

SENATE BILL No. 396

AN ACT concerning the nuclear energy development and control act; relating to fees; amending K.S.A. 48-1606 and repealing the existing section.

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

Section 1. K.S.A. 48-1606 is hereby amended to read as follows: 48-1606. (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; ~~and~~

(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	
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
<b>4. Waste disposal and processing</b>	
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
i. Amendment to license concerning safety and environmental questions	
Maximum amendment fee .....	Full cost
ii. 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
<b>5. Well logging</b>	
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
<b>6. Nuclear laundries</b>	
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
<b>7. Medical licenses</b>	
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

<p><i>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</i></p>	
<p><i>Maximum annual fee .....</i></p>	<p><i>\$12,350</i></p>
<p><i>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</i></p>	
<p><i>Maximum annual fee .....</i></p>	<p><i>\$2,300</i></p>
<p><b>8. Civil defense</b></p>	
<p><i>A. Licenses for possession and use of radioactive or byproduct material, source material or special nuclear material for civil defense activities</i></p>	
<p><i>Maximum annual fee .....</i></p>	<p><i>\$650</i></p>
<p><b>9. Device, product or sealed source safety evaluation</b></p>	
<p><i>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</i></p>	
<p><i>Maximum annual fee .....</i></p>	<p><i>\$3,500</i></p>
<p><i>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</i></p>	
<p><i>Maximum annual fee .....</i></p>	<p><i>\$3,500</i></p>
<p><i>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</i></p>	
<p><i>Maximum annual fee .....</i></p>	<p><i>\$1,100</i></p>
<p><i>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</i></p>	
<p><i>Maximum annual fee .....</i></p>	<p><i>\$365</i></p>
<p><b>10. Special projects</b></p>	
<p><i>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 non-registrants</i></p>	
<p><i>Maximum hourly rate .....</i></p>	<p><i>\$79</i></p>
<p><b>11. Reciprocity</b></p>	
<p><i>A. Licensees who conduct activities under a reciprocal agreement</i></p>	
<p><i>Maximum annual fee .....</i></p>	<p><i>\$750</i></p>
<p><i>B. Registrants who conduct activities under a reciprocal agreement</i></p>	
<p><i>Maximum annual fee .....</i></p>	<p><i>\$200</i></p>

**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

**13. Accelerators**

- A. Particle accelerators  
Maximum annual fee ..... \$300

**14. New license and registration applications**

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

*For licenses or registrations that authorize more than one activity, an annual fee shall be assessed for each of the applicable categories.*

~~(d)~~ (e) The secretary shall adopt rules and regulations fixing the fees for each radioactive hazardous waste disposal facility which shall be not more than \$300,000 annually. The fees shall be deposited in the state treasury and credited to the state general fund for the radiation protection services provided under this act and shall periodically increase or decrease such fees consistent with the need to cover all or any part of the cost of administering such act.

New Sec. 2. (a) There is hereby created in the state treasury the radiation control operations fee fund to administer the provisions of K.S.A. 48-1601 through 48-1624, and amendments thereto. Such fund shall be administered by the secretary of health and environment in accordance with the provisions of this section.

(b) Revenue from the following sources shall be deposited in the state treasury and credited to the radiation control operations fee fund:

- (1) Fees collected for licenses and registrations, and renewals thereof, issued under the nuclear energy development and radiation control act;
- (2) reimbursement for administrative, inspection, radioactive material disposal, investigation and remedial action expenses;
- (3) excluding civil penalties, moneys paid pursuant to any agreement, stipulation or settlement;
- (4) grants, gifts, bequests or state appropriations for the purposes of K.S.A. 48-1601 through 48-1624, and amendments thereto; and
- (5) interest attributable to investment of moneys in the fund.

Moneys described in this subsection which are received by the secretary shall be remitted by the secretary to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury to the credit of such fund.

The secretary of health and environment is authorized to receive from the federal government or any of its agencies or from any private or governmental source any funds made available for the purposes of K.S.A. 48-1601 through 48-1624, and amendments thereto.

(c) The secretary is authorized to use moneys from the radiation control operations fee fund to pay the cost of:

- (1) All activities related to licensing and registration, including but not limited to, development and issuance of licenses, registrations and renewals thereof, compliance monitoring, inspections, long term monitoring and enforcement actions and decontamination, decommissioning, reclamation or remedial actions;
- (2) design and review of radioactive waste disposal facilities;
- (3) review and witnessing of test and repair procedures;
- (4) investigation of violations, complaints, pollution and events affecting the environment or public health;
- (5) design and review of remedial action plans;
- (6) personnel training programs;
- (7) contracting for services needed to supplement the department's staff expertise in administering the provisions of K.S.A. 48-1601 through 48-1624, and amendments thereto;
- (8) staff consultation needed to provide radiation protection services provided under this act;
- (9) mitigation of adverse environmental or public health impacts, including impounding sources of radiation;
- (10) emergency or long-term remedial activities;

(11) administrative, technical and legal costs incurred by the secretary in administering the provisions of K.S.A. 48-1601 through 48-1624, and amendments thereto; and

(12) costs of program administration, including the state's share of any grant received from the federal government or from other sources, public or private.

(d) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the radiation control operations fee fund interest earnings based on:

(1) The average daily balance of moneys in the radiation control operations fee fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding months.

(e) All expenditures from this fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment for the purposes set forth in this section.

(f) Any appropriation of state general fund moneys for the fiscal year ending June 30, 2005, to pay costs described in subsection (c) shall be repaid to the state general fund from the radiation control operations fee fund. On and after July 1, 2005, as moneys are available, but not later than June 30, 2007, the director of accounts and reports shall transfer moneys from the radiation control operations fee fund to the state general fund to repay such moneys.

Sec. 3. K.S.A. 48-1606 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

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SENATE concurred in  
HOUSE amendments \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

Passed the HOUSE  
as amended \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*