

902 KAR 100:012. Fee schedule.

RELATES TO: KRS 211.840-211.852, 211.990(4), 523.100

STATUTORY AUTHORITY: KRS 194A.050(1), 211.844, 211.848(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.848(1) requires the cabinet to establish a reasonable schedule of fees and charges by administrative regulation. This administrative regulation establishes a schedule of fees and charges for radioactive material licensees; radiation producing machine registrants; others who may receive, possess, use, transfer, or dispose of sources of radiation; and vendors, service providers, and qualified experts providing services in Kentucky.

Section 1. Radiation Producing Machine Schedule of Annual Fees and Charges. The following schedule, established in subsections (1) through (4) of this section, of annual fees shall apply to radiation producing machine registrants. A "Registration Application for Radiation Producing Machines", RPS 402 shall be accompanied by the appropriate fee established in subsections (1) through (4) of this section.

- (1) A diagnostic x-ray machine shall be \$131.25.
- (2) A therapeutic x-ray machine including particle accelerators shall be \$525.
- (3) Industrial, dental, and other x-ray machines not specified in subsections (1) and (2) of this section shall be \$89.25.
- (4) Shielding evaluation, per room:
 - (a) Diagnostic facilities shall be \$600; and
 - (b) Linear accelerator shall be \$1,500.

Section 2. Radioactive Material License Schedule of Annual Fees and Charges. The following schedule, established in subsections (1) through (5) of this section, shall apply to radioactive material licenses. An initial and renewal application, incorporated by reference in 902 KAR 100:040, shall be accompanied by the fee established in this section.

- (1) A specific radioactive material license initial and annual fee.
 - (a) Human use.
 1. Nuclear medicine, imaging shall be \$2,205.
 2. Nuclear medicine, radiopharmaceutical therapy shall be \$2,205.
 3. Nuclear medicine, permanent implant shall be \$2,835.
 4. Nuclear medicine, temporary implant shall be \$1,575.
 5. Nuclear medicine, mobile imaging shall be \$2,625.
 6. Teletherapy or Gamma Stereotactic Radiosurgery shall be \$4,200.
 7. Broad scope, medical shall be \$7,875.
 8. Other shall be \$1,312.50.
 - (b) Industrial radiography shall be \$4,200.
 - (c) Wireline service shall be \$2,625.
 - (d) Broad scope, academic shall be \$3,675.
 - (e) Nuclear laundry shall be \$7,875.
 - (f) Irradiator.
 1. Self-contained shall be \$1,837.50.
 2. Unshielded during irradiation shall be \$4,410.
 - (g) Manufacturing, processing, or distribution.
 1. Industrial gauging devices shall be \$4,725.
 2. In vitro-In vivo kits shall be \$3,780.

3. Radiopharmaceuticals shall be \$5,460.
4. Other shall be \$3,780.
- (h) Industrial gauging devices.
 1. Fixed shall be \$1,155.
 2. Portable shall be \$1,365.
- (i) In vitro, academic, environmental, or clinical laboratory shall be \$1,312.50.
- (j) Veterinary use shall be \$2,205.
- (k) Services, such as leak testing shall be \$1,312.50.
- (l) An application for review of a new sealed source or device or custom device shall be \$4,600 plus the applicable fee in paragraphs (a) through (k) of this subsection.
- (m) An amendment for review of a sealed source or device shall be \$1,575.
- (n) A byproduct, source, or special nuclear material license or other license—authorizing decommissioning, decontamination, reclamation, or site restoration shall be \$7,875.
- (o) The fee shall be \$10,500 for a license specifically authorizing:
 1. The receipt of prepackaged byproduct, source material, or special nuclear material from other persons; and
 2. the disposal of the material by transfer to a person authorized to receive or dispose of the material.
- (p) A license specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from a person for the purpose of storage, treatment, and packaging for transfer to a person authorized to receive or dispose of radioactive material shall be \$26,250.
- (2) A general radioactive material license initial and annual fee.
 - (a) In vitro or medical use specified in 902 KAR 100:050, Sections 4 and 5 shall be \$1,312.50.
 - (b) Measuring, gauging, or a controlling device except emergency exit signs shall be \$300 per device not to exceed \$1,260 per use location.
 - (3) An application to amend an existing specific license shall be \$210.
 - (4) An application for initial reciprocal recognition of an out-of-state license as established by 902 KAR 100:065. The fee shall be equal to the applicable fee for an in-state licensee.
 - (5) A licensee required to pay an annual fee pursuant to this administrative regulation may qualify as a small entity pursuant to form RPS-526, Small Entity Certification. If a licensee qualifies as a small entity, based on Kentucky Department of Revenue review and approval, and completes and submits form RPS-526 with its annual fee payment each year, the licensee shall pay the reduced annual fee.

Section 3. Inspection Fee. (1) The cost of a routine interval inspection shall be covered in the annual licensing renewal fee.

- (2) One (1) or more additional inspections shall be conducted to ensure ongoing public health and safety if any of the conditions established in paragraphs (a) through (d) exist:
 - (a) Willful neglect or careless disregard that has, or could lead to, a threat to public health and safety;
 - (b) Failure to take appropriate and timely action to correct documented violations of statutes, regulations, or conditions of the license or permit;
 - (c) A substantiated violation that indicates a lack of management oversight or that the radiation safety officer is not adequately performing duties; or
 - (d) Repeated violations from the previous inspection.
- (3) The fee for each additional inspection shall be \$525.

Section 4. Shipment of Radioactive Material and Waste. The shipper or carrier shall provide full cost reimbursement within thirty (30) days of receipt of the invoice, for all escorts of shipments of radioactive material, spent nuclear fuel, transuranic waste, radioactive waste, and other radioactive material or waste through Kentucky.

Section 5. Site Investigations, Remediation Projects, and Scoping Surveys. The licensee, remediation contractor, or other responsible party shall provide full cost reimbursement for review and oversight of site investigations, remediation projects, and scoping surveys to include project evaluation and planning, sample collection, analysis, and independent validation as applicable.

Section 6. Qualified Experts, Vendors and Service Providers. The schedule established in subsections (1) and (2) of this section shall apply to any entity or individual seeking or maintaining a designation as a qualified expert, vendor, or service provider as defined in 902 KAR 100:010.

- (1) Qualified experts.
 - (a) Initial application shall be \$105.
 - (b) Annual fee shall be \$52.50.
- (2) Vendors and service providers shall be \$315.

Section 7. General Requirements. (1) A general radioactive material license shall expire on July 31 following the date of issuance.

(2) A radiation producing machine registration certificate shall expire on the last day of the month, one (1) year after the date of issuance.

(3) A general radioactive material license fee shall be paid on or before July 31.

(4) A specific radioactive material license shall be renewed annually based on the expiration date stated in the license.

(5) A renewal fee shall be paid within forty-five (45) days of the bill date. A payment postmarked more than forty-five (45) days of the bill date shall be subject to a \$100 late payment penalty per license, device, or x-ray machine in addition to the renewal fee.

(6) Payment of a fee or other charge shall be submitted to the Radiation Health Branch, Cabinet for Health and Family Services, 275 East Main Street, Mailstop HS1C A, Frankfort, Kentucky 40621-0001, in the form of a check or money order payable to the Kentucky State Treasurer or paid online at https://prd.webapps.chfs.ky.gov/rad_epay/.

(7) If a check issued for payment of the fee established in this administrative regulation is returned to the state treasurer due to insufficient funds, the payor shall resubmit payment by money order or cashier's check.

(8) A registration and licensing application fee shall be nonrefundable.

(9) Failure to submit an applicable fee established in this administrative regulation shall be deemed a violation and subject to the provisions of 902 KAR 100:170.

Section 8. Incorporation by Reference. The following material is incorporated by reference:

(1) "RPS-526, Small Entity Certification" edition 6/2020, is incorporated by reference; and

(2) "Registration Application for Radiation Producing Machines" RPS 402, 4/2016.

(3) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Health and Family Services, Department for Public Health, Division of Public Health Protection and Safety, Radiation Health Branch, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8:00 a.m. to 4:30 p.m. (6 Ky.R. 378; eff. 2-6-80; Am.

11 Ky.R. 1330; eff. 4-9-85; 12 Ky.R. 1388; eff. 3-4-86; 14 Ky.R. 2085; eff. 6-22-88; 16 Ky.R. 2522; eff. 6-27-90; 18 Ky.R. 1484; eff. 1-10-92; 19 Ky.R. 303; eff. 8-28-92; 29 Ky.R. 822; 1633; eff. 12-18-2002; 31 Ky.R. 633; 947; eff. 11-17-2004; 41 Ky.R. 882; 1683; eff. 2-26-2015; TAm eff. 3-20-2020; 47 Ky.R. 453; eff. 11-19-2020.)