee, FL 32399.
 - (c) No additional fees shall be required for amendments to licenses.
 - (d) Payment of fees.
 - 1. Application fees. Each application for a specific license for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application will be processed prior to payment of the fee specified herein. The application fee is not refundable except in those cases where the department has determined that a license is not required. The department will consider any application abandoned if the department does not receive a reply within 90 days to its most recent request for additional information. In such cases, the applicant must submit a new application with the application fee specified herein.
 - 2. Annual fees. All current specific licenses that were in effect on January 1, 1979, are subject to payment of the annual fee prescribed herein and on every January 1, thereafter, as long as the license remains in effect. All specific licenses issued after January 1, 1979, are subject to payment of the annual fee specified in this section within 60 days of issuance of the license and on each anniversary date thereafter. The annual fee is not refundable except in those cases where the department has determined that the fee is not required.
 - 3. Method of payment. Checks, drafts or money orders for payment of fees shall be payable to DOH, Bureau of Radiation Control; and sent to: Department of Health, Bureau of Radiation Control, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741.

(e) Below is the schedule of fees for specific radioactive materials licenses:

Category	Type	Application Fee	Annual Fee	Reclamation Fee
1.	SOURCE MATERIAL			
a.	Licenses for concentration of uranium from phosphate ores for the production of uranium as "yellow cake" or powdered solid	\$8,288	\$14,330	\$716.50
b.	License for concentration of uranium from phosphate ores for the production of "green cake" or equivalent, moist or solid	\$4,522	\$8,927	\$446.35
c.	All other specific source material licenses excluding depleted uranium used as shielding and counterweights	\$653	\$275	\$13.75
2.	SPECIAL NUCLEAR MATERIAL (SNM)			
a.	Licenses for use of SNM in sealed sources contained in devices used in measuring systems	\$784	\$622	\$31.10
b.	Licenses for use of SNM not sufficient to form a critical mass, except as in 2.a., above, and 2.c. and 5.e., below	\$1,608	\$2,333	\$116.65
c.	Licenses for use of SNM to be used as calibration and reference sources	\$246	\$131	\$6.55
3.	BY-PRODUCT, NATURALLY OCCURRING OR ACCELERATOR PRODUCED MATERIAL			
a.	Licenses for processing or manufacturing for commercial distribution or industrial uses	\$3,508	\$3,362	\$168.10
b.	Licenses for processing or manufacturing and distribution of radiopharmaceuticals. This category includes radiopharmacies	\$3,072	\$4,608	\$230.40
c.	Licenses industrial radiography performed only in an approved shielded radiography installation	\$1,870	\$2,593	\$129.65
d.	Licenses for industrial radiography performed only at the address indicated in the license, or at temporary job sites of the licensee	\$1,972	\$3,188	\$159.40
e.	Licenses for possession and use of radioactive materials in sealed sources for irradiation of materials where the source is not removed from the shield and is less than 10,000 curies	\$726	\$726	\$36.30

Category	Type	Application Fee	Annual Fee	Reclamation Fee
f.(I)	Licenses for possession and use of radioactive materials in sealed sources for irradiation of materials when the source is not removed from the shield and is greater than 10,000 curies and less than 100,000 curies or where the source is less than 100,000 curies and is removed from the shield	\$1,697	\$1,956	\$97.80
(II)	Licenses for possession and use of radioactive materials in sealed sources for irradiation of materials when the source is greater than 100,000 curies and less than 1,000,000 curies	\$4,391	\$4,753	\$237.65
(III)	Licenses for possession and use of radioactive materials in sealed sources for irradiation of materials when the source is greater than 1,000,000 curies	\$11,736	\$5,278	\$263.90
g.	Licenses issued to distribute items containing radioactive materials to persons under a general license	\$1,972	\$2,580	\$129.00
h.	Fixed gauging devices	\$726	\$1,159	\$57.95
i.	Well logging			
(I)	Sealed sources or sub-surface tracer studies	\$1,362	\$1,798	\$89.90
(II)	Sub-surface tracer studies and sealed sources	\$1,723	\$1,913	\$95.65
j.	Nuclear laundry;	\$3,840	\$6,781	\$339.05
k.	Industrial or medical research and development	\$1,421	\$1,769	\$88.45
l.(I)	Portable gauging devices	\$726	\$1,159	\$57.95
(II)	In Vitro and clinical laboratory	\$870	\$1,102	\$55.10
(III)	Academic	\$1,174	\$1,405	\$70.25
(IV)	Possession of uranium or thorium, or their decay products as a result of mining or processing	\$1,174	\$1,044	\$52.20
(V)	All other specific license except otherwise noted	\$870	\$1,202	\$60.10
m.	Licenses of broad scope			
(I)	Academic	\$3,840	\$8,815	\$440.75
(II)	Medical	\$3,840	\$6,569	\$328.45
(III)	Industrial or Research and Development	\$3,840	\$5,482	\$274.10
n.	Gas chromatography devices	\$521	\$377	\$18.85
o.	Reference or calibration sources equal to or less than one millicurie total	\$377	\$158	\$7.90

Category	Type	Application Fee	Annual Fee	Reclamation Fee
p.	Nuclear service licenses, such as, leak testing, instrument calibration, etc.	\$622	\$492	\$24.60
4.	WASTE DISPOSAL OR PROCESSING			
a.	Commercial waste disposal or treatment facilities, including burial or incineration	\$331,010	\$300,666	\$15,033.30
b.	All other commercial facilities involving compaction, repackaging storage or transfer.	\$32,501	\$29,965	\$1,498.25
c.	Commercial treatment of radioactive materials for release to unrestricted areas	\$6,913	\$6,882	\$344.10
5.	MEDICAL USE			
a.(I)	Teletherapy or gamma stereotactic radiosurgery including gamma knife devices	\$1,838	\$1,791	\$89.55
a.(II)	High dose rate remote afterloading devices	\$1,697	\$1,654	\$82.70
a.(III)	High dose rate remote afterloading devices and gamma stereotactic radiosurgery including gamma knife devices or teletherapy devices	\$1,838	\$1,791	\$89.55
b.	Medical institutions, including hospitals, except category 5.a.(I), 5a.(II), 5a.(III), 5.e., 5f.(I) and 5.f.(II)	\$1,972	\$2,290	\$114.50
c.	Private practice physicians except category 5.a.(I), 5a.(II), 5a.(III), 5.e., 5f.(I) and 5.f.(II)	\$1,421	\$1,608	\$80.40
d.	Private practice physicians using only strontium 90 eye applicators, materials authorized by 64E-5.631, and materials authorized by 64E-5.630	\$726	\$898	\$44.90
e.	Nuclear powered pacemakers	\$521	\$319	\$15.95
f.(I)	Mobile nuclear medicine services	\$1,697	\$1,950	\$97.50
f.(II)	Mobile high dose rate remote afterloading therapy device when the treatment is only performed on the mobile vehicle	\$2,970	\$3,308	\$165.40
6.	CIVIL DEFENSE	\$653	\$985	49.25
7.	DEVICE, PRODUCT, OR SEALED SOURCE SAFETY EVALUATION			
a.	Safety evaluation of devices or products containing radioactive material, except reactor fuel devices, for commercial distribution or in accordance with the unique specifications of, and for use by, a single applicant; per device remaining in active status. Devices or products in inactive status more than 5 years must submit another application fee and be re-evaluated.	\$4,500	\$2,570	\$128.50

Category	Type	Application Fee	Annual Fee	Reclamation Fee
b.	Safety evaluation of sealed sources containing radioactive material, for commercial distribution or in accordance with the unique specifications of, and for use by, a single applicant; per source remaining in active status. Sources in inactive status more than 5 years must submit another application fee and be re-evaluated	\$2,400	2,900	145.00

APPENDIX B

Section 404.122 and 404.131, Florida Statutes

404.122 Radiation Protection Trust Fund.--

(1) The department may use the Radiation Protection Trust Fund to pay for measures to prevent or mitigate the adverse effects from a licensee's abandonment of radioactive materials, default on lawful obligations, insolvency, or other inability to meet the requirements of the department or applicable state statutes or rules and to assure the protection of the public health and safety and the environment from the adverse effects of ionizing radiation.

(2) The department may provide by contract, agreement, lease, or license with any person for the decontamination, closure, decommissioning, reclamation, surveillance, or other care of a site or facility subject to this section, as needed to carry out the purpose of this section.

(3) The existence of the Radiation Protection Trust Fund does not make the department liable for the costs of decontamination, transfer, transportation, reclamation, surveillance, or disposal of radioactive material arising from a licensee's abandonment of radioactive material, default on lawful obligations, insolvency, or inability to meet the requirements of the department.

History.--ss. 8, 18, ch. 84-190; s. 4, ch. 91-429; s. 18, ch. 96-418.

404.131 Fees.--

(1) The department is authorized to charge and collect reasonable fees for specific and general licenses and for the registration of radiation machines. The fees shall not exceed the estimated costs to the department of performing licensing, registration, inspection, and other regulatory duties. Unless otherwise provided by law, such fees shall be deposited to the credit of the Radiation Protection Trust Fund, to be held and applied solely for salaries and expenses of the department incurred in implementing and enforcing the provisions of this chapter.

(2) The department shall require that each person who possesses a specific license to use, manufacture, produce, transport, transfer, receive, acquire, own, or possess radioactive material annually pay to the department an additional 5 percent of his or her annual licensing and inspection fee for the purposes of s. 404.122. All fees collected as specified in this subsection shall be deposited in the Radiation Protection Trust Fund. These fees are not refundable.

(3)(a) The department is authorized to charge and collect reasonable fees from department licensees and nuclear power plant licensees of the United States Nuclear Regulatory Commission who ship low-level radioactive waste to commercial low-level radioactive waste management facilities. Such fees shall be levied according to the cubic foot amount of low-level radioactive waste shipped quarterly by each department licensee and nuclear power plant licensee

of the United States Nuclear Regulatory Commission and shall be set by the department to provide an amount no greater than the costs to the department of surveying the external radiation levels of a vehicle carrying low-level radioactive waste, inspection of the package bracing of a vehicle carrying low-level radioactive waste, verification of required marking and placarding of a vehicle carrying low-level radioactive waste, examination of required shipping papers, routing of low-level radioactive waste shipments to their final destinations, and ensuring compliance with the provisions of the Southeast Interstate Low-Level Radioactive Waste Compact. Fees shall be \$1.25 per cubic foot for the first year and shall be determined by department rule for succeeding years.

(b) All moneys collected by the department shall be deposited in the Radiation Protection Trust Fund.

(4)(a) The department is authorized to charge and collect reasonable fees in an amount no greater than the costs to the department of issuing a permit to a person to transport low-level radioactive waste into or through the borders of the state which is destined to a commercial low-level radioactive waste management facility.

(b) All moneys collected by the department shall be deposited in the Radiation Protection Trust Fund.

(5)(a) The department is authorized to collect reasonable fees from industries extracting solid minerals as defined in s. 211.30(1), licensees, and nuclear power plants to meet the actual costs of surveillance activities performed for the purpose of monitoring the radiological environmental impact of activities conducted by such solid mineral extraction industries, licensees, and nuclear power plants.

(b) All moneys collected by the department shall be deposited into the Radiation Protection Trust Fund and used for environmental surveillance activities.

History.--s. 1, ch. 78-373; s. 2, ch. 80-187; s. 2, ch. 81-318; ss. 13, 22, ch. 82-186; ss. 8, 10, 17, 18, ch. 84-190; s. 58, ch. 85-81; s. 4, ch. 91-429; s. 21, ch. 93-120; s. 20, ch. 96-418; s. 1014, ch. 97-103; s. 59, ch. 97-237.

Note.--Former s. 290.131.