

SENATE BILL No. 125

By Committee on Natural Resources

2-2

Proposed Ballroom SB 125
Senate Committee on Natural Resources
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Office of Revisor of Statutes
February 18, 2015

1 AN ACT concerning radioactive materials; relating to by-product material;
2 low-level radioactive waste; naturally occurring radioactive material;
3 amending K.S.A. 48-1603 ~~and~~ 48-1620 and repealing the existing
4 sections, licenses and fees;
5 , 48-1606 and

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

7 Section 1. K.S.A. 48-1603 is hereby amended to read as follows: 48-
8 1603. As used in this act:

9 (a) "By-product material" means: (1) Any radioactive material, except
10 special nuclear material, yielded in or made radioactive by exposure to the
11 radiation incident to the process of producing or utilizing special nuclear
12 material; ~~and~~

13 (2) the tailings or wastes produced by the extraction or concentration of
14 uranium or thorium from any ore processed primarily for its source
15 material content;

16 (3) any discrete source of radium-226 that is produced, extracted or
17 converted after extraction for use for a commercial, medical or research
18 activity; and

19 (4) any material that:

20 (A) Has been made radioactive by use of a particle accelerator; and

21 (B) is produced, extracted or converted after extraction for use for a
22 commercial, medical or research activity; or

23 (5) any discrete source of naturally occurring radioactive material,
24 other than source material, that:

25 (A) The secretary declares by order would pose a threat to the public
26 health and safety or the common defense and security similar to the threat
27 posed by a discrete source of radium-226 after the United States nuclear
28 regulatory commission, or any successor thereto, determines the same;
29 and

30 (B) is extracted or converted after extraction for use in a commercial,
31 medical or research activity.

32 (b) "Department" means the Kansas department of health and
33 environment.

34 (c) "Civil penalty" means any monetary penalty levied on a licensee
35 or registrant because of violations of statutes, regulations, licenses or
36 registration certificates, but does not include criminal penalties.

1 material after the United States nuclear regulatory commission, or any
2 successor thereto, has determined the material to be such, but does not
3 include source material; or (2) any material artificially enriched by any of
4 the foregoing, but does not include source material.

5 (u) "Specific license" means a license issued after application, to use,
6 manufacture, produce, transfer, receive, acquire, own or possess quantities
7 of, or devices or equipment utilizing by-product, source, special nuclear
8 materials, or other radioactive material occurring naturally or produced
9 artificially.

10 (v) "Spent nuclear fuel" means irradiated nuclear fuel that has
11 undergone at least one year's decay since being used as a source of energy
12 in a power reactor. Spent nuclear fuel includes the special nuclear
13 material, by-product material, source material and other radioactive
14 material associated with fuel assemblies.

15 (w) "Transuranic waste" means radioactive waste containing alpha
16 emitting transuranic elements, with radioactive half-lives greater than five
17 years, in excess of 10 nanocuries per gram.

18 (x) "Naturally occurring radioactive material" or "NORM" means
19 any nuclide that is radioactive in the nuclide's natural physical state.
20 "NORM" does not include accelerator produced, by-product, source or
21 special nuclear material.

22 (y) "NORM waste" means solid waste as defined in K.S.A. 65-3402,
23 and amendments thereto, that is contaminated with NORM.

24 (z) "Technologically enhanced NORM" or "TENORM" means NORM
25 whose radionuclide concentrations are increased by or as a result of past
26 or present human practices. "TENORM" does not include accelerator
27 produced, by-product, source or special nuclear material.

28 (aa) "TENORM waste" means solid waste as defined in K.S.A. 65-
29 3402, and amendments thereto, that is contaminated with TENORM.

30 Sec. 2. K.S.A. 48-1620 is hereby amended to read as follows: 48-
31 1620. The ~~hazardous waste disposal facility approval board~~ secretary shall
32 review and grant or deny final approval for each low-level radioactive
33 waste disposal facility license in the same manner as provided in K.S.A.
34 65-3433 et seq., and amendments thereto. The ~~board~~ secretary shall not
35 approve any such license which would permit the disposal of low-level
36 radioactive waste below the natural level of the disposal site unless the
37 ~~board~~ secretary, subject to legislative approval, has determined that below
38 grade disposal provides greater protection than above grade disposal for
39 the environment and public health for the period of time for which such
40 low-level radioactive waste may continue to pose a hazard to the
41 environment and public health.

42 Sec. 3. K.S.A. 48-1603 and ~~48-1620~~ are hereby repealed.

43 Sec. 4. This act shall take effect and be in force from and after its

The fee for the application and original license shall not exceed \$5,000.

See Attachment A.

, 48-01606 and

Attachment A

48-1606. State radiation control: duties of secretary of health and environment; fees for licenses, registrations and services. (a) The secretary of health and environment shall be responsible for state radiation control.

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

(c) The secretary may:

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

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

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

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

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

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

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

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

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

Fee Category:

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 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

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

\$5,600

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

Fee \$5,000
6004