

nual fee to cover the actual cost incurred by the department to service the license and any amendments to the license.

(A) If the annual fee exceeds the actual cost of servicing the license and any amendments, the overage shall be credited to the annual fee for the following fiscal year.

(B) If the annual fee paid for any fiscal year is less than the actual cost to the department, the difference shall be due within 30 days of receipt of written notification from the secretary.

(c) Fee payments. Each fee payment specified in subsection (b) shall be made in accordance with the following requirements:

(1) Each initial application for which a license fee is required shall be accompanied by the full amount of the fee. Any application for which a fee is not received may be returned to the applicant.

(2) On or before June 1 of the fiscal year preceding the fiscal year for which the annual fee applies, the licensee shall be notified by the secretary of the amount of the annual fee.

(3) Each fee payment shall be submitted within 30 days of receipt of written notification from the secretary of the annual fee, or by July 1, whichever date is earlier.

(4) Each fee payment shall be made by check, draft, money order, or electronic fund transfer payable to the department. (Authorized by and implementing K.S.A. 48-1606, as amended by L. 2004, ch. 106, § 1; effective Oct. 8, 2004.)

**28-35-147.** (Authorized by and implementing K.S.A. 1990 Supp. 48-1606; effective May 1, 1987; amended May 1, 1988; amended March 16, 1992; revoked Oct. 8, 2004.)

**28-35-147a. Schedule of fees.** Each fee for an initial license application or registration shall be equal to the sum of the annual fees for all applicable categories. Each annual fee for a license or registration shall be equal to the sum of the annual fees for all applicable categories. The following fees shall be paid as specified in K.A.R. 28-35-145 and 28-35-146:

(a) Special nuclear material.

(1) Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems.

Annual fee ..... \$625.00

(2) Any licenses not otherwise specified in this regulation 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.

Annual fee ..... \$1,450.00

(b) Source material.

(1) Licenses that authorize only the possession, use, or installation of source material for shielding.

Annual fee ..... \$235.00

(2) All other source material licenses not otherwise specified in this regulation.

Annual fee ..... \$3,650.00

(c) Radioactive or by-product material.

(1) Licenses of broad scope for possession and use of radioactive or by-product material issued for processing or manufacturing items containing radioactive or by-product material for commercial distribution.

Annual fee ..... \$7,000.00

(2) Other licenses for possession and use of radioactive or by-product material issued for processing or manufacturing items containing radioactive or by-product material for commercial distribution.

Annual fee ..... \$2,150.00

(3) Licenses authorizing the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, sources, or devices containing radioactive or by-product material. This category shall include the possession and use of source material for shielding when included on the same license.

Annual fee ..... \$3,500.00

(4) Licenses authorizing distribution or redistribution of radiopharmaceuticals, generators, reagent kits, sources, or devices not involving processing of radioactive or by-product material. This category shall include the possession and use of source material for shielding when included on the same license.

Annual fee ..... \$1,525.00

(5) Licenses for possession and use of radioactive or by-product material in sealed sources for irradiation of materials in which the source is not removed from its shield.

Annual fee ..... \$1,155.00

(6) Licenses for possession and use of less than 10,000 curies of radioactive or by-product material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category shall include underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes.

Annual fee ..... \$2,115.00

(7) Licenses for possession and use of more

than 10,000 curies of radioactive or by-product material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category shall include underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes.

Annual fee ..... \$7,725.00

(8) Licenses issued to distribute items containing radioactive or by-product 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.

Annual fee ..... \$1,920.00

(9) Licenses issued to distribute items containing radioactive or by-product material or quantities of radioactive or by-product 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.

Annual fee ..... \$1,950.00

(10) Licenses issued to distribute items containing radioactive or by-product material that require a safety review of the sealed source or device to any person with a general license, except specific licenses authorizing redistribution of items that have been authorized for distribution to any person with a general license.

Annual fee ..... \$700.00

(11) Licenses issued to distribute items containing radioactive or by-product material or quantities of radioactive or by-product material that do not require a safety review of the sealed source or device to any person with a general license, except specific licenses authorizing redistribution of items that have been authorized for distribution to any person with a general license.

Annual fee ..... \$450.00

(12) Licenses of broad scope for possession and use of radioactive or by-product material issued for research and development that do not authorize commercial distribution.

Annual fee ..... \$3,800.00

(13) Other licenses for possession and use of radioactive or by-product material issued for research and development that do not authorize commercial distribution.

Annual fee ..... \$1,800.00

(14) Licenses that authorize services for other licensees, except the following:

(A) Licenses that authorize only calibration or

leak testing services, or both, shall be subject to the fee specified in paragraph (c)(16).

(B) Licenses that authorize waste disposal services shall be subject to the fees specified in the fee categories in subsection (d).

Annual fee ..... \$1,950.00

(15) Licenses for possession and use of radioactive or by-product material for industrial radiography operations. This category shall include the possession and use of source material for shielding when authorized on the same license.

Annual fee ..... \$3,925.00

(16) All other specific radioactive or by-product material licenses not otherwise specified in this regulation.

Annual fee ..... \$800.00

(17) Registration of general licenses for devices or sources specified in part 3 of this article, except those authorized by K.A.R. 28-35-178f.

Annual fee ..... \$145.00

(d) Waste disposal and processing.

(1) Licenses authorizing the possession and use of radioactive or by-product material, source material, or special nuclear material waste for a commercial, low-level radioactive waste disposal facility.

Annual fee ..... Full cost, as specified in K.A.R. 28-35-146a

(A) Amendment to license concerning safety and environmental questions.

Amendment fee ..... Full cost, as specified in K.A.R. 28-35-146a

(B) Amendment to license concerning administration questions.

Amendment fee ..... Full cost, as specified in K.A.R. 28-35-146a

(2) Licenses specifically authorizing the receipt of radioactive or by-product material, source material, or special nuclear material waste from other persons for the purpose of packaging or repackaging the material. The licensee shall dispose of the material by transfer to another person authorized to receive or dispose of the material.

Annual fee ..... \$3,295.00

(3) Licenses specifically authorizing the receipt of prepackaged radioactive or by-product material, source material, or special nuclear material waste from other persons. The licensee shall dispose of the material by transfer to another person authorized to receive or dispose of the material.

Annual fee ..... \$2,370.00

(e) Well logging.

(1) Licenses for possession and use of radioac-

tive or by-product material, source material, or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies.

Annual fee ..... \$1,525.00

(2) Licenses for possession and use of radioactive or by-product material for field flooding tracer studies.

Annual fee ..... \$1,525.00

(f) Nuclear laundries.

Licenses for commercial collection and laundry of items contaminated with radioactive or by-product material, source material, or special nuclear material.

Annual fee ..... \$7,400.00

(g) Medical licenses.

(1) Licenses issued for human use of radioactive or by-product material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category shall include the possession and use of source material for shielding when authorized on the same license.

Annual fee ..... \$3,520.00

(2) Licenses of broad scope issued to medical institutions or two or more physicians authorizing research and development, including human use of radioactive or by-product material, except licenses for radioactive or by-product material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category shall include the possession and use of source material for shielding when authorized on the same license. Separate annual fees shall not be assessed for pacemaker licenses issued to medical institutions who also hold nuclear medicine licenses under categories in this paragraph or paragraph (g)(3).

Annual fee ..... \$7,925.00

(3) Other licenses issued for human use of radioactive or by-product material, source material, or special nuclear material, except licenses for radioactive or by-product material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category shall include the possession and use of source material for shielding when authorized on the same license. Separate annual fees shall not be assessed for pacemaker licenses issued to medical institutions who also hold nuclear medicine licenses under categories in this paragraph or paragraph (g)(2).

Annual fee ..... \$1,475.00

(h) Civil defense.

Licenses for possession and use of radioactive or by-product material, source material, or special nuclear material for civil defense activities.

Annual fee ..... \$415.00

(i) Device, product, or sealed source safety evaluation.

(1) Safety evaluation review of each device or product containing radioactive or by-product material, source material, or special nuclear material, except any reactor fuel device, for commercial distribution. This fee shall apply to each device or product.

Fee ..... \$2,250.00

(2) Safety evaluation review of each device or product containing radioactive or by-product material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except any reactor fuel device. This fee shall apply to each device or product.

Fee ..... \$2,250.00

(3) Safety evaluation of each sealed source containing radioactive or by-product material, source material, or special nuclear material, except reactor fuel, for commercial distribution. This fee shall apply to each sealed source.

Fee ..... \$725.00

(4) Safety evaluation of each sealed source containing radioactive or by-product 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 sealed source.

Fee ..... \$250.00

(j) Reciprocity.

(1) Licensees who conduct activities under a reciprocal agreement.

Annual fee ..... \$480.00

(2) Registrants who conduct activities under a reciprocal agreement.

Annual fee ..... \$105.00

(k) X-ray machines.

(1) Base registration fee per facility.

Annual fee ..... \$105.00

(2) Registration fee for each x-ray tube at a facility. This fee shall be in addition to the base registration fee.

Annual fee per x-ray tube ..... \$25.00

(l) Particle accelerators.

Annual fee ..... \$100.00

(Authorized by and implementing K.S.A. 48-1606, as amended by 2004 SB 396, § 1; effective Oct. 8, 2004.)