

As Amended by House Committee

Session of 2018

HOUSE BILL No. 2600

By Committee on Health and Human Services

2-1

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

- 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.