

HOUSE BILL No. 2600

By Committee on Health and Human Services

2-1

1 AN ACT concerning the nuclear energy development and control act;
2 relating to maximum licensing fees; providing for the assessment of
3 fees for a licensee's noncontiguous sites; amending K.S.A. 48-1606 and
4 repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 48-1606 is hereby amended to read as follows: 48-
8 1606. (a) The secretary of health and environment shall be responsible for
9 state radiation control.

10 (b) The secretary, for the protection of the public health and safety,
11 shall develop programs for evaluation of hazards associated with use of
12 sources of radiation.

13 (c) The secretary may:

14 (1) Advise, consult and cooperate with other agencies of the state, the
15 federal government, other states and interstate agencies, political
16 subdivisions and with groups concerned with control of sources of
17 radiation;

18 (2) accept and administer grants or gifts, conditional or otherwise, in
19 furtherance of its functions, from the federal government and from other
20 sources, public or private;

21 (3) collect and disseminate information relating to control of sources
22 of radiation;

23 (4) encourage, participate in, or conduct studies, investigations,
24 training, research and demonstrations relating to control of sources of
25 radiation;

26 (5) in accordance with the laws of the state, employ, compensate and
27 prescribe the powers and duties of such individuals as may be necessary to
28 carry out the responsibilities set forth herein;

29 (6) institute training programs for the purpose of qualifying personnel
30 to carry out the provisions of this act, and make personnel available for
31 participation in any program or programs of the federal government, other
32 states or interstate agencies in furtherance of the purposes of this act;

33 (7) fix, charge and collect fees for licenses and registrations, and
34 renewals thereof, issued under the nuclear energy development and
35 radiation control act to cover all or any part of the cost of administering
36 such act; and

1 (8) receive any moneys in the form of grants, gifts, licensing or
 2 registration fees, or as paid under an agreement with the secretary or as
 3 reimbursement for remedial action costs.

4 (d) Subject to the following limitations, the secretary may assess a fee
 5 for the following categories of radiation protection services:

6 Fee Category:

7 **1. Special nuclear material**

- 8 A. Licenses for possession and use of special nuclear material in
 9 sealed sources contained in devices used in industrial measuring
 10 systems
 11 Maximum annual fee.....~~\$950~~ \$1,283
 12 B. Any licenses not otherwise specified in this table for possession
 13 and use of special nuclear material, except licenses authorizing
 14 special nuclear material in unsealed form in combination that
 15 would constitute a critical mass
 16 Maximum annual fee.....~~\$2,250~~ \$3,038

17 **2. Source material**

- 18 A. Licenses that authorize only the possession, use and/or
 19 installation of source material for shielding
 20 Maximum annual fee.....~~\$365~~ \$493
 21 B. All other source material licenses not otherwise specified in this
 22 table
 23 Maximum annual fee.....~~\$5,700~~ \$7,695

24 **3. Radioactive or byproduct material**

- 25 A. Licenses of broad scope for possession and use of radioactive or
 26 byproduct material issued for processing or manufacturing of
 27 items containing radioactive or byproduct material for
 28 commercial distribution
 29 Maximum annual fee.....~~\$10,900~~ \$14,715
 30 B. Other licenses for possession and use of radioactive or
 31 byproduct material issued for processing or manufacturing of
 32 items containing radioactive or byproduct material for
 33 commercial distribution
 34 Maximum annual fee.....~~\$3,300~~ \$4,455
 35 C. Licenses authorizing the processing or manufacturing and
 36 distribution or redistribution of radiopharmaceuticals,
 37 generators, reagent kits and/or sources and devices containing
 38 radioactive or byproduct material. This category also includes
 39 the possession and use of source material for shielding when
 40 included on the same license
 41 Maximum annual fee.....~~\$5,450~~ \$7,358
 42 D. Licenses and approvals authorizing distribution or redistribution
 43 of radiopharmaceuticals, generators, reagent kits and/or sources

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|----|---|----------|----------|
| 1 | or devices not involving processing of radioactive or byproduct | | |
| 2 | material. This category also includes the possession and use of | | |
| 3 | source material for shielding when included on the same license | | |
| 4 | Maximum annual fee..... | \$2,350 | \$3,173 |
| 5 | E. Licenses for possession and use of radioactive or byproduct | | |
| 6 | material in sealed sources for irradiation of materials in which | | |
| 7 | the source is not removed from its shield (self-shielded units) | | |
| 8 | Maximum annual fee..... | \$1,800 | \$2,430 |
| 9 | F. Licenses for possession and use of less than 10,000 curies of | | |
| 10 | radioactive or byproduct material in sealed sources for | | |
| 11 | irradiation of materials in which the source is exposed for | | |
| 12 | irradiation purposes. This category also includes underwater | | |
| 13 | irradiators for irradiation of materials in which the source is not | | |
| 14 | exposed for irradiation purposes | | |
| 15 | Maximum annual fee..... | \$3,300 | \$4,455 |
| 16 | G. Licenses for possession and use of 10,000 curies or more of | | |
| 17 | radioactive or byproduct material in sealed sources for | | |
| 18 | irradiation of materials in which the source is exposed for | | |
| 19 | irradiation purposes. This category also includes underwater | | |
| 20 | irradiators for irradiation of materials in which the source is not | | |
| 21 | exposed for irradiation purposes | | |
| 22 | Maximum annual fee..... | \$12,050 | \$16,268 |
| 23 | H. Licenses issued to distribute items containing radioactive or | | |
| 24 | byproduct material that require device review to persons exempt | | |
| 25 | from licensing, except specific licenses authorizing | | |
| 26 | redistribution of items that have been authorized for distribution | | |
| 27 | to persons exempt from licensing | | |
| 28 | Maximum annual fee..... | \$3,000 | \$4,050 |
| 29 | I. Licenses issued to distribute items containing radioactive or | | |
| 30 | byproduct material or quantities of radioactive or byproduct | | |
| 31 | material that do not require device review to persons exempt | | |
| 32 | from licensing, except for specific licenses authorizing | | |
| 33 | redistribution of items that have been authorized for distribution | | |
| 34 | to persons exempt from licensing | | |
| 35 | Maximum annual fee..... | \$3,050 | \$4,118 |
| 36 | J. Licenses issued to distribute items containing radioactive or | | |
| 37 | byproduct material that require sealed source and/or device | | |
| 38 | review to persons generally licensed, except specific licenses | | |
| 39 | authorizing redistribution of items that have been authorized for | | |
| 40 | distribution to persons generally licensed | | |
| 41 | Maximum annual fee..... | \$1,100 | \$1,485 |
| 42 | K. Licenses issued to distribute items containing radioactive or | | |
| 43 | byproduct material or quantities of radioactive or byproduct | | |

- 1 material that do not require sealed source and/or device review
- 2 to persons generally licensed, except specific licenses
- 3 authorizing redistribution of items that have been authorized for
- 4 distribution to persons generally licensed
- 5 Maximum annual fee.....\$700 \$945
- 6 L. Licenses of broad scope for possession and use of radioactive or
- 7 byproduct material issued for research and development that do
- 8 not authorize commercial distribution
- 9 Maximum annual fee.....\$5,900 \$7,965
- 10 M. Other licenses for possession and use of radioactive or
- 11 byproduct material issued for research and development that do
- 12 not authorize commercial distribution
- 13 Maximum annual fee.....\$2,800 \$3,780
- 14 N. Licenses that authorize services for other licensees, except
- 15 (1)Licenses that authorize only calibration and/or leak testing
- 16 services are subject to the fees specified in fee category 3P; and
- 17 (2) licenses that authorize waste disposal services are subject to
- 18 the fees specified in fee categories 4A, 4B and 4C
- 19 Maximum annual fee.....\$3,050 \$4,118
- 20 O. Licenses for possession and use of radioactive or byproduct
- 21 material for industrial radiography operations. This category
- 22 also includes the possession and use of source material for
- 23 shielding when authorized on the same license
- 24 Maximum annual fee.....\$6,100 \$8,235
- 25 P. All other specific radioactive or byproduct material licenses not
- 26 otherwise specified in this table
- 27 Maximum annual fee.....\$1,250 \$1,688
- 28 Q. Registration of generally licensed devices or sources
- 29 Maximum annual fee.....\$225 \$304
- 30 **4. Waste disposal and processing**
- 31 A. Licenses authorizing the possession and use of waste
- 32 radioactive, by-product, source or special nuclear material for a
- 33 commercial low-level radioactive waste disposal facility.
- 34 Maximum annual fee.....Full cost
- 35 i. Amendment to license concerning safety and environmental
- 36 questions
- 37 Maximum amendment fee.....Full cost
- 38 ii. Amendment to license concerning administration questions
- 39 (no safety or environment questions)
- 40 Maximum amendment fee.....Full cost
- 41 B. Licenses specifically authorizing the receipt of waste
- 42 radioactive or byproduct material, source material or special
- 43 nuclear material from other persons for the purpose of

- 1 packaging or repackaging the material. The licensee will
- 2 dispose of the material by transfer to another person authorized
- 3 to receive or dispose of the material
- 4 Maximum annual fee.....\$5,150 \$6,953
- 5 C. Licenses specifically authorizing the receipt of prepackaged
- 6 waste radioactive or byproduct material, source material or
- 7 special nuclear material from other persons. The licensee will
- 8 dispose of the material by transfer to another person authorized
- 9 to receive or dispose of the material
- 10 Maximum annual fee.....\$3,700 \$4,995
- 11 **5. Well logging**
- 12 A. Licenses for possession and use of radioactive or byproduct
- 13 material, source material and/or special nuclear material for
- 14 well logging, well surveys and tracer studies other than field
- 15 flooding tracer studies
- 16 Maximum annual fee.....\$2,350 \$3,173
- 17 B. Licenses for possession and use of radioactive or byproduct
- 18 material for field flooding tracer studies
- 19 Maximum annual fee.....\$2,350 \$3,173
- 20 **6. Nuclear laundries**
- 21 A. Licenses for commercial collection and laundry of items
- 22 contaminated with radioactive or byproduct material, source
- 23 material or special nuclear material
- 24 Maximum annual fee.....\$11,550 \$15,593
- 25 **7. Medical licenses**
- 26 A. Licenses issued for human use of radioactive or byproduct
- 27 material, source material or special nuclear material in sealed
- 28 sources contained in teletherapy devices. This category also
- 29 includes the possession and use of source material for shielding
- 30 when authorized on the same license
- 31 Maximum annual fee.....\$5,500 \$7,425
- 32 B. Licenses of broad scope issued to medical institutions or two or
- 33 more physicians authorizing research and development,
- 34 including human use of radioactive or byproduct material
- 35 except licenses for radioactive or byproduct material, source
- 36 material or special nuclear material in sealed sources contained
- 37 in teletherapy devices. This category also includes the
- 38 possession and use of source material for shielding when
- 39 authorized on the same license. Separate annual fees will not be
- 40 assessed for pacemaker licenses issued to medical institutions
- 41 who also hold nuclear medicine licenses under categories 7B or
- 42 7C
- 43 Maximum annual fee.....\$12,350 \$16,673

- 1 C. Other license issued for human use of radioactive or byproduct
- 2 material, source material and/or special nuclear material except
- 3 licenses for radioactive or byproduct material, source material
- 4 or special nuclear material in sealed sources contained in
- 5 teletherapy devices. This category also includes the possession
- 6 and use of source material for shielding when authorized on the
- 7 same license. Separate annual fees will not be assessed for
- 8 pacemaker licenses issued to medical institutions who also hold
- 9 nuclear medicine licenses under categories 7B or 7C
- 10 Maximum annual fee.....\$2,300 *\$3,105*

11 **8. Civil defense**

- 12 A. Licenses for possession and use of radioactive or byproduct
- 13 material, source material or special nuclear material for civil
- 14 defense activities
- 15 Maximum annual fee.....\$650 *\$878*

16 **9. Device, product or sealed source safety evaluation**

- 17 A. Safety evaluation review of devices or products containing
- 18 radioactive or byproduct material, source material or special
- 19 nuclear material, except reactor fuel devices, for commercial
- 20 distribution. This fee shall apply to each device or product
- 21 Maximum annual fee.....\$3,500 *\$4,725*

- 22 B. Safety evaluation review of devices or products containing
- 23 radioactive or byproduct material, source material or special
- 24 nuclear material manufactured in accordance with the unique
- 25 specifications of, and for use by, a single applicant, except
- 26 reactor fuel devices. This fee shall apply to each device or
- 27 product
- 28 Maximum annual fee.....\$3,500 *\$4,725*

- 29 C. Safety evaluation of sealed sources containing radioactive or
- 30 byproduct material, source material or special nuclear material,
- 31 except reactor fuel, for commercial distribution. This fee shall
- 32 apply to each device or product
- 33 Maximum annual fee.....\$1,100 *\$1,485*

- 34 D. Registrations issued for the safety evaluation of sealed sources
- 35 containing radioactive or byproduct material, source material or
- 36 special nuclear material, manufactured in accordance with the
- 37 unique specifications of, and for use by, a single applicant. This
- 38 fee shall apply to each device or product
- 39 Maximum annual fee.....\$365 *\$493*

40 **10. Special projects**

- 41 A. Hourly rate for radiation control program activities for which
- 42 there is not an established fee category or for radiation
- 43 protection services provided to nonlicensees and nonregistrants

- 1 Maximum hourly rate.....\$79 \$107
- 2 **11. Reciprocity**
- 3 A. Licensees who conduct activities under a reciprocal agreement
- 4 Maximum annual fee.....\$750 \$1,013
- 5 B. Registrants who conduct activities under a reciprocal agreement
- 6 Maximum annual fee.....\$200 \$270
- 7 **12. X-ray machines**
- 8 A. Base registration fee per facility
- 9 Maximum annual fee.....\$200 \$270
- 10 B. Registration fee for each x-ray tube at a facility. This fee is in
- 11 addition to the base registration fee
- 12 Maximum annual fee per x-ray tube.....\$50 \$68
- 13 **13. Accelerators**
- 14 A. Particle accelerators
- 15 Maximum annual fee.....\$300 \$405
- 16 **14. New license and registration applications**
- 17 A. New license and registration applications. Equal to annual fee
- 18 of applicable category
- 19 For licenses or registrations that authorize more than one activity, an
- 20 annual fee shall be assessed for each of the applicable categories.
- 21 (e) (1) *An additional fee up to 50% of the maximum annual fee shall*
- 22 *be assessed for each noncontiguous site where radioactive material is*
- 23 *stored or used under the same license, per category.*
- 24 (2) *As used in this subsection, "noncontiguous site" means a location*
- 25 *more than one mile away from the main safety office where licensure*
- 26 *records are maintained.*
- 27 (f) The secretary shall adopt rules and regulations fixing the fees for
- 28 the radiation protection services provided under this act and shall
- 29 periodically increase or decrease such fees consistent with the need to
- 30 cover all or any part of the cost of administering such act.
- 31 Sec. 2. K.S.A. 48-1606 is hereby repealed.
- 32 Sec. 3. This act shall take effect and be in force from and after its
- 33 publication in the statute book.