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1 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

2 **Hazardous Materials and Waste Management Division**

3 **6 CCR 1007-1**

4 **STATE BOARD OF HEALTH**

5 **RULES AND REGULATIONS PERTAINING TO RADIATION CONTROL**

6 **PART 12: FEES FOR RADIATION CONTROL SERVICES**

7 **12.1 Purpose and Scope.**

8 12.1.1 Authority.

9 12.1.1.1 Rules and regulations set forth herein are adopted pursuant to the  
10 provisions of Sections 25-1-108, 25-1.5-101(1)(k) and 25-1.5-101(1)(l), and  
11 25-11-104(6), CRS.

12 12.1.2 Basis and Purpose.

13 12.1.2.1 A statement of basis and purpose accompanies this part and changes to  
14 this part. A copy may be obtained from the Department.

15 12.1.3 Scope

16 12.1.3.1 The regulations in this part establish fees for radiation control services  
17 rendered by the Department as authorized by the Act.

18 12.1.4 Applicability.

19 12.1.4.1 ~~Except for persons who apply for, or hold specific licenses exempted in~~  
20 ~~42.3, the regulations in this part apply to radiation control services for a person~~  
21 ~~who is an applicant for, or holder of, a:~~

22 (1) ~~s~~**Specific radioactive material license or a general radioactive material**  
23 ~~license, issued pursuant to Part 3 of these regulations.~~

24 (a) **EXCEPT FOR A PERSON WHO APPLIES FOR OR HOLDS A**  
25 **SPECIFIC LICENSE EXEMPTED IN 12.3.**

26 (2) **REGISTRATION, ISSUED PURSUANT TO PART 2.**

27 12.1.4.2 The regulations of this part also apply to a ~~specific~~ request for:

28 (1) ~~e~~**Evaluation of A sealed sources and/OR devices** containing radioactive  
29 ~~material;~~

30 (2) ~~for a~~**A special project review, which THAT** the Department completes or  
31 ~~makes whether or not in conjunction with a license application on file or~~  
32 ~~which may be filed, and/OR~~

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33 (3) ~~for~~ ANY other services as specified.

34 12.1.5 Published Material Incorporated by Reference.

35 12.1.5.1 Published material incorporated in Part 12 by reference is available in  
36 accord with Part 1, Section 1.4.

37 **12.2 Definitions.**

38 12.2.1 As used in this part, these terms have the definitions set forth as follows.

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

44 "Anniversary Date" means that date upon which annual fees shall be due and payable.  
45 Anniversary Date is determined as the last day of the month corresponding to the month  
46 listed as the licensee's expiration date.

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

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

52 "Inspection" (routine or non-routine) means:

53 (1) "Routine inspection" designed to evaluate the licensee's or registrant's  
54 activities within the context of the licensee or registrant having primary  
55 responsibility for protection of the public and environment.

56 (2) "Non-routine inspection" in response or reaction to an incident,  
57 allegation, follow up to inspection deficiencies, inspection to determine  
58 implementation of safety issues including radioactive waste control  
59 services pursuant to CRS Sections 25-11-101–305 and  
60 Sections 24-60-2201–2212 and these regulations. A non-routine or  
61 reactive inspection has the same purpose as the routine inspection.

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

69 "Open Records Act" means the Colorado Open Records Act, CRS 24-72-201 et seq.

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

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

78 **12.3 Exemptions.**

79 12.3.1 No fees pursuant to 12.4.1 through 12.4.5 shall be required for:

80 ~~12.3.1.1~~ ~~AA~~ radioactive materials license authorizing the use of source material as  
81 shielding only in devices and containers, provided that all other licensed radioactive  
82 material in the device or container will be subject to the fees described in Appendix 12A.

83 ~~12.3.1.2~~ ~~An application for possession and use of radioactive material applied for~~  
84 ~~by, or issued to, an agency of Colorado or any political subdivision thereof,~~  
85 ~~except for a license which authorizes distribution of radioactive material or~~  
86 ~~products containing radioactive material or licenses authorizing services to any~~  
87 ~~person other than an agency or political subdivision of the State. This exemption~~  
88 ~~does not apply to fees for inspection or annual fees for such licensees.~~

89 ~~12.3.1.3~~ ~~A general license for reciprocity pursuant to 3.24. This exemption does~~  
90 ~~not apply to fees for inspection of, or annual fees for such licensees.~~

91 12.3.2 Application for Exemptions.

92 12.3.2.1 The Department may, upon application by an interested person, or upon  
93 its own initiative, grant such exemptions from the requirements of this part for  
94 good cause as it determines are authorized by law and are otherwise in the  
95 public interest.

96 12.3.2.2 Applications for exemption under this section may include activities such  
97 as, but not limited to, the use of licensed materials for educational or  
98 noncommercial public displays or scientific collections.

99 **12.4 Specific Radioactive Materials Licenses.**

100 12.4.1 Application Fees.

101 12.4.1.1 The application fee for new radioactive materials license not subject to  
102 full cost fees must accompany the application when it is filed.

103 (1) Except for a license subject to full cost fees, no application for a new  
104 license, for the reinstatement of an expired license, or for an application  
105 for amendment to a materials license that would place the licensee in a  
106 higher fee category will be accepted for filing or processed prior to  
107 payment of the full amount specified in Appendix 12A.

108 (2) Except for a license ~~not~~ subject to full cost fees, an application fee is not  
109 required for a routine or renewal license amendment that does not  
110 involve a change in fee category.

111 (3) Applications for which fee payment is required and no remittance is  
112 received may be returned to the applicant.

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- 113 12.4.1.2 An application for renewal of a license not subject to full cost fees which  
114 has expired and for which a renewal was not timely filed pursuant to 3.17.2 shall  
115 be accompanied by a reinstatement fee of \$400.
- 116 12.4.1.3 Application fees for new radioactive materials licenses, renewals,  
117 amendments, other required approvals and requests for dismantling,  
118 decommissioning and termination of licensed activities, that are subject to the full  
119 cost fees are payable upon notification by the Department.
- 120 12.4.1.4 All licensing fees will be charged irrespective of the Department's  
121 disposition of the application or a withdrawal of the application.
- 122 12.4.1.5 Abandoned Applications.
- 123 (1) In the case of an abandoned amendment application, if the licensee  
124 desires to submit a new amendment application for the same or similar  
125 authorization, the reapplication shall be accompanied by a \$100  
126 reapplication fee.
- 127 (2) In the case of an abandoned new license application, if the applicant  
128 desires to submit a new application, then the applicant is subject to the  
129 application fee specified in Appendix 12A.
- 130 12.4.1.6 Expedited License Review.
- 131 (1) An hourly rate for direct staff time associated with the review of an  
132 application will be assessed for an expedited review.
- 133 (2) This expedited license review fee only applies when, by consent of the  
134 applicant, a licensing request is taken out of the date order in which it  
135 was received.
- 136 **12.4.2 Termination Fees.**
- 137 12.4.2.1 Applications for license termination for licensees not subject to full cost  
138 fees will not be subject to fees provided that the licensee notifies the Department  
139 and requests termination pursuant to 3.16, as appropriate, and provided that  
140 there is no decommissioning or decontamination involved subsequent to the  
141 request for termination. Licensees subject to full cost fees shall be billed for the  
142 full cost of the review of the application for termination.
- 143 12.4.2.2 Staff time spent in obtaining information which is not provided by the  
144 licensee as required by 3.16.6 and 3.16.7 when decontamination is necessary, or  
145 in supervising the licensee's decommissioning or decontamination of the site, will  
146 be billed at the Department's hourly rate.
- 147 12.4.2.3 The charges for staff time billed under 12.4.2 are payable upon  
148 notification by the Department.

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149 **12.4.3 Inspection Fees.**

150 12.4.3.1 Inspection costs include reasonable and actual preparation time, time on  
151 site, documentation time, any associated contractual service costs, and time  
152 involved in the processing and issuance of a notice of violation or civil penalty.

153 12.4.3.2 Fees for inspection of licensees and registrants not subject to full cost  
154 fees:

155 (1) Fees for routine inspections are included in the annual fee and will not be  
156 charged separately.

157 (2) Fees for all non-routine inspections will be assessed on a per-inspection  
158 basis and are payable upon notification by the Department.

159 12.4.3.3 Fees for inspections of licensees and registrants subject to full cost fees:

160 (1) Inspection fees will be assessed to recover the full cost for each specific  
161 inspection as specified in Appendix 12A, including licensee-specific  
162 performance reviews and assessments, evaluations, and incident  
163 investigations.

164 (2) Inspection fees for licensees and registrants subject to full cost fees, and  
165 for inspections other than routine, are due upon notification by the  
166 Department.

167 **12.4.4 Annual fees.**

168 12.4.4.1 Persons who hold specific radioactive materials licenses shall pay an  
169 annual fee.

170 (1) The licensee shall pay the fee in Appendix 12A for each license the  
171 person holds on the date the annual fee is due.

172 (2) If a person holds more than one license, the fee will be the cumulative  
173 total of the annual fee for all licenses held by that person.

174 (3) For those licenses that authorize more than one activity (e.g., human use  
175 and irradiator activities), annual fees will be assessed for each category  
176 applicable to the license.

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

181 12.4.4.2 A licensee required to pay an annual fee may qualify as a small entity.

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

Table 12-1: Small Entity Fees		
Entity Category	Size Standard	Maximum Annual Fee Per Licensed Category
Small businesses not engaged in manufacturing and small not-for-profit organizations	\$350,000 – \$5,000,000 gross annual receipts	½ Annual FEE <u>OR \$500, WHICHEVER IS GREATER</u>
	Less than \$350,000 gross annual receipts	\$ 500
Manufacturing entities that have an annual average of 500 employees or less	35 to 500 employees	½ Annual Fee <u>OR \$500, WHICHEVER IS GREATER</u>
	Less than 35 employees	\$ 500
Small governmental jurisdictions (including cities, counties, towns, townships, villages, school districts, special districts or publicly supported educational institutions)	20,000 – 50,000 population	½ Annual Fee <u>OR \$500, WHICHEVER IS GREATER</u>
	Less than 20,000 population	\$ 500
Educational institutions that are not state or publicly supported, and have 500 employees or less	35 to 500 employees	½ Annual Fee <u>OR \$500, WHICHEVER IS GREATER</u>
	Less than 35 employees	\$ 500

- 185 (2) A licensee who seeks to establish status as a small entity for purpose of  
 186 paying the annual fees required under this section shall file a certification  
 187 statement with the Department.
- 188 (3) The licensee shall file the required “radioactive materials licensee  
 189 certification of small entity status,” Department Form R-62, for each  
 190 license under which the licensee is billed.
- 191 (4) For the licensee to be granted small entity status by the Department, a  
 192 completed Form R-62, signed by the owner of the entity or an official  
 193 empowered to act on behalf of the entity, shall accompany each  
 194 application for a new license and each annual fee.
- 195 (5) The licensee shall provide a new Department Form R 62, signed by the  
 196 owner of the entity or an official empowered to act on behalf of the entity,  
 197 within thirty days from receipt of such a request from the Department.
- 198 (6) Failure to file a small entity certification, or to provide an updated  
 199 certification upon the request of the Department, could result in the  
 200 denial of the fee reduction that might otherwise be granted.
- 201 (7) A licensee who is a subsidiary of a large entity does not qualify as a  
 202 small entity for purposes of Table 12-1.

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- 203 12.4.4.3 An annual management fee shall be charged for persons operating in the  
204 State under reciprocity as follows:
- 205 (1) Any radioactive material brought into the state for use under reciprocity  
206 shall pay a reciprocal recognition fee equal to 75 percent of the  
207 appropriate annual fee in Appendix 12A.
- 208 (2) Reciprocal fees shall be due and payable prior to entry into the state.
- 209 (3) An acknowledgement of fee payment will be provided by the  
210 Department. The acknowledgement of fee payment shall be retained by  
211 the licensee and maintained with the pertinent documents prescribed in  
212 3.24.1.1(6).
- 213 (4) Reciprocal recognition fees shall not be transferred or refunded.
- 214 (5) Reciprocal recognition fees shall expire 12 months from the issue date<sup>2</sup>.  
215 <sup>2</sup> Pursuant to 3.24, an out-of-state licensee may operate in Colorado under  
216 reciprocity for no more than 180 cumulative total days in any calendar year.
- 217 12.4.4.4 Payment of Annual Fees.
- 218 (1) The annual fees shall be due and payable each year on the anniversary  
219 date. The annual fees are not refundable except in those cases where  
220 the Department has determined that the fee is not required.
- 221 (2) Annual fees shall be charged and payment required for any license that  
222 has not been terminated on or before the anniversary date or for which a  
223 request for termination has not been submitted to the Department  
224 pursuant to 3.16.7.
- 225 **12.5 General Licenses.**
- 226 12.5.1 Persons who hold general licenses under the following categories shall pay an annual  
227 fee:
- 228 12.5.1.1 Depleted uranium in industrial products and devices authorized under  
229 3.5.5;
- 230 12.5.1.2 Possession of more than 1 kilogram of source material other than  
231 depleted uranium for shielding under 3.5;
- 232 12.5.1.3 Measuring, gauging and controlling devices under 3.6.4; and
- 233 12.5.1.4 In vitro licenses under 3.6.9.
- 234 12.5.2 The basis for the annual fee is to cover the Department's cost associated with the  
235 regulation and control of these sources, and to cover the Department's administrative  
236 costs for those generic activities directly related to the regulation of materials licensees.
- 237 12.5.3 Fees for general licenses are listed in Appendix 12A and shall be payable every July 1,  
238 for as long as the license remains in effect.
- 239 12.5.4 Fees for inspection of licenses, authorized under 3.5.5 and 3.6, that are based on the full  
240 cost of the inspection are payable upon notification by the Department.

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241 **12.6 Special Project Fees.**

242 12.6.1 Fees for special projects are assessed for the full cost of the review, as specified in  
243 Appendix 12A.

244 12.6.1.1 Special project fees shall be based on reasonable and actual  
245 professional staff time.

246 12.6.1.2 Appropriate contractual support services expended for certain radiation  
247 control activities will also be included.

248 12.6.2 Fees for special projects are payable upon notification by the Department.

249 **12.7 Low-Level Radioactive Waste Access Approval Fees.**

250 12.7.1 Fees for services required for low-level radioactive waste access approval are payable  
251 upon notification by the Department.

252 **SEARCH, REVIEW, DUPLICATION AND SPECIAL SERVICE FEES**

253 **12.8 Search, Review, Duplication and Special Service Fees.**

254 12.8.1 Search, Review, and Special Service Fees.

255 12.8.1.1 The Department charges fees for search, duplication and review.

256 (1) The Department may assess fees even when no Department records are  
257 located as a result of the search or when Department records that are  
258 located as a result of the search are not disclosed; and,

259 (2) If the public record is a result of a computer output, other than word  
260 processing, the fee for a copy, printout, or other photograph thereof may  
261 be based on recovery of the actual incremental costs of providing the  
262 electronic services and products together with a reasonable portion of  
263 the costs associated with building and maintaining the information  
264 system.

265 (a) The Department shall charge a reasonable fee, if, in response to  
266 a specific request, it has performed a manipulation of data so as  
267 to generate a record in a form not used by the State. Such fees  
268 shall not exceed the actual cost of manipulating the said data  
269 and generating the said record in accordance with the request.

270 (b) Persons making subsequent requests for the same or similar  
271 records may be charged a fee not in excess of the original fee.

272 12.8.1.2 The Department shall charge requesters who request the following  
273 services for the direct costs of the service:

274 (1) Certifying that records are true copies; or

275 (2) Sending records by special methods, such as Express Mail, package  
276 delivery service, etc.

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277 12.8.2 Duplication Fees.

278 12.8.2.1 The charge for duplicating records shall be computed on the basis of  
279 Department's direct costs, including both the cost of staff and the cost of the  
280 actual copy.

281 12.8.2.2 Copyrighted material shall not be reproduced in violation of the copyright  
282 laws.

283 12.8.3 Fees for Search and Review of Department Records by Department Personnel.

284 12.8.3.1 The Department shall charge the following hourly rates for search and  
285 review of Department records by Department personnel:

286 (1) Clerical search, review, and duplication at a rate that is equivalent to the  
287 actual cost of an Administrative Assistant III at the five-year rate;

288 (2) Professional search, review, and duplication at a rate that is equivalent to  
289 the actual cost of an Environmental Protection Specialist II at the  
290 five-year rate; and

291 (3) Senior management search, review, and duplication at a rate that is  
292 equivalent to the actual cost of an Environmental Protection Specialist V  
293 at the five-year rate.

294 12.8.4 Search and Duplication Provided Without Charge.

295 12.8.4.1 The Department may not bill any requester for fees if the cost of  
296 collecting the fee would be equal to or greater than the fee itself.

297 12.8.4.2 The Department may aggregate requests in determining search and  
298 duplication to be provided without charge as provided in 12.8.4.1, if the  
299 Department finds a requester, or multiple requestors acting in concert, has filed  
300 multiple requests for only portions of a Department record or similar Department  
301 records for the purpose of avoiding charges.

302 12.8.5 Assessment of Fees.

303 12.8.5.1 If the request is expected to require the Department to assess fees in  
304 excess of \$25 for search and/or duplication, the Department shall notify the  
305 requester that fees will be assessed unless the requester has indicated in  
306 advance the willingness to pay fees as high as estimated.

307 12.8.5.2 In the notification, the Department shall include the estimated cost of  
308 search fees and the nature of the search required and estimated cost of  
309 duplicating fees.

310 12.8.5.3 The Department will encourage requesters to discuss with the  
311 Department the possibility of narrowing the scope of the request with the goal of  
312 reducing the cost while retaining the requester's original objective.

313 12.8.5.4 If the fee is determined to be in excess of \$250, the Department may  
314 require payment at the time the information is provided.

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315 12.8.6 Requests for Waiver or Reduction of Fees.

316 12.8.6.1 The Department shall collect fees for searching for, reviewing, and  
317 duplicating Department records, except as provided in 12.8.4, unless a requester  
318 submits a request in writing for a waiver or reduction of fees and the Department  
319 approves such request.

320 (1) To assure that there will be no delay in the processing of Open Records  
321 Act requests, the request for a waiver or reduction of fees should be  
322 included in the initial Open Records Act request letter.

323 12.8.6.2 Each request for a waiver or reduction of fees must be addressed to the  
324 Director, Hazardous Materials and Waste Management Division, Colorado  
325 Department of Public Health and Environment.

326 12.8.6.3 A person requesting the Department to waive or reduce search, review,  
327 or duplication fees shall:

328 (1) Describe the purpose for which the requester intends to use the  
329 requested information;

330 (2) Explain the extent to which the requester will extract and analyze the  
331 substantive content of the Department record;

332 (3) Describe the nature of the specific activity or research in which the  
333 Department records will be used and the specific qualifications the  
334 requester possesses to utilize information for the intended use in such a  
335 way that it will contribute to public understanding;

336 (4) Describe the likely impact on the public's understanding of the subject as  
337 compared to the level of understanding of the subject existing prior to  
338 disclosure;

339 (5) Describe the size and nature of the public to whose understanding a  
340 contribution will be made;

341 (6) Describe the intended means of dissemination to the general public;

342 (7) Indicate if public access to information will be provided free of charge or  
343 provided for an access fee or publication fee; and

344 (8) Describe any commercial or private interest the requester or any other  
345 party has in the Department records sought.

346 12.8.6.4 The Department may waive or reduce the fee if, from information  
347 provided with the request for Department records made under 12.8.6.3, the  
348 Department determines that disclosure of the information in the Department  
349 records is for a public purpose, including public agency program support,  
350 nonprofit activities, journalism, and academic research, and is not primarily in the  
351 commercial interest of the requester.

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- 352 12.8.6.5 In making a determination regarding a request for a waiver or reduction  
353 of fees, the Department may consider the following factors:
- 354 (1) If disclosure is likely to contribute significantly to public understanding of  
355 government operations or activities;
- 356 (2) If, and the extent to which, the requester has a commercial interest that  
357 would be furthered by the disclosure of the requested Department  
358 records; and
- 359 (3) If the magnitude of the identified commercial interests of the requester is  
360 sufficiently large, in comparison with the public interest in disclosure, that  
361 disclosure is primarily in the commercial interest of the requester.

362 **12.9 Partial Payment of Fees.**

363 12.9.1 In the case of services, which are subject to full cost fees, the Department may bill  
364 monthly for any service rendered.

365 **12.10 Method of Payment.**

366 12.10.1 Approved credit cards, checks, drafts or money orders for payment of fees shall be  
367 payable to the Colorado Department of Public Health and Environment.

368 **12.11 Schedule of Fees for Materials Licenses and Other Radiation Control Services.**

369 12.11.1 Applicants for radioactive materials licenses, for services related to radiation machines,  
370 for other regulatory services and holders of materials licenses shall pay fees for the  
371 categories of services listed in Appendix 12A.

372 12.11.1.1 License applications received prior to the effective date of this rule shall  
373 be billed in accordance with the fee schedule, as updated by the hourly rate in  
374 effect at that time the service is performed.

375 12.11.2 For each service provided subject to full cost fees, records will be maintained of time  
376 spent, using reasonable accounting procedures by at least 15 minute intervals. A  
377 summary of time spent on any activity will be provided upon request.

378 12.11.3 The Department will adjust all fees and the cost per person-hour every six (6) months  
379 from the effective date of this part based on the Denver-Boulder-Greeley Consumer Price  
380 Index for All Urban Consumers (January 1, 2007 summary). An updated version of the  
381 fee schedule will be available upon request.

382 12.11.4 Every two (2) years from the effective date of these regulations, the Department will  
383 review the fees and the Department's costs.

384 12.11.4.1 If the adjusted fees and costs for any categories differ by more than ten  
385 percent (10%), the Department will propose a revised fee to the Board of Health  
386 for those categories.

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387 **12.12 Failure by Applicant or Licensee to Pay Prescribed Fee.**

388 12.12.1 In any case where the Department finds that an applicant or a licensee has failed to pay  
389 a prescribed fee for any licensing or inspection activities required in this Part, the  
390 Department will not process any application, may suspend or revoke any license involved  
391 pursuant to 3.23 and may request action pursuant to CRS 25-11-107(4). Staff time  
392 expended in collection of any fee not paid within sixty (60) days of the date due will be  
393 billed at the Department's hourly rate.

394 **12.13 Penalties.**

395 12.13.1 A \$~~1520~~1520.00 penalty will be assessed for checks returned to the Department due to  
396 insufficient funds.

397 12.13.2 Late Payments.

398 12.13.2.1 A penalty shall be assessed to any person whose fee is collected by a  
399 collection agency.

400 12.13.2.2 The penalty shall be equal to the fee charged by the collection agency.

401 **12.14 Severability.**

402 12.14.1 The provisions of this regulation are severable, and if any provisions or the application of  
403 the provisions to any circumstances is held invalid, the application of such provision to  
404 other circumstances, and the remainder of this regulation shall not be affected thereby.  
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406 **PART 12, APPENDIX A: SCHEDULE OF FEES FOR RADIOACTIVE MATERIALS**  
407 **LICENSEES, FOR SERVICES RELATED TO RADIATION MACHINES, AND FOR**  
408 **OTHER SERVICES<sup>3,4,5,6</sup>**

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

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

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

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

423 **CATEGORY 1 - SPECIAL NUCLEAR MATERIAL<sup>7,8</sup>**

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

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

429 1.A Licenses for possession and use of 200 grams or more of plutonium in unsealed form or  
430 350 grams or more of U-235 in unsealed form or 200 grams or more of U-233 in  
431 unsealed form. This includes applications to terminate licenses as well as licenses  
432 authorizing possession only.

433 NOTE: Colorado does not license this category of license.

434 Application Not Applicable

435 Annual Fee Not Applicable

436 Inspection Not Applicable

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

439 NOTE: Colorado does not license this category of license.

440 Application Not Applicable

441 Annual Fee Not Applicable

442 Inspection Not Applicable

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

445 Application \$ 1,380

446 Annual Fee \$ 1,380

447 Inspection \$ 1,080

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

450 Application \$ 3,300

451 Annual Fee \$ 3,300

452 Inspection \$ 2,445

453 **CATEGORY 2 - SOURCE MATERIAL**

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

456 NOTE: Colorado does not license this category of license.

457 Annual Fee Not Applicable

458 Licensing and Inspection Not Applicable

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

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

468 Annual Fee \$ 94,300

469 Licensing and Inspection Full Cost

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

473 Annual Fee \$ 79,005

474 Licensing and Inspection Full Cost

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475	2.A2 Class III	"Other" license includes licenses for extraction of metals, heavy metals,	
476		and rare earths.	
477	Annual Fee		\$ 29,900
478	Licensing and Inspection		Full Cost
479	2.A3	Licenses that authorize the receipt of uranium waste tailings generated by milling	
480		operations from other persons for possession and disposal, except those licenses subject	
481		to the fees in category 2.A2 or category 2.A4.	
482	Annual Fee		\$ 58,190
483	Licensing and Inspection		Full Cost
484	2.A4	Licenses that authorize the receipt of uranium waste tailings generated by milling	
485		operations from other persons for possession and disposal incidental to the disposal of	
486		the uranium waste tailings generated by the licensee's milling operations, except those	
487		licenses subject to the fees in category 2.A2.	
488	Annual Fee		\$ 9,200
489	Licensing and Inspection		Full Cost
490	2.B	Licenses for possession and use of source material for shielding.	
491	Application		\$ 690
492	Annual Fee		\$ 690
493	Inspection		\$ 1,220
494	2.C	All other source material licenses.	
495	Application		\$ 11,040
496	Annual Fee		\$ 11,040
497	Inspection		\$ 4,520
498	<b>CATEGORY 3 - BYPRODUCT MATERIAL, NATURALLY OCCURRING AND ACCELERATOR</b>		
499	<b>PRODUCED RADIOACTIVE MATERIAL</b>		
500	3.A	Licenses of broad scope for possession and use of radioactive material issued pursuant	
501		to 3.11 for processing or manufacturing of items containing radioactive material for	
502		commercial distribution.	
503	Application		\$ 20,470
504	Annual Fee		\$ 20,470
505	Inspection		\$ 8,655

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506	3.B	Other licenses for possession and use of radioactive material for processing or	
507		manufacturing of items containing radioactive material for commercial distribution.	
508		Application	\$ 5,290
509		Annual Fee	\$ 5,290
510		Inspection	\$ 2,530
511	3.C	Licenses authorizing the processing or manufacture and distribution or redistribution of	
512		radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing	
513		radioactive material.	
514		Application	\$ 12,305
515		Annual Fee	\$ 12,305
516		Inspection	\$ 2,530
517	3.D	Licenses authorizing distribution of radiopharmaceuticals, generators, reagent kits, and/or	
518		sources or devices not involving processing of radioactive material.	
519		Application	\$ 3,910
520		Annual Fee	\$ 3,910
521		Inspection	\$ 1,300
522	3.E	Licenses for possession and use of radioactive material in sealed sources for irradiation	
523		of materials where the source is not removed from its shield (self-shielded units).	
524		Application	\$ 3,195
525		Annual Fee	\$ 3,195
526		Inspection	\$ 1,380
527	3.F	Licenses for possession and use of less than 370 TBq (10,000 Ci) of radioactive material	
528		in sealed sources for irradiation of materials where the source is exposed for irradiation	
529		purposes.	
530		Application	\$ 5,795
531		Annual Fee	\$ 5,795
532		Inspection	\$ 2,150

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533	3.G	Licenses for possession and use of 370 TBq (10,000 Ci) or more of radioactive material	
534		in sealed sources for irradiation of materials where the source is exposed for irradiation	
535		purposes. This category includes under water irradiators for irradiation of materials where	
536		the source is not exposed.	
537		Application	\$ 20,930
538		Annual Fee	\$ 20,930
539		Inspection	\$ 4,140
540	3.H	Licenses issued to distribute items containing radioactive material which requires device	
541		review to persons exempt from the licensing requirements of Part 3.	
542		Application	\$ 3,195
543		Annual Fee	\$ 3,195
544		Inspection	\$ 1,300
545	3.I	Licenses issued to distribute items containing radioactive material or quantities of	
546		radioactive material which do not require device evaluation to persons exempt from the	
547		licensing requirements of Part 3 except specific licenses authorizing redistribution of	
548		items that have been authorized for distribution to persons generally licensed by the U.S.	
549		Nuclear Regulatory Commission or an Agreement State.	
550		Application	\$ 4,600
551		Annual Fee	\$ 4,600
552		Inspection	\$ 1,530
553	3.J	Licenses issued to distribute items containing radioactive material which require sealed	
554		source and/or device review to persons generally licensed. This category does not	
555		include specific licenses authorizing redistribution of items that have been authorized for	
556		distribution to persons generally licensed under Part 3.	
557		Application	\$ 2,095
558		Annual Fee	\$ 2,095
559		Inspection	\$ 1,425
560	3.K	Licenses issued to distribute items containing radioactive material or quantities of	
561		radioactive material that do not require sealed and/or device review to persons generally	
562		licensed. This category does not include specific licenses authorizing redistribution of	
563		items that have been authorized for distribution to persons generally licensed under	
564		Part 3.	
565		Application	\$ 1,380
566		Annual Fee	\$ 1,380
567		Inspection	\$ 770

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568	3.L	Licenses of a broad scope for possession and use of radioactive material for research and development which do not authorize commercial distribution.	
569			
570		Application	\$ 10,005
571		Annual Fee	\$ 10,005
572		Inspection	\$ 3,520
573	3.M	Other licenses for possession and use of radioactive material for research and development which do not authorized commercial distribution.	
574			
575		Application	\$ 4,405
576		Annual Fee	\$ 4,405
577		Inspection	\$ 1,755
578	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.	
579			
580			
581			
582		Application	\$ 4,795
583		Annual Fee	\$ 4,795
584		Inspection	\$ 2,070
585	3.O	Licenses for possession and use of radioactive material for industrial radiography operations.	
586			
587		Application	\$ 12,535
588		Annual Fee	\$ 12,535
589		Inspection	\$ 2,680
590	3.P	Portable gauge radioactive material licensees.	
591		Application	\$ 2,405
592		Annual Fee	\$ 2,405
593		Inspection	\$ 1,680
594	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.	
595			
596		Application	\$ 2,405
597		Annual Fee	\$ 2,405
598		Inspection	\$ 1,680

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599 **CATEGORY 4 - WASTE HANDLERS**

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

606 Annual Fee Not Applicable<sup>9</sup>

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

609 Licensing and Inspection Full Cost

610 4.B Licenses specifically authorizing the receipt of waste byproduct material, source material,  
611 special nuclear material, or naturally occurring and accelerator produced material from  
612 other persons for the purpose of packaging or repackaging the material. The licensee will  
613 dispose of the material by transfer to another person authorized to receive or dispose of  
614 the material.

615 Application \$ 9,775

616 Annual Fee \$ 9,775

617 Inspection \$ 2,530

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

622 Application \$ 7,395

623 Annual Fee \$ 7,395

624 Inspection \$ 2,830

625 **CATEGORY 5 - WELL LOGGING**

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

629 Application \$ 8,795

630 Annual Fee \$ 8,795

631 Inspection \$ 2,830

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

633 Annual Fee \$ 10,395

634 Licensing and Inspection Full Cost

635 **CATEGORY 6 - NUCLEAR LAUNDRIES**

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

639 Application \$ 16,905

640 Annual Fee \$ 16,905

641 Inspection \$ 4,140

642 **CATEGORY 7 - HUMAN AND VETERINARY USE OF RADIOACTIVE MATERIAL**

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

646 Application \$ 13,915

647 Annual Fee \$ 13,915

648 Inspection \$ 2,370

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

653 Application \$ 24,150

654 Annual Fee \$ 24,150

655 Inspection \$ 6,325

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

659 Application \$ 4,600

660 Annual Fee \$ 4,600

661 Inspection \$ 2,220

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662 **CATEGORY 8- CIVIL DEFENSE**

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

664 Application \$ 1,095

665 Annual Fee \$ 1,095

666 Inspection \$ 1,840

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

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

671 Annual Fee \$ 5,795

672 Evaluations Full Cost

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

677 Annual Fee \$ 5,795

678 Evaluations Full Cost

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

682 Annual Fee \$ 1,690

683 Evaluations Full Cost

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

688 Annual Fee \$ 575

689 Evaluations Full Cost

690 **CATEGORY 10 - TRANSPORTATION OF RADIOACTIVE MATERIAL**

691 Note: Colorado does not license this category of license.

692 **CATEGORY 11 - REVIEW OF STANDARDIZED SPENT FUEL FACILITIES**

693 Note: Colorado does not license this category of license.

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694 **CATEGORY 12 - SPECIAL PROJECTS**

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

697 Application Full Cost

698 Annual Fee Full Cost

699 Inspection Full Cost

700 **CATEGORY 13 - SPENT FUEL STORAGE COSTS**

701 Note: Colorado does not license this category of license.

702 **CATEGORY 14**

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

706 Annual Fee Not Applicable<sup>10</sup>

707 <sup>10</sup> Licensees in this category are not assessed an annual fee because they are charged an annual fee in  
708 other categories while they are licensed to operate.

709 Licensing and Inspection Full Cost

710 **CATEGORY 15 - EMERGENCY RESPONSE**

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

712 Full Cost

713 15.B Emergency response planning and exercises.

714 Full Cost<sup>11</sup>

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

717 **CATEGORY 16 - ANALYTICAL PROCEDURES**

718 Full Cost

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719 **CATEGORY 17 - GENERAL LICENSES<sup>12</sup>**

720 <sup>12</sup> Fees are for each license at each facility. Fees for general licenses are annual fees, and are due July  
721 1 each year. Non-routine inspections of general licensees related to (1) exposures to individuals; or (2) release  
722 of radioactive materials in excess of limits established in Part 4 of these regulations.

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

724 Annual Fee \$ 100

725 Inspection Full Cost

726 17.B In vitro pursuant to 12.5.1.4.

727 Annual Fee \$ 50

728 Inspection Full Cost

729 **CATEGORY 18 - LOW-LEVEL RADIOACTIVE WASTE ACCESS APPROVAL**

730 Full Cost

731 **CATEGORY 19 - HOURLY RATE<sup>13</sup>**

732 \$ 152

733 <sup>13</sup> For any service provided by the Department in accord with 12.11.2 and 12.11.3. A statement will be  
734 sent to the registrant indicating the actual costs incurred.

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

737 Per box for indexed paper records submitted in state storage boxes

738 \$ 40

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

740 Full Cost

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741 **CATEGORY 21 – RADIATION MACHINES ENFORCEMENT ACTION**

742 Maximum fee per each radiation machines certification enforcement action<sup>14,15</sup>: \$ 1,330

743 14 Any registrant that fails the requirements of 2.5.1, or does not correct any violation in accordance with  
744 the compliance schedule established in 2.5.2.3, shall be subject to a Department enforcement action at the  
745 current hourly rate and/or maximum fee. The Department shall charge enforcement fees, which may include  
746 inspection fees for the inspection of radiation machines and facilities that have been determined, by either a  
747 qualified inspector or by the Department, to be in noncompliance with these regulations and with the  
748 certification frequency. These fees do not include penalties imposed under Part 13.

749 15 This represents the maximum fee that may be incurred for the Department enforcement actions of  
750 each radiation machine and/or facility determined to be in violation with these regulations by either a qualified  
751 inspector or by the Department.

752 **CATEGORY 22 – QUALIFIED INSPECTOR OR SERVICING AND SERVICES**

753 Maximum fee per registration every 2 years: \$ 160<sup>16,17</sup>

754 16 The qualified inspector registration fee is an individual fee. The servicing and services registration fee  
755 is a company fee.

756 17 The annual fee is \$80 and is payable every two years in the amount of \$160. This fee is non-  
757 refundable in the event that the application is not approved by the Department.

758 **CATEGORY 23 – REVIEW OF PROVISIONAL MAMMOGRAPHY—CERTIFICATION**

759 Maximum fee per each certification review or renewal: \$ 50

760 **CATEGORY 24 – REVIEW OF ADEQUATE TRAINING FOR LIMITED SCOPE OPERATORS,**  
761 **BONE DENSITOMETRY OPERATORS AND COMPUTED TOMOGRAPHY**  
762 **OPERATORS—ACCEPTANCE**

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763 Maximum fee per each acceptance review: \$ 50

764 **CATEGORY 25 – CERTIFICATION LABEL ISSUED BY A QUALIFIED INSPECTOR**

765 Required fee for each certification label issued to a registrant: \$ 50