



A SUBSIDIARY OF UNIFIRST CORPORATIO



23 September 2022

Environmental Quality Board
Rachel Carson State Office Building
16th Floor, 400 Market Street
Harrisburg, PA 17101-2301

RE: Proposed Rulemaking, 52 Pa.B. 5500, published 27 August 2022
Comments on Radiological Health Fees

To whom it may concern,

UniTech Services Group, Inc. (UniTech) owns and operates eight (8) licensed nuclear laundry facilities in various jurisdictions within the United States of America. All the facilities are located in the Agreement States of the Nuclear Regulatory Commission. UniTech's Royersford, PA facility is of particular interest, subject to the Pennsylvania Department of Environmental Protection (DEP) Radioactive Materials License No. PA-1073. The NRC previously licensed the facility under License No. 27-23342-01. The regulatory authority was transferred to DEP by the NRC in mid-2008, and the first DEP license was issued on June 19, 2008.

By way of these comments, UniTech respectfully requests consideration by the Environmental Quality Board (EQB) and DEP for a reduction in the Fees for Radioactive Materials Licenses, Fee Category 6A, Nuclear Laundry, and implementation of the reasonableness standard. The current fee is \$43,200, and the subject Proposed Rulemaking suggests an increase to \$47,520. In support of this fee reduction request, UniTech offers the following information for consideration.

- UniTech operates the only nuclear laundry facility, Fee Category 6A, regulated by DEP, and has perspective into the regulatory oversight of its facility and activities.
- UniTech believes that the initial fee assessed by the EQB and DEP was based on information received from the NRC. Such information was likely skewed by excessive hours devoted by NRC to oversight related to a condition that no longer exists.
- In 1998, Massachusetts (MA) became an Agreement State, the last state before PA became an Agreement State which regulates UniTech. UniTech believes that MA also based its nuclear laundry license fee on time estimate information from the NRC. The current MA

annual nuclear laundry license fee is \$4000 (801 CMR §4.02, Fee Category RCP 21), which provides insight into more typical regulatory oversight time expenditures from the NRC.

- The average annual nuclear laundry license fee from UniTech's other seven Agreement States is \$9,361. UniTech is aware of only one other nuclear laundry in the USA, Alabama.

UniTech Nuclear Laundry License Fees

State	Amount	Citation	Fee Category
MA	\$ 4,000	801 CMR 4.02	RCP 21
PA	\$ 43,200	25 Pa. Code 218	6A
NM	\$ 12,410	20 NMAC 3.16.12	F
WA	\$ 18,284	WAC 246-254-070	04
IL	\$ 13,830	32 IAC 331, App F	205B
SC	\$ 4,375	SC Code 61-30, G.5.	dd
TN	\$ 14,625	0400-20-10-31	14.00
CA	\$ 7,347	17 CCR 30230/1	Formula

\$9,361 Average annual license fee without PA

- Based on the full cost recovery rate (currently \$225/hr, proposed increase to \$275/hr), 192 staff hours would be required to equate to our annual fee, 173 hours with the proposed increases. UniTech suggests that 20 to 30 hours of staff time is a more reasonable yet conservative overestimate. UniTech respects the insight of DEP technical staff in this regard.
- DEP technical staff time includes a full-day inspection every two to three years, processing license amendments (only two in number since the last renewal in 2015, one of which was COVID-related), and review of routine reports.

UniTech understands that DEP prepared its Three-Year Regulatory Fee and Program Cost Analysis Report (Report) according to 25 Pa Code §218.11(l), which states:

The Department will review the adequacy of the fees established in this section at least once every 3 years and provide a written report to the EQB. The report must identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and must contain recommendations to increase fees to eliminate the disparity, including recommendations for regulatory amendments to increase program fees.

UniTech respectfully suggests that the regulation implies that reductions in fees should also be considered where appropriate, not only recommendations to increase fees to eliminate [any] disparity. The fee provisions of the Radiation Protection Act authorize reasonable fees (§401), and reasonableness should include consideration, as it does in the fee language for nuclear power facilities, of “fees to cover the costs of programs related to their activities” (§402). As a separate fee category in Appendix A, the actual costs incurred by DEP to oversee program activities for

nuclear laundries should be considered and applied to set reasonable fees. Based on the expected evaluation, the proposed fee is not reasonable.

If you have any questions, please do not hesitate to contact me at your earliest convenience. I may be reached at 413-382-7350 or by email at GRoberts@UniTechUS.com.

Thank you for your time and consideration of this request.

Sincerely,

UniTech Services Group, Inc.

A handwritten signature in black ink that reads "Glenn Roberts". The signature is written in a cursive style with a horizontal line extending to the right from the end of the name.

Glenn Roberts, Director
Health Physics and Engineering