28-35-146a. Determination of hourly rate and full cost; fee payments. (a) Hourly rate. If the department charges a fee to provide the following and there is no established fee category in K.A.R. 28-35-147a, the hourly rate charged shall be ~~$55.00~~ $79.00:

(1) Any radiation protection service that the department provides to a nonlicensee or nonregistrant; and

(2) any radiation control program activity.

(b) Full cost. For each full-cost category specified in K.A.R. 28-35-147a(d)(1), the initial application fee, annual fee, and amendment fees shall be paid in accordance with the following requirements:

(1) Each applicant shall pay a nonrefundable initial application fee of $500,000 to cover the actual costs incurred by the department to review the initial license application.

(A) If the initial application fee exceeds the actual cost of reviewing the initial application, the overage shall be credited to the annual fee for the following fiscal year.

(B) If the initial application fee is less than the actual cost of reviewing the initial application, the difference shall be due within 30 days of receipt of written notification from the secretary. No license shall be issued until all required fees are paid in full.

(2) Each licensee shall pay a nonrefundable annual 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.

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(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. 2018 Supp. 48-1606~~, as amended by L. 2004, ch. 106, § 1~~; effective Oct. 8, 2004; amended P- _____.)

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28-35-147a. Schedule of fees. Each fee for an initial license application or initial 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 ~~$815.00~~ $950.00

(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 ~~$1,885.00~~ $2,250.00

(b) Source material.

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

Annual fee ~~$305.00~~ $365.00

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

Annual fee ~~$4,745.00~~ $5,700.00

(c) Radioactive material or by-product material.

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

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product material for commercial distribution.

Annual fee ~~$9,100.00~~ $10,900.00

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

Annual fee ~~$2,795.00~~ $3,300.00

(3) Licenses authorizing the processing or manufacturing and the distribution or redistribution of radiopharmaceuticals, generators, reagent kits, sources, or devices containing radioactive material 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 ~~$4,550.00~~ $5,450.00

(4) Licenses and approvals authorizing distribution or redistribution of radiopharmaceuticals, generators, reagent kits, sources, or devices not involving processing of radioactive material 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 ~~$1,985.00~~ $2,350.00

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

Annual fee ~~$1,500.00~~ $1,800.00

(6) Licenses for possession and use of less than 10,000 curies of radioactive material or

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by-product material in sealed sources for irradiation of ~~materials~~ items in which the source is exposed for irradiation purposes. This category shall include underwater irradiators for irradiation of ~~materials~~ items in which the source is not exposed for irradiation purposes.

Annual fee ~~$2,750.00~~ $3,300.00

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

Annual fee ~~$10,045.00~~ $12,050.00

(8) Licenses issued to distribute items containing radioactive material 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 ~~$2,495.00~~ $3,000.00

(9) Licenses issued to distribute items containing radioactive material or by-product material or quantities of radioactive material 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 ~~$2,535.00~~ $3,050.00

(10) Licenses issued to distribute items containing radioactive material or by-product material that require a safety review of the sealed source or device to any person with a general

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license, except specific licenses authorizing redistribution of items that have been authorized for distribution to any person with a general license.

Annual fee ~~$910.00~~ $1,100.00

(11) Licenses issued to distribute items containing radioactive material or by-product material or quantities of radioactive material 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 ~~$585.00~~ $700.00

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

Annual fee ~~$4,940.00~~ $5,900.00

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

Annual fee ~~$2,340.00~~ $2,800.00

(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 applicable fees specified ~~in the fee categories~~ in subsection (d).

Annual fee ~~$2,535.00~~ $3,050.00

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(15) Licenses for possession and use of radioactive material 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 ~~$5,105.00~~ $6,100.00

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

Annual fee ~~$1,040.00~~ $1,250.00

(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 ~~$190.00~~ $225.00

(d) Waste disposal and processing.

(1) Licenses authorizing the possession and use of radioactive ~~or~~ material, including by-product material, source material, ~~or~~ and 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~~ issues.

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

(B) Amendment to license concerning ~~administration~~ administrative questions with no safety or environmental issues.

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

(2) Licenses specifically authorizing the receipt of radioactive ~~or~~ material, including by-

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product material, source material, ~~or~~ and special nuclear material ~~waste~~, from other persons for the purpose of packaging or repackaging the radioactive material. The licensee shall dispose of the radioactive material by transfer to another person authorized to receive or dispose of the radioactive material.

Annual fee ~~$4,285.00~~ $5,150.00

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

Annual fee ~~$3,080.00~~ $3,700.00

(e) Well logging.

(1) Licenses for possession and use of radioactive material 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 ~~$1,985.00~~ $2,350.00

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

Annual fee ~~$1,985.00~~ $2,350.00

(f) Nuclear laundries.

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

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Annual fee ~~$9,620.00~~ $11,550.00

(g) Medical licenses.

(1) Licenses issued for human use of radioactive material 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 ~~$4,575.00~~ $5,500.00

(2) Licenses of broad scope issued to medical institutions or two or more physicians authorizing research and development, including human use of radioactive material or by-product material, except licenses for radioactive material 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~~ that also hold nuclear medicine licenses under categories in this paragraph or paragraph (g)(3).

Annual fee ~~$10,305.00~~ $12,350.00

(3) Other licenses issued for human use of radioactive material or by-product material, source material, or special nuclear material, except licenses for radioactive material 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

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pacemaker licenses issued to medical institutions ~~who~~ that also hold nuclear medicine licenses under categories in this paragraph or paragraph (g)(2).

Annual fee ~~$1,920.00~~ $2,300.00

(h) Civil defense.

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

Annual fee ~~$540.00~~ $650.00

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

(1) Safety evaluation review of each device or product containing radioactive material 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 ~~$2,925.00~~ $3,500.00

(2) Safety evaluation review of each device or product containing radioactive material 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 ~~$2,925.00~~ $3,500.00

(3) Safety evaluation of each sealed source containing radioactive material 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 ~~$945.00~~ $1,100.00

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(4) Safety evaluation of each sealed source containing radioactive material 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 ~~$325.00~~ $365.00

(j) Reciprocity.

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

Annual fee ~~$625.00~~ $750.00

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

Annual fee ~~$135.00~~ $200.00

(k) X-ray machines.

(1) Base registration fee per facility.

Annual fee ~~$135.00~~ $200.00

(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 ~~$35.00~~ $50.00

(l) Particle accelerators.

Annual fee ~~$130.00~~ $300.00

(m) Noncontiguous sites.

(1) An additional annual fee of 50 percent of the annual fee specified in this regulation shall be assessed for each noncontiguous site where radioactive material is stored or used under the same license, per category.

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(2) "Noncontiguous site" shall have the meaning specified in K.S.A. 2018 Supp. 48-1606, and amendments thereto. (Authorized by and implementing K.S.A. 2018 Supp. 48-1606; effective Oct. 8, 2004; amended March 29, 2013; amended P- _____.)

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