

HOUSE BILL No. 2715

By Representative Jim Morrison

1-25

9 AN ACT relating to the department of health and environment; con-
10 cerning certain fees for state radiation control; amending K.S.A. 48-
11 1606 and repealing the existing section.
12

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

14 Section 1. K.S.A. 48-1606 is hereby amended to read as follows: 48-
15 1606. (a) The secretary of health and environment shall be responsible
16 for state radiation control.

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

20 (c) The secretary may:

21 (1) Advise, consult and cooperate with other agencies of the state,
22 the federal government, other states and interstate agencies, political sub-
23 divisions and with groups concerned with control of sources of radiation;

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

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

29 (4) encourage, participate in, or conduct studies, investigations, train-
30 ing, research and demonstrations relating to control of sources of
31 radiation;

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

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

40 (7) fix, charge and collect fees for licenses and registrations, and re-
41 newals thereof, issued under the nuclear energy development and radi-
42 ation control act to cover all or any part of the cost of administering such
43 act; and

1 (8) receive any moneys in the form of grants, gifts, licensing or reg-
2 istration 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 sealed sources
9 contained in devices used in industrial measuring systems
10 Maximum annual fee \$950
- 11 B. Any licenses not otherwise specified in this table for possession and use of special
12 nuclear material, except licenses authorizing special nuclear material in unsealed
13 form in combination that would constitute a critical mass
14 Maximum annual fee \$2,250

15 **2. Source material**

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

21 **3. Radioactive or byproduct material**

- 22 A. Licenses of broad scope for possession and use of radioactive or byproduct ma-
23 terial issued for processing or manufacturing of items containing radioactive or
24 byproduct material for commercial distribution
25 Maximum annual fee \$10,900
- 26 B. Other licenses for possession and use of radioactive or byproduct material issued
27 for processing or manufacturing of items containing radioactive or byproduct
28 material for commercial distribution
29 Maximum annual fee \$3,300
- 30 C. Licenses authorizing the processing or manufacturing and distribution or redis-
31 tribution of radiopharmaceuticals, generators, reagent kits and/or sources and
32 devices containing radioactive or byproduct material. This category also includes
33 the possession and use of source material for shielding when included on the
34 same license
35 Maximum annual fee \$5,450
- 36 D. Licenses and approvals authorizing distribution or redistribution of radiophar-
37 maceuticals, generators, reagent kits and/or sources or devices not involving pro-
38 cessing of radioactive or byproduct material. This category also includes the pos-
39 session and use of source material for shielding when included on the same
40 license
41 Maximum annual fee \$2,350

1	E.	Licenses for possession and use of radioactive or byproduct material in sealed	
2		sources for irradiation of materials in which the source is not removed from its	
3		shield (self-shielded units)	
4		Maximum annual fee	\$1,800
5	F.	Licenses for possession and use of less than 10,000 curies of radioactive or by-	
6		product material in sealed sources for irradiation of materials in which the source	
7		is exposed for irradiation purposes. This category also includes underwater irra-	
8		diation for irradiation of materials in which the source is not exposed for irradia-	
9		tion purposes	
10		Maximum annual fee	\$3,300
11	G.	Licenses for possession and use of 10,000 curies or more of radioactive or by-	
12		product material in sealed sources for irradiation of materials in which the source	
13		is exposed for irradiation purposes. This category also includes underwater irra-	
14		diation for irradiation of materials in which the source is not exposed for irradia-	
15		tion purposes	
16		Maximum annual fee	\$12,050
17	H.	Licenses issued to distribute items containing radioactive or byproduct material	
18		that require device review to persons exempt from licensing, except specific li-	
19		censes authorizing redistribution of items that have been authorized for distri-	
20		bution to persons exempt from licensing	
21		Maximum annual fee	\$3,000
22	I.	Licenses issued to distribute items containing radioactive or byproduct material	
23		or quantities of radioactive or byproduct material that do not require device	
24		review to persons exempt from licensing, except for specific licenses authorizing	
25		redistribution of items that have been authorized for distribution to persons ex-	
26		empt from licensing	
27		Maximum annual fee	\$3,050
28	J.	Licenses issued to distribute items containing radioactive or byproduct material	
29		that require sealed source and/or device review to persons generally licensed,	
30		except specific licenses authorizing redistribution of items that have been au-	
31		thorized for distribution to persons generally licensed	
32		Maximum annual fee	\$1,100
33	K.	Licenses issued to distribute items containing radioactive or byproduct material	
34		or quantities of radioactive or byproduct material that do not require sealed	
35		source and/or device review to persons generally licensed, except specific licenses	
36		authorizing redistribution of items that have been authorized for distribution to	
37		persons generally licensed	
38		Maximum annual fee	\$700
39	L.	Licenses of broad scope for possession and use of radioactive or byproduct ma-	
40		terial issued for research and development that do not authorize commercial	
41		distribution	
42		Maximum annual fee	\$5,900

1	M.	Other licenses for possession and use of radioactive or byproduct material issued	
2		for research and development that do not authorize commercial distribution	
3		Maximum annual fee	\$2,800
4	N.	Licenses that authorize services for other licensees, except (1)Licenses that au-	
5		thorize only calibration and/or leak testing services are subject to the fees spec-	
6		ified in fee category 3P; and (2) licenses that authorize waste disposal services	
7		are subject to the fees specified in fee categories 4A, 4B and 4C	
8		Maximum annual fee	\$3,050
9	O.	Licenses for possession and use of radioactive or byproduct material for industrial	
10		radiography operations. This category also includes the possession and use of	
11		source material for shielding when authorized on the same license	
12		Maximum annual fee	\$6,100
13	P.	All other specific radioactive or byproduct material licenses not otherwise spec-	
14		ified in this table	
15		Maximum annual fee	\$1,250
16	Q.	Registration of generally licensed devices or sources	
17		Maximum annual fee	\$225
18	R.	<i>Industrial portable gauge</i>	
19		<i>Annual fee per machine</i>	\$25
20	4.	Waste disposal and processing	
21	A.	Licenses authorizing the possession and use of waste radioactive, by-product,	
22		source or special nuclear material for a commercial low-level radioactive waste	
23		disposal facility.	
24		Maximum annual fee	Full cost
25	i.	Amendment to license concerning safety and environmental questions	
26		Maximum amendment fee	Full cost
27	ii.	Amendment to license concerning administration questions (no safety or envi-	
28		ronment questions)	
29		Maximum amendment fee	Full cost
30	B.	Licenses specifically authorizing the receipt of waste radioactive or byproduct	
31		material, source material or special nuclear material from other persons for the	
32		purpose of packaging or repackaging the material. The licensee will dispose of	
33		the material by transfer to another person authorized to receive or dispose of the	
34		material	
35		Maximum annual fee	\$5,150
36	C.	Licenses specifically authorizing the receipt of prepackaged waste radioactive or	
37		byproduct material, source material or special nuclear material from other per-	
38		sons. The licensee will dispose of the material by transfer to another person	
39		authorized to receive or dispose of the material	
40		Maximum annual fee	\$3,700
41	5.	Well logging	

- 1 A. Licenses for possession and use of radioactive or byproduct material, source
- 2 material and/or special nuclear material for well logging, well surveys and tracer
- 3 studies other than field flooding tracer studies
- 4 Maximum annual fee \$2,350
- 5 B. Licenses for possession and use of radioactive or byproduct material for field
- 6 flooding tracer studies
- 7 Maximum annual fee \$2,350
- 8 **6. Nuclear laundries**
- 9 A. Licenses for commercial collection and laundry of items contaminated with ra-
- 10 dioactive or byproduct material, source material or special nuclear material
- 11 Maximum annual fee \$11,550
- 12 **7. Medical licenses**
- 13 A. Licenses issued for human use of radioactive or byproduct material, source ma-
- 14 terial or special nuclear material in sealed sources contained in teletherapy de-
- 15 vices. This category also includes the possession and use of source material for
- 16 shielding when authorized on the same license
- 17 Maximum annual fee \$5,500
- 18 B. Licenses of broad scope issued to medical institutions or two or more physicians
- 19 authorizing research and development, including human use of radioactive or
- 20 byproduct material except licenses for radioactive or byproduct material, source
- 21 material or special nuclear material in sealed sources contained in teletherapy
- 22 devices. This category also includes the possession and use of source material for
- 23 shielding when authorized on the same license. Separate annual fees will not be
- 24 assessed for pacemaker licenses issued to medical institutions who also hold nu-
- 25 clear medicine licenses under categories 7B or 7C
- 26 Maximum annual fee \$12,350
- 27 C. Other license issued for human use of radioactive or byproduct material, source
- 28 material and/or special nuclear material except licenses for radioactive or by-
- 29 product material, source material or special nuclear material in sealed sources
- 30 contained in teletherapy devices. This category also includes the possession and
- 31 use of source material for shielding when authorized on the same license. Sep-
- 32 arate annual fees will not be assessed for pacemaker licenses issued to medical
- 33 institutions who also hold nuclear medicine licenses under categories 7B or 7C
- 34 Maximum annual fee \$2,300
- 35 **8. Civil defense**
- 36 A. Licenses for possession and use of radioactive or byproduct material, source
- 37 material or special nuclear material for civil defense activities
- 38 Maximum annual fee \$650
- 39 **9. Device, product or sealed source safety evaluation**
- 40 A. Safety evaluation review of devices or products containing radioactive or by-
- 41 product material, source material or special nuclear material, except reactor fuel
- 42 devices, for commercial distribution. This fee shall apply to each device or prod-
- 43 uct

- 1 Maximum annual fee \$3,500
- 2 B. Safety evaluation review of devices or products containing radioactive or by-
- 3 product material, source material or special nuclear material manufactured in
- 4 accordance with the unique specifications of, and for use by, a single applicant,
- 5 except reactor fuel devices. This fee shall apply to each device or product
- 6 Maximum annual fee \$3,500
- 7 C. Safety evaluation of sealed sources containing radioactive or byproduct material,
- 8 source material or special nuclear material, except reactor fuel, for commercial
- 9 distribution. This fee shall apply to each device or product
- 10 Maximum annual fee \$1,100
- 11 D. Registrations issued for the safety evaluation of sealed sources containing radi-
- 12 oactive or byproduct material, source material or special nuclear material, man-
- 13 ufactured in accordance with the unique specifications of, and for use by, a single
- 14 applicant. This fee shall apply to each device or product
- 15 Maximum annual fee \$365
- 16 **10. Special projects**
- 17 A. Hourly rate for radiation control program activities for which there is not an
- 18 established fee category or for radiation protection services provided to nonli-
- 19 censees and nonregistrants
- 20 Maximum hourly rate \$79
- 21 **11. Reciprocity**
- 22 A. Licensees who conduct activities under a reciprocal agreement
- 23 Maximum annual fee \$750
- 24 B. Registrants who conduct activities under a reciprocal agreement
- 25 Maximum annual fee \$200
- 26 **12. X-ray machines**
- 27 A. Base registration fee per facility
- 28 Maximum annual fee \$200
- 29 B. Registration fee for each x-ray tube at a facility. This fee is in addition to the base
- 30 registration fee
- 31 Maximum annual fee per x-ray tube \$50
- 32 **13. Accelerators**
- 33 A. Particle accelerators
- 34 Maximum annual fee \$300
- 35 **14. New license and registration applications**
- 36 A. New license and registration applications. Equal to annual fee of applicable cat-
- 37 egory
- 38 For licenses or registrations that authorize more than one activity, an
- 39 annual fee shall be assessed for each of the applicable categories.
- 40 (e) *Except for the fee provided for in subsection (d)(3)(R), the sec-*
- 41 *retary shall adopt rules and regulations fixing the fees for the radiation*
- 42 *protection services provided under this act and shall periodically increase*
- 43 *or decrease such fees consistent with the need to cover all or any part of*

- 1 the cost of administering such act.
- 2 Sec. 2. K.S.A. 48-1606 is hereby repealed.
- 3 Sec. 3. This act shall take effect and be in force from and after its
- 4 publication in the statute book.