

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Hazardous Materials and Waste Management Division

RADIATION CONTROL - FEES FOR RADIATION CONTROL SERVICES

6 CCR 1007-1 Part 12

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Adopted by the Board of Health February 18, 2015.

PART 12: FEES FOR RADIATION CONTROL SERVICES

12.1 Purpose and Scope.

12.1.1 Authority.

12.1.1.1 Rules and regulations set forth herein are adopted pursuant to the provisions of Sections 25-1-108, 25-1.5-101(1)(k) and 25-1.5-101(1)(l), and 25-11-104(6), CRS.

12.1.2 Basis and Purpose.

12.1.2.1 A statement of basis and purpose accompanies this part and changes to this part. A copy may be obtained from the Department.

12.1.3 Scope

12.1.3.1 The regulations in this part establish fees for radiation control services rendered by the Department as authorized by the Act.

12.1.4 Applicability.

12.1.4.1 The regulations in this part apply to radiation control services for a person who is an applicant for, or holder of, a:

- (1) Specific radioactive material license or a general radioactive material license, issued pursuant to Part 3:
 - (a) Except for a person who applies for or holds a specific license exempted in 12.3.
- (2) Registration, issued pursuant to Part 2.

12.1.4.2 The regulations of this part also apply to a request for:

- (1) Evaluation of a sealed source and/or device containing radioactive material;
- (2) A special project review that the Department completes or makes whether or not in conjunction with a license application on file or which may be filed, and/or
- (3) Any other service as specified.

12.1.5 Published Material Incorporated by Reference.

12.1.5.1 Published material incorporated in Part 12 by reference is available in accord with Part 1, Section 1.4.

12.2 Definitions.

12.2.1 As used in this part, these terms have the definitions set forth as follows.

“Abandoned application” means any application filed with the Department for which the Department has in writing requested additional information needed to process the application and the Department does not receive a written reply from the applicant within forty-five (45) days after the Department’s most recent written request for additional information.

“Anniversary Date” means that date upon which annual fees shall be due and payable. Anniversary Date is determined as the last day of the month corresponding to the month listed as the licensee’s expiration date.

“Application” means any request filed with the Department for a permit, license, approval, exemption, exception, certificate, registration, other permission, or for any other service.

“Full cost fee” means a fee based on reasonable and actual professional staff time and appropriate contractual support services expended for certain radiation control activities as specified in Appendix 12A.

“Inspection” (routine or non-routine) means:

- (1) “Routine inspection” designed to evaluate the licensee’s or registrant’s activities within the context of the licensee or registrant having primary responsibility for protection of the public and environment.
- (2) “Non-routine inspection” in response or reaction to an incident, allegation, follow up to inspection deficiencies, inspection to determine implementation of safety issues including radioactive waste control services pursuant to CRS Sections 25-11-101–305 and Sections 24-60-2201–2212 and these regulations. A non-routine or reactive inspection has the same purpose as the routine inspection.

“Low-Level Radioactive Waste Access Approval” means those reviews and on-site evaluations necessary to assure waste generator compliance with low-level radioactive waste site access criteria as established by the Rocky Mountain Low-Level Radioactive Waste Board (the Board) or by a compact with which the Board has an agreement to accept low-level radioactive waste from Colorado or by a state with which the Board has an agreement to accept low-level radioactive waste from Colorado or by any state or site to which a Colorado generator ships low-level radioactive waste.

“Open Records Act” means the Colorado Open Records Act, CRS 24-72-201 et seq.

“Permanent location” means, for purposes of Part 12, a location where radioactive material is used and/or stored for more than 180 cumulative total days in any calendar year.

“Special Project” means a request submitted to the Department for review for which a fee is not otherwise specified in this part. Examples of special projects include, but are not limited to, early site reviews, consultation, emergency response plan reviews, assessment of responses to Department orders, contamination surveys in response to license termination or relocation, and financial surety reviews.

12.3 Exemptions.

12.3.1 No fees pursuant to 12.4.1 through 12.4.5 shall be required for a radioactive materials license authorizing the use of source material as shielding only in devices and containers, provided that all other licensed radioactive material in the device or container will be subject to the fees described in Appendix 12A.

12.3.2 Application for Exemptions.

12.3.2.1 The Department may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of this part for good cause as it determines are authorized by law and are otherwise in the public interest.

12.3.2.2 Applications for exemption under this section may include activities such as, but not limited to, the use of licensed materials for educational or noncommercial public displays or scientific collections.

12.4 Specific Radioactive Materials Licenses and Radiation Machine Registrations.

12.4.1 Application Fees for Specific Radioactive Materials Licenses.

12.4.1.1 The application fee for a new radioactive materials license not subject to full cost fees must accompany the application when it is filed.

- (1) Except for a license subject to full cost fees, no application for a new license, for the reinstatement of an expired license, or for an application for amendment to a materials license that would place the licensee in a higher fee category will be accepted for filing or processed prior to payment of the full amount specified in Appendix 12A.
- (2) Except for a license subject to full cost fees, an application fee is not required for a routine or renewal license amendment that does not involve a change in fee category.
- (3) Applications for which fee payment is required and no remittance is received may be returned to the applicant.

12.4.1.2 An application for renewal of a license not subject to full cost fees which has expired and for which a renewal was not timely filed pursuant to 3.17.2 shall be accompanied by a reinstatement fee of \$465.

12.4.1.3 Application fees for new radioactive materials licenses, renewals, amendments, other required approvals and requests for dismantling, decommissioning and termination of licensed activities, that are subject to the full cost fees are payable upon notification by the Department.

12.4.1.4 All licensing fees will be charged irrespective of the Department's disposition of the application or a withdrawal of the application.

12.4.1.5 Abandoned Applications.

- (1) In the case of an abandoned amendment application, if the licensee desires to submit a new amendment application for the same or similar authorization, the reapplication shall be accompanied by a \$115 reapplication fee.

- (2) In the case of an abandoned new license application, if the applicant desires to submit a new application, then the applicant is subject to the application fee specified in Appendix 12A.

12.4.1.6 Expedited License Review.

- (1) An hourly rate for direct staff time associated with the review of an application will be assessed for an expedited review.
- (2) This expedited license review fee only applies when, by consent of the applicant, a licensing request is taken out of the date order in which it was received.

12.4.2 Fee for Radiation Machine Facility Registration for Radiation Control Services

12.4.2.1 The fee for a new radiation machine facility registration not subject to full cost fees must accompany the application when it is filed.

- (1) Except for a registration subject to full cost fees, no application for a new registration, or for the reinstatement of an expired registration will be accepted for filing or processed prior to payment of the full registration application amount specified in Appendix 12A.
- (2) Except for a radiation machine facility registration subject to full cost fees, a fee is not required for an amendment to registration information, except as otherwise specified in Appendix 12A.
- (3) Applications for which fee payment is required and no remittance is received may be returned to the applicant.

12.4.2.2 An application for renewal of a registration not subject to full cost fees which has expired and for which a renewal was not timely filed pursuant to 2.4.1.1 shall be accompanied by a reinstatement fee of \$50.

12.4.2.3 All radiation machine facility fees will be charged irrespective of the Department's disposition of the application or a withdrawal of the application.

12.4.2.4 Abandoned Applications.

- (1) In the case of an abandoned new registration application, or an abandoned registration amendment application, then the applicant is subject to the application fee specified in Appendix 12A.

12.4.3 Termination Fees for Licensees.

12.4.3.1 Applications for license termination for licensees not subject to full cost fees will not be subject to fees provided that the licensee notifies the Department and requests termination pursuant to 3.16, as appropriate, and provided that there is no decommissioning or decontamination involved subsequent to the request for termination. Licensees subject to full cost fees shall be billed for the full cost of the review of the application for termination.

12.4.3.2 Staff time spent in obtaining information which is not provided by the licensee as required by 3.16.6 and 3.16.7 when decontamination is necessary, or in supervising the licensee's decommissioning or decontamination of the site, will be billed at the Department's hourly rate.

12.4.3.3 The charges for staff time billed under 12.4.3 are payable upon notification by the Department.

12.4.4 Inspection Fees for Radioactive Materials Licensees and Radiation Machine Facility Registrants.

12.4.4.1 Inspection costs include reasonable and actual preparation time, time on site, documentation time, any associated contractual service costs, and time involved in the processing and issuance of a notice of violation or administrative penalty.

12.4.4.2 Fees for inspection of licensees and registrants not subject to full cost fees:

- (1) Fees for routine inspections are included in the annual fee and will not be charged separately.
- (2) Fees for all non-routine inspections will be assessed on a per-inspection basis and are payable upon notification by the Department.

12.4.4.3 Fees for inspections of licensees and registrants subject to full cost fees:

- (1) Inspection fees will be assessed to recover the full cost for each specific inspection as specified in Appendix 12A, including licensee-specific performance reviews and assessments, evaluations, and incident investigations.
- (2) Inspection fees for licensees and registrants subject to full cost fees, and for inspections other than routine, are due upon notification by the Department.

12.4.5 Annual fees.

Radiation Machine Facility Registrants

12.4.5.1 Persons who hold radiation machine facility registrations shall pay an annual fee.

- (1) The licensee or registrant shall pay the fee in Appendix 12A for each registration the person holds on the date the annual fee is due.
- (2) If a person holds more than one registration, the fee will be the cumulative total of the annual fee for all registrations held by that person.

Specific Radioactive Materials Licensees

12.4.5.2 Persons who hold specific radioactive materials licenses shall pay an annual fee.

- (1) The licensee shall pay the fee in Appendix 12A for each license the person holds on the date the annual fee is due.
- (2) If a person holds more than one license, the fee will be the cumulative total of the annual fee for all licenses held by that person.
- (3) For those radioactive materials licenses that authorize more than one activity (e.g., human use and irradiator activities), annual fees will be assessed for each category applicable to the license.

- (4) Persons with radioactive materials licenses authorizing permanent, multiple locations of use and/or storage that are separated by more than one mile shall increase the annual fee by 75 percent for the second location; 50 percent for the third location; and 25 percent for each additional location of use.

12.4.5.3 A specific radioactive materials licensee required to pay an annual fee may qualify as a small entity.

- (1) If a licensee qualifies as a small entity and provides the Department with the proper certification, the licensee may pay reduced annual fees as shown in Table 12-1.

Table 12-1: Small Entity Fees Applicable to Specific Radioactive Materials Licensees

Entity Category	Size Standard	Maximum Annual Fee Per Licensed Category
Small businesses not engaged in manufacturing and small not for profit organizations	\$485,000 – \$7,000,000 gross annual receipts	1/2 Annual Fee or \$600, whichever is greater
	Less than \$485,000 gross annual receipts	\$ 600
Manufacturing entities that have an annual average of 500 employees or less	35 to 500 employees	1/2 Annual Fee or \$600, whichever is greater
	Less than 35 employees	\$ 600
Small governmental jurisdictions (including cities, counties, towns, townships, villages, school districts, special districts or publicly supported educational institutions)	20,000 – 50,000 population	1/2 Annual Fee or \$600, whichever is greater
	Less than 20,000 population	\$ 600
Educational institutions that are not state or publicly supported, and have 500 employees or less	35 to 500 employees	1/2 Annual Fee or \$600, whichever is greater
	Less than 35 employees	\$ 600

- (2) A licensee who seeks to establish status as a small entity for purpose of paying the annual fees required under this section shall file a certification statement with the Department.
- (3) The licensee shall file the required "radioactive materials licensee certification of small entity status," Department Form R-62, for each license under which the licensee is billed.
- (4) For the licensee to be granted small entity status by the Department, a completed Form R-62, signed by the owner of the entity or an official empowered to act on behalf of the entity, shall accompany each application for a new license and each annual fee.
- (5) The licensee shall provide a new Department Form R-62, signed by the owner of the entity or an official empowered to act on behalf of the entity, within thirty days from receipt of such a request from the Department.

(6) Failure to file a small entity certification, or to provide an updated certification upon the request of the Department, could result in the denial of the fee reduction that might otherwise be granted.

(7) A licensee who is a subsidiary of a large entity does not qualify as a small entity for purposes of Table 12-1.

12.4.5.4 An annual management fee shall be charged for radioactive materials licensees operating in the State under reciprocity as follows:

(1) Any radioactive material brought into the state for use under reciprocity shall pay a reciprocal recognition fee equal to 75 percent of the appropriate annual fee in Appendix 12A.

(2) Reciprocal fees shall be due and payable prior to entry into the state.

(3) An acknowledgement of fee payment will be provided by the Department. The acknowledgement of fee payment shall be retained by the licensee and maintained with the pertinent documents prescribed in 3.24.1.1(6).

(4) Reciprocal recognition fees shall not be transferred or refunded.

(5) Reciprocal recognition fees shall expire 12 months from the issue date².

² Pursuant to 3.24, an out-of-state licensee may operate in Colorado under reciprocity for no more than 180 cumulative total days in any calendar year.

12.4.5.5 Payment of Annual Fees.

Radiation Machine Facility Registrants

(1) The annual fees shall be due and payable each year by the expiration date. The annual fees are not refundable except in those cases where the Department has determined that the fee is not required.

(2) Annual fees shall be charged and payment required for any registrant that has not terminated their registration on or before the expiration date.

Specific Radioactive Materials Licensees

(1) The annual fees shall be due and payable each year on the anniversary date. The annual fees are not refundable except in those cases where the Department has determined that the fee is not required.

(2) Annual fees shall be charged and payment required for any license that has not been terminated on or before the anniversary date or for which a request for termination has not been submitted to the Department pursuant to 3.16.7.

12.5 General Licenses.

12.5.1 Persons who hold general licenses under the following categories shall pay an annual fee:

12.5.1.1 Depleted uranium in industrial products and devices authorized under 3.5.5;

12.5.1.2 Possession of more than 1 kilogram of source material other than depleted uranium for shielding under 3.5;

12.5.1.3 Measuring, gauging and controlling devices under 3.6.4; and

12.5.1.4 In vitro licenses under 3.6.9.

12.5.2 The basis for the annual fee is to cover the Department's cost associated with the regulation and control of these sources, and to cover the Department's administrative costs for those generic activities directly related to the regulation of materials licensees.

12.5.3 Fees for general licenses are listed in Appendix 12A and shall be payable every July 1, for as long as the license remains in effect.

12.5.4 Fees for inspection of licenses, authorized under 3.5.5 and 3.6, that are based on the full cost of the inspection are payable upon notification by the Department.

12.6 Special Project Fees.

12.6.1 Fees for special projects are assessed for the full cost of the review, as specified in Appendix 12A.

12.6.1.1 Special project fees shall be based on reasonable and actual professional staff time.

12.6.1.2 Appropriate contractual support services expended for certain radiation control activities will also be included.

12.6.2 Fees for special projects are payable upon notification by the Department.

12.7 Low-Level Radioactive Waste Access Approval Fees.

12.7.1 Fees for services required for low-level radioactive waste access approval are payable upon notification by the Department.

12.8 Reserved

12.9 Partial Payment of Fees.

12.9.1 In the case of services, which are subject to full cost fees, the Department may bill monthly for any service rendered.

12.10 Method of Payment.

12.10.1 Approved credit cards, checks, drafts or money orders for payment of fees shall be payable to the Colorado Department of Public Health and Environment.

12.11 Schedule of Fees for Materials Licenses and Other Radiation Control Services.

12.11.1 Applicants for radioactive materials licenses, for services related to radiation machines, for other regulatory services and holders of materials licenses shall pay fees for the categories of services listed in Appendix 12A.

12.11.1.1 License applications received prior to the effective date of this rule shall be billed in accordance with the fee schedule, as updated by the hourly rate in effect at that time the service is performed.

12.11.2 For each service provided subject to full cost fees, records will be maintained of time spent, using reasonable accounting procedures by at least 15 minute intervals. A summary of time spent on any activity will be provided upon request.

12.11.3 The Department will review and evaluate all fees, costs, and the cost per person-hour every two (2) years from the effective date of this part relative to expenses and the most recent Denver-Boulder-Greeley Consumer Price Index (CPI) for All Urban Consumers.

12.11.3.1 If the CPI changes by more than ten (10) percent, or where costs exceed revenues for any categories over a single review cycle or multiple review cycles since the last effective date of this part, the Department will propose revised fee(s) to the Board of Health for the applicable categories or fees.

12.12 Failure by Applicant or Licensee to Pay Prescribed Fee.

12.12.1 In any case where the Department finds that an applicant, registrant, or a licensee has failed to pay a prescribed fee for any licensing, registration or inspection activities required in this Part, the Department will not process any application, may suspend or revoke any license or registration involved pursuant to 2.10, or 3.23 and may request action pursuant to CRS 25-11-107(4). Staff time expended in collection of any fee not paid within sixty (60) days of the date due will be billed at the Department's hourly rate.

12.13 Penalties.

12.13.1 A \$20.00 penalty will be assessed for checks returned to the Department due to insufficient funds.

12.13.2 Late Payments.

12.13.2.1 A penalty shall be assessed to any person whose fee is collected by a collection agency.

12.13.2.2 The penalty shall be equal to the fee charged by the collection agency.

12.14 Severability.

12.14.1 The provisions of this regulation are severable, and if any provisions or the application of the provisions to any circumstances is held invalid, the application of such provision to other circumstances, and the remainder of this regulation shall not be affected thereby.

PART 12, APPENDIX A: SCHEDULE OF FEES FOR RADIOACTIVE MATERIALS LICENSEES, FOR SERVICES RELATED TO RADIATION MACHINES, AND FOR OTHER SERVICES^{3,4,5,6}

3 Applications for new licenses, applications to reinstate expired or terminated licenses, except those subject to fees assessed at full costs, must be accompanied by the prescribed application fee for each category.

4 Application for amendments to licenses that would place the license in a higher fee category or add a new fee category must be accompanied by the prescribed application fee for each category.

5 Renewal fees – Fees for applications for renewal of materials licenses will not be charged, except that fees for applications for renewal of licensees subject to full cost fees are due upon notification by the Department.

6 Inspection Fees: (a) Fees for routine inspections at locations authorized by the license or reciprocity permit will not be charged, except that routine inspections subject to full cost fees are due upon notification by the Department. (b) Separate charges will be assessed for each non-routine inspection which is performed. The frequency of routine inspections are those established in the Hazardous Materials And Waste Management Division Radiation Program Inspection and Enforcement Manual, and will be in accord with the frequencies established by the U.S. Nuclear Regulatory Commission for similar types of licenses.

CATEGORY 1 - SPECIAL NUCLEAR MATERIAL^{7,8}

7 Applications for licenses covering more than one fee category of special nuclear material or source material must be accompanied by the prescribed application fee for the highest fee category.

8 Applications for new licenses that cover both special nuclear material and radioactive material and/or naturally occurring and accelerator produced material in sealed sources for use of gauging devices will pay the appropriate processing fee for category 1.C only.

- 1.A Licenses for possession and use of 200 grams or more of plutonium in unsealed form or 350 grams or more of U-235 in unsealed form or 200 grams or more of U-233 in unsealed form. This includes applications to terminate licenses as well as licenses authorizing possession only.

NOTE: Colorado does not license this category of license.

Application Not Applicable

Annual Fee Not Applicable

Inspection Not Applicable

- 1.B Licenses for receipt and storage of spent fuel at an independent spent fuel storage installation (ISFSI).

NOTE: Colorado does not license this category of license.

Application Not Applicable

Annual Fee Not Applicable

Inspection Not Applicable

- 1.C Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems including x-ray fluorescence analyzers.

Application \$ 1,600

Annual Fee \$ 1,600

Inspection \$ 1,255

- 1.D All other special nuclear material licenses, except licenses authorizing special nuclear material in unsealed form in combinations that would constitute a critical quantity.

Application \$ 3,830

Annual Fee \$ 3,830

Inspection \$ 2,835

CATEGORY 2 - SOURCE MATERIAL

- 2.A1 Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride.

NOTE: Colorado does not license this category of license.

Annual Fee Not Applicable

Licensing and Inspection Not Applicable

- 2.A2 Licenses for possession and use of source material in recovery operations such as milling, in situ leaching, heap-leaching, ore buying stations, ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, and licenses authorizing decommissioning, reclamation or restoration activities as well as licenses authorizing the possession and maintenance of a facility in a standby mode.

- 2.A2 Class I License includes mill licenses issued for the extraction of uranium from uranium ore.

Annual Fee \$ 109,390

Licensing and Inspection Full Cost

- 2.A2 Class II License includes solution mining licenses (in-situ and heap leach) issued for the extraction of uranium from uranium ores including research and development licenses.

Annual Fee \$ 91,645

Licensing and Inspection Full Cost

- 2.A2 Class III "Other" license includes licenses for extraction of metals, heavy metals, and rare earths.

Annual Fee \$ 34,685

Licensing and Inspection Full Cost

- 2.A3 Licenses that authorize the receipt of uranium waste tailings generated by milling operations from other persons for possession and disposal, except those licenses subject to the fees in category 2.A2 or category 2.A4.

Annual Fee \$ 67,500

Licensing and Inspection Full Cost

- 2.A4 Licenses that authorize the receipt of uranium waste tailings generated by milling operations from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in category 2.A2.

Annual Fee \$ 10,670

Licensing and Inspection Full Cost

- 2.B Licenses for possession and use of source material for shielding.

Application \$ 800

Annual Fee \$ 800

Inspection \$ 1,415

- 2.C All other source material licenses.

Application \$ 12,805

Annual Fee \$ 12,805

Inspection \$ 5,245

**CATEGORY 3 - BYPRODUCT MATERIAL, NATURALLY OCCURRING AND ACCELERATOR
PRODUCED RADIOACTIVE MATERIAL**

- 3.A Licenses of broad scope for possession and use of radioactive material issued pursuant to 3.11 for processing or manufacturing of items containing radioactive material for commercial distribution.

Application \$ 23,745

Annual Fee \$ 23,745

Inspection \$ 10,040

- 3.B Other licenses for possession and use of radioactive material for processing or manufacturing of items containing radioactive material for commercial distribution.

Application \$ 6,135

Annual Fee \$ 6,135

Inspection \$ 2,935

- 3.C Licenses authorizing the processing or manufacture and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing radioactive material.

Application \$ 14,275

Annual Fee \$ 14,275

- Inspection \$ 2,935
- 3.D Licenses authorizing distribution of radiopharmaceuticals, generators, reagent kits, and/or sources or devices not involving processing of radioactive material.
- Application \$ 4,535
- Annual Fee \$ 4,535
- Inspection \$ 1,510
- 3.E Licenses for possession and use of radioactive material in sealed sources for irradiation of materials where the source is not removed from its shield (self-shielded units).
- Application \$ 3,705
- Annual Fee \$ 3,705
- Inspection \$ 1,600
- 3.F Licenses for possession and use of less than 370 TBq (10,000 Ci) of radioactive material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes.
- Application \$ 6,720
- Annual Fee \$ 6,720
- Inspection \$ 2,495
- 3.G Licenses for possession and use of 370 TBq (10,000 Ci) or more of radioactive material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes. This category includes under water irradiators for irradiation of materials where the source is not exposed.
- Application \$ 24,280
- Annual Fee \$ 24,280
- Inspection \$ 4,800
- 3.H Licenses issued to distribute items containing radioactive material which requires device review to persons exempt from the licensing requirements of Part 3.
- Application \$ 3,705
- Annual Fee \$ 3,705
- Inspection \$ 1,510
- 3.I Licenses issued to distribute items containing radioactive material or quantities of radioactive material which do not require device evaluation to persons exempt from the licensing requirements of Part 3 except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed by the U.S. Nuclear Regulatory Commission or an Agreement State.

Application \$ 5,335

Annual Fee \$ 5,335

Inspection \$ 1,775

- 3.J Licenses issued to distribute items containing radioactive material which require sealed source and/or device review to persons generally licensed. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under Part 3.

Application \$ 2,430

Annual Fee \$ 2,430

Inspection \$ 1,655

- 3.K Licenses issued to distribute items containing radioactive material or quantities of radioactive material that do not require sealed and/or device review to persons generally licensed. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under Part 3.

Application \$ 1,600

Annual Fee \$ 1,600

Inspection \$ 895

- 3.L Licenses of a broad scope for possession and use of radioactive material for research and development which do not authorize commercial distribution.

Application \$ 11,605

Annual Fee \$ 11,605

Inspection \$ 4,085

- 3.M Other licenses for possession and use of radioactive material for research and development which do not authorize commercial distribution.

Application \$ 5,110

Annual Fee \$ 5,110

Inspection \$ 2,035

- 3.N Licenses that authorize services for other licensees, except (1) licenses that authorize calibration and/or leak testing services only are subject to the fees specified in fee category 3.Q, and (2) licensees that authorize waste disposal services are subject to the fees specified in fee Categories 4.A, 4.B., or 4.C.

Application \$ 5,560

Annual Fee \$ 5,560

Inspection \$ 2,400

- 3.O Licenses for possession and use of radioactive material for industrial radiography operations.

Application \$ 14,540

Annual Fee \$ 14,540

Inspection \$ 3,110

- 3.P Portable gauge radioactive material licensees.

Application \$ 2,790

Annual Fee \$ 2,790

Inspection \$ 1,950

- 3.Q All other specific radioactive material licensees, except those in fee categories 1, 2, 3.A through 3.P, and 4.A. through 9.D.

Application \$ 2,790

Annual Fee \$ 2,790

Inspection \$ 1,950

- 3.S Licenses for production of accelerator-produced radionuclides.

Application \$ 14,275

Annual Fee \$ 14,275

Inspection \$ 2,935

CATEGORY 4 - WASTE HANDLERS

- 4.A Licenses specifically authorizing the receipt of waste byproduct material, source material, special nuclear material, or naturally occurring and accelerator produced material from other persons for the purpose of commercial disposal by land burial by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for treatment or disposal by incineration and transfer of packages to another person authorized to receive or dispose of waste material.

Annual Fee Not Applicable⁹

⁹ There are no existing Colorado licenses in these fee categories. Once Colorado issues a license for these categories, the Department will consider establishing an annual fee for that type of license.

Licensing and Inspection Full Cost

- 4.B Licenses specifically authorizing the receipt of waste byproduct material, source material, special nuclear material, or naturally occurring and accelerator produced 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.

Application \$ 11,340

Annual Fee \$ 11,340

Inspection \$ 2,935

- 4.C Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, special nuclear material, or naturally occurring and accelerator produced material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.

Application \$ 8,580

Annual Fee \$ 8,580

Inspection \$ 3,285

CATEGORY 5 - WELL LOGGING

- 5.A Licenses for possession and use of byproduct material, source material, special nuclear material, or naturally occurring and accelerator produced material for well logging, well surveys, and tracer studies other than field.

Application \$ 10,200

Annual Fee \$ 10,200

Inspection \$ 3,285

- 5.B Licenses for possession and use of byproduct material for field flooding tracer studies.

Annual Fee \$ 12,060

Licensing and Inspection Full Cost

CATEGORY 6 - NUCLEAR LAUNDRIES

- 6.A Licenses for commercial collection and laundry of items contaminated with radioactive material, source material, special nuclear material, or naturally occurring and accelerator produced material.

Application \$ 19,610

Annual Fee \$ 19,610

Inspection \$ 4,800

CATEGORY 7 - HUMAN AND VETERINARY USE OF RADIOACTIVE MATERIAL

- 7.A Licenses issued for human or veterinary use of radioactive material, source material, special nuclear material, or naturally occurring and accelerator produced material in sealed sources contained in teletherapy devices.

Application \$ 16,140

Annual Fee \$ 16,140

Inspection \$ 2,750

- 7.B Licenses of broad scope issued to medical institutions or two or more physicians or veterinarians authorizing research and development including human and/or veterinary use of radioactive material, source material, special nuclear material, or naturally occurring and accelerator produced material except material in sealed sources.

Application \$ 28,015

Annual Fee \$ 28,015

Inspection \$ 7,335

- 7.C Other licenses issued for human or veterinary use of radioactive material, source material, and/or naturally occurring and accelerator produced material except material in sealed sources contained in teletherapy devices.

Application \$ 5,335

Annual Fee \$ 5,335

Inspection \$ 2,575

CATEGORY 8 - CIVIL DEFENSE

- 8.A Licenses for possession and use of radioactive material for civil defense activities.

Application \$ 1,270

Annual Fee \$ 1,270

Inspection \$ 2,135

CATEGORY 9 - DEVICE, PRODUCT, OR SEALED SOURCE SAFETY EVALUATION

- 9.A Safety evaluation of devices or products containing byproduct material, source material, special nuclear material, or naturally occurring and accelerator produced material except reactor fuel devices, for commercial distribution.

Annual Fee \$ 6,720

Evaluations Full Cost

- 9.B Safety evaluation of devices or products containing radioactive material, source material, special nuclear material, or naturally occurring and accelerator produced material manufactured in accordance with the unique specifications of, and for use by a single applicant, except reactor fuel devices.

Annual Fee \$ 6,720

Evaluations Full Cost

- 9.C Safety evaluation of sealed sources containing byproduct material, source material, special nuclear material, or naturally occurring and accelerator produced material, except reactor fuel, for commercial distribution.

Annual Fee \$ 1,960

Evaluations Full Cost

- 9.D Safety evaluation of sealed sources containing byproduct material, source material, special nuclear material, or naturally occurring and accelerator produced material, manufactured in accordance with the unique specifications of, and for use by a single applicant, except reactor fuel.

Annual Fee \$ 665

Evaluations Full Cost

CATEGORY 10 - TRANSPORTATION OF RADIOACTIVE MATERIAL

Note: Colorado does not license this category of license.

CATEGORY 11 - REVIEW OF STANDARDIZED SPENT FUEL FACILITIES

Note: Colorado does not license this category of license.

CATEGORY 12 - SPECIAL PROJECTS

- 12.A Special Projects and all uses of radioactive material which are not included in any other category.

Application Full Cost

Annual Fee Full Cost

Inspection Full Cost

CATEGORY 13 - SPENT FUEL STORAGE COSTS

Note: Colorado does not license this category of license.

CATEGORY 14

- 14.A Byproduct material, source material, special nuclear material, naturally occurring or accelerator produced radioactive material licenses and other approvals authorizing decommissioning, decontamination, reclamation or site restoration activities.

Annual Fee Not Applicable¹⁰

¹⁰ Licensees in this category are not assessed an annual fee because they are charged an annual fee in other categories while they are licensed to operate.

Licensing and Inspection Full Cost

CATEGORY 15 - EMERGENCY RESPONSE

- 15.A Emergency response requiring over 10 person-hours in any 12 consecutive months.

Full Cost

15.B Emergency response planning and exercises.

Full Cost¹¹

11 Fees will be charged only when service is requested or required by an authorized person outside of the Department who has legal authority to make such requests.

CATEGORY 16 - ANALYTICAL PROCEDURES

Full Cost

CATEGORY 17 - GENERAL LICENSES¹²

12 Fees are for each license at each facility. Fees for general licenses are annual fees, and are due July 1 each year. Non-routine inspections of general licensees related to (1) exposures to individuals; or (2) release of radioactive materials in excess of limits established in Part 4 of these regulations.

17.A Source material, gauges and other similar devices pursuant to 12.5.1.1 through 12.5.1.3.

Annual Fee \$ 115

Inspection Full Cost

17.B In vitro pursuant to 12.5.1.4.

Annual Fee \$ 60

Inspection Full Cost

CATEGORY 18 - LOW-LEVEL RADIOACTIVE WASTE ACCESS APPROVAL

Full Cost

CATEGORY 19 - HOURLY RATE¹³

\$ 152

13 For any service provided by the Department in accord with this part, a statement will be sent to the registrant indicating the actual costs incurred.

CATEGORY 20 - TRANSFER OF RECORDS TO DEPARTMENT PURSUANT TO 4.40 THROUGH 4.50

Per box for indexed paper records submitted in state storage boxes

\$ 45

For records not indexed and/or requiring repackaging in standard storage boxes

Full Cost

CATEGORY 21 - RADIATION MACHINES ENFORCEMENT ACTION

Maximum fee per each radiation machines certification enforcement action^{14,15}: \$ 1,545

14 Any registrant that fails the requirements of 2.5.1, or does not correct any violation in accordance with the compliance schedule established in 2.9.1.2, shall be subject to a Department enforcement action at the current hourly rate and/or maximum fee. The Department shall charge enforcement fees, which may include inspection fees for the inspection of radiation machines and facilities that have been determined, by either a qualified inspector or by the Department, to be in noncompliance with these regulations and with the certification frequency. These fees do not include penalties imposed under Part 13.

15 This represents the maximum fee that may be incurred for the Department enforcement actions of each radiation machine and/or facility determined to be in violation with these regulations by either a qualified inspector or by the Department.

CATEGORY 22 - QUALIFIED INSPECTOR, QUALIFIED EXPERT, OR COMPANIES PROVIDING RADIATION MACHINE SERVICING AND SERVICES

Maximum fee per registration every year: \$ 100^{16,17}

16 The qualified inspector and qualified expert registration fee is an individual fee. The servicing and services registration fee is a company fee.

17 This fee is non-refundable in the event that the application is not approved by the Department.

CATEGORY 23 – REVIEW OF RADIATION MACHINE PROVISIONAL MAMMOGRAPHER CERTIFICATION APPLICATION

Maximum fee per each certification review or renewal: \$ 60

CATEGORY 24 – REVIEW OF ADEQUATE TRAINING FOR RADIATION MACHINE LIMITED SCOPE OPERATORS, BONE DENSITOMETRY OPERATORS, COMPUTED TOMOGRAPHY OPERATORS AND SERVICE COMPANY ENGINEER¹⁸

Maximum fee per each acceptance review: \$ 60

18 The fee for service company engineers is a “per application” fee for any number of service company engineers to be authorized to work under a service company registration.

CATEGORY 25 - RADIATION MACHINE CERTIFICATION LABEL ISSUED BY A QUALIFIED INSPECTOR

Required fee for each certification label issued to a registrant: \$ 60

CATEGORY 26 - RADIATION MACHINE FACILITY REGISTRATION FEE FOR RADIATION CONTROL SERVICES

Maximum annual registration fee per facility using a radiation machine: \$ 50

EDITOR’S NOTES

6 CCR 1007-1 has been divided into separate parts for ease of use. Versions prior to 04/01/2007 are located in the first section, 6 CCR 1007-1. Prior versions can be accessed from the All Versions list on the rule’s current version page. To view versions effective on or after 04/01/2007, select the desired part of the rule, for example 6 CCR 1007-1 Part 01 or 6 CCR 1007-1 Part 10.

History

Part 12 entire rule eff. 03/02/2009.

Part 12 Rules 12.1.4, 12.3.1.1(2), Appendix A, Categories 23, 24 eff. 04/30/2011.

Part 12 Rules 12.4 – 12.14, Appendix A eff. 03/30/2015.