

SUPPLEMENTAL NOTE ON SENATE BILL NO. 396

As Amended by House Committee of the Whole

Brief*

SB 396 would add to and amend provisions of law dealing with the Nuclear Energy Development and Radiation Control Act which is administered by the Secretary of the Kansas Department of Health and Environment (KDHE). The bill would allow the Secretary to receive any moneys in the form of grants, gifts, licensing or registration fees, or as paid under an agreement with the Secretary as reimbursement for remedial action costs.

The bill also would establish the Radiation Control Operations Fee Fund to administer the provisions of the Act. The Fund would be administered by the Secretary and would be funded by fees; certain reimbursements; certain grants, gifts, bequests, or state appropriations; and moneys paid pursuant to an agreement, stipulation, or settlement. The bill would require that State General Fund money appropriated for FY 2005 be repaid from the newly created Radiation Control Operations Fee Fund after July 1, 2005, as moneys are available, but not later than June 30, 2007.

The bill would create the following categories for fees for radiation protection services and provide for maximum fee amounts.

1. Special nuclear material

- A. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems
 Maximum annual fee \$950
- B. Any licenses not otherwise specified in this table for possession and use of special nuclear material, except licenses authorizing special

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

nuclear material in unsealed form in combination that would constitute a critical mass

Maximum annual fee \$2,250

2. Source material

A. Licenses that authorize only the possession, use and/or installation of source material for shielding

Maximum annual fee \$365

B. All other source material licenses not otherwise specified in this table

Maximum annual fee \$5,700

3. Radioactive or byproduct material

A. Licenses of broad scope for possession and use of radioactive or byproduct material issued for processing or manufacturing of items containing radioactive or byproduct material for commercial distribution

Maximum annual fee \$10,900

B. Other licenses for possession and use of radioactive or byproduct material issued for processing or manufacturing of items containing radioactive or byproduct material for commercial distribution

Maximum annual fee \$3,300

C. Licenses authorizing the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits and/or sources and devices containing radioactive or byproduct material. This category also includes the possession and use of source material for shielding when included on the same license

Maximum annual fee \$5,450

D. Licenses and approvals authorizing distribution or redistribution of radiopharmaceuticals, generators, reagent kits and/or sources or devices not involving processing of radioactive or byproduct material. This category also includes the possession and use of source material for shielding when included on the same license

Maximum annual fee \$2,350

- E. Licenses for possession and use of radioactive or byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units)
Maximum annual fee \$1,800

- F. Licenses for possession and use of less than 10,000 curies of radioactive or byproduct material 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 in which the source is not exposed for irradiation purposes
Maximum annual fee \$3,300

- G. Licenses for possession and use of 10,000 curies or more of radioactive or byproduct material 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 in which the source is not exposed for irradiation purposes
Maximum annual fee \$12,050

- H. Licenses issued to distribute items containing radioactive or byproduct material that require device review to persons exempt from licensing, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from licensing
Maximum annual fee \$3,000

- I. Licenses issued to distribute items containing radioactive or byproduct material or quantities of radioactive or byproduct material that do not require device review to persons exempt from licensing, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from licensing
Maximum annual fee \$3,050

- J. Licenses issued to distribute items containing radioactive or byproduct material that require sealed source and/or device review to persons generally licensed, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed
Maximum annual fee \$1,100

- K. Licenses issued to distribute items containing radioactive or byproduct material or quantities of radioactive or byproduct material that do not require sealed source and/or device review to persons

generally licensed, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed

- Maximum annual fee \$700
- L. Licenses of broad scope for possession and use of radioactive or byproduct material issued for research and development that do not authorize commercial distribution
 - Maximum annual fee \$5,900
- M. Other licenses for possession and use of radioactive or byproduct material issued for research and development that do not authorize commercial distribution
 - Maximum annual fee \$2,800
- N. 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 fee category 3P; and (2) licenses that authorize waste disposal services are subject to the fees specified in fee categories 4A, 4B and 4C
 - Maximum annual fee \$3,050
- O. Licenses for possession and use of radioactive or byproduct material for industrial radiography operations. This category also includes the possession and use of source material for shielding when authorized on the same license
 - Maximum annual fee \$6,100
- P. All other specific radioactive or byproduct material licenses not otherwise specified in this table
 - Maximum annual fee \$1,250
- Q. Registration of generally licensed devices or sources
 - Maximum annual fee \$225

4. Waste disposal and processing

- A. Licenses authorizing the possession and use of waste radioactive, by-product, source or special nuclear material for a commercial low-level radioactive waste disposal facility
 - Maximum annual fee Full cost
- 1. Amendment to license concerning safety and environmental questions

- Maximum amendment fee Full cost
- 2. Amendment to license concerning administration questions (no safety or environment questions)
 - Maximum amendment fee Full cost
- B. Licenses specifically authorizing the receipt of waste radioactive or byproduct material, source material or special nuclear material 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
 - Maximum annual fee \$5,150
- C. Licenses specifically authorizing the receipt of prepackaged waste radioactive or byproduct material, source material or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material
 - Maximum annual fee \$3,700
- 5. Well logging**
 - A. Licenses for possession and use of radioactive or byproduct material, source material and/or special nuclear material for well logging, well surveys and tracer studies other than field flooding tracer studies
 - Maximum annual fee \$2,350
 - B. Licenses for possession and use of radioactive or byproduct material for field flooding tracer studies
 - Maximum annual fee \$2,350
- 6. Nuclear laundries**
 - A. Licenses for commercial collection and laundry of items contaminated with radioactive or byproduct material, source material or special nuclear material
 - Maximum annual fee \$11,550
- 7. Medical licenses**

A. Licenses issued for human use of radioactive or byproduct material, source material or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license
Maximum annual fee \$5,500

B. Licenses of broad scope issued to medical institutions or two or more physicians authorizing research and development, including human use of radioactive or byproduct material except licenses for radioactive or byproduct material, source material or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions who also hold nuclear medicine licenses under categories 7B or 7C
Maximum annual fee \$12,350

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

8. Civil defense

A. Licenses for possession and use of radioactive or byproduct material, source material or special nuclear material for civil defense activities
Maximum annual fee \$650

9. Device, product or sealed source safety evaluation

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

- B. Safety evaluation review of devices or products containing radioactive or byproduct material, source material or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices. This fee shall apply to each device or product
 Maximum annual fee \$3,500
- C. Safety evaluation of sealed sources containing radioactive or byproduct material, source material or special nuclear material, except reactor fuel, for commercial distribution. This fee shall apply to each device or product
 Maximum annual fee \$1,100
- D. Registrations issued for the safety evaluation of sealed sources containing radioactive or byproduct material, source material or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant. This fee shall apply to each device or product
 Maximum annual fee \$365

10. Special projects

- A. Hourly rate for radiation control program activities for which there is not an established fee category or for radiation protection services provided to nonlicensees and nonregistrants
 Maximum hourly rate \$79

11. Reciprocity

- A. Licensees who conduct activities under a reciprocal agreement
 Maximum annual fee \$750
- B. Registrants who conduct activities under a reciprocal agreement
 Maximum annual fee \$200

12. X-ray machines

- A. Base registration fee per facility
 Maximum annual fee \$200
- B. Registration fee for each x-ray tube at a facility. This fee is in addition to the base registration fee

Maximum annual fee per x-ray tube \$50

15. Accelerators

A. Particle accelerators
Maximum annual fee \$300

16. New license and registration applications

A. New license and registration applications.
..... Equal to annual fee of applicable category

Background

This bill was requested by a spokesperson from KDHE. At the hearing on the bill, a representative of KDHE appeared in support of the bill. The spokesperson explained that since 1965 the State has had an agreement with the federal government to regulate radioactive materials under the provisions of the federal Atomic Energy Act. He stated that there were 320 facilities licensed to use radioactive materials and 2,447 facilities registered to use x-ray equipment. The Committee was told that the Nuclear Regulatory Commission evaluates agreement state radiation control programs every four years. In the federal evaluation, concern was expressed about the long-term stability of the Kansas program and in response to the evaluations, the agency has improved administrative processes, record-keeping, and program options. The bill was introduced in order to address the issue of adequate resources in order to increase inspection activities and develop a program to educate users of radioactive materials and x-ray equipment. It was explained that the bill would create a dedicated fee fund for the radiation control program. There were no other proponents or opponents to the bill.

The Senate Committee on Natural Resources amended the bill to statutorily provide for each category of fee and also to establish a maximum fee amount for that category. The Committee also amended the bill to retain the policy that provides that any civil penalty money would continue to go to the State General Fund rather than to the proposed fee fund.

The House Committee on Environment made technical amendments to the bill.

The House Committee of the Whole amended the bill to provide that State General Fund moneys appropriated for FY 2005 be repaid with fee fund money between July 1, 2005 and June 30, 2007.