



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Department of Health

- Preproposal Statement of Inquiry was filed as WSR ; or
- Expedited Rule Making--Proposed notice was filed as WSR ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

**Title of rule and other identifying information:** (Describe Subject)

WAC 246-224-0010, -0050, -0070, -0080, and -0090, Radioactive protection - radiation machine assembly and registration. Clarifications to address the transfer of the Master License Service (MLS) program from the Department of Licensing (DOL) to the Department of Revenue (DOR).

**Hearing location(s):** Department of Health  
Town Center Two, Rm 530  
111 Israel Road SE  
Tumwater, WA 98501

Date: June 25, 2013 Time: 10:00 a.m.

**Date of intended adoption:** 07/01/2013  
(Note: This is NOT the effective date)

**Submit written comments to:**

Name: Michelle K Austin, Rules Coordinator  
Address: PO Box 47827  
Olympia, WA 98504-7827  
e-mail: <http://www3.doh.wa.gov/policyreview/>  
fax 360-236-2266 by (date) 06/25/2014

**Assistance for persons with disabilities:** Contact

Michelle K Austin by 06/17/2013

TTY (800) 833-6388 or () 711

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

During the 2011 legislative session, Substitute House Bill 2017 (Chapter 298, Laws of 2011) transferred the Master License Service (MLS) program from the Department of Licensing (DOL) to the Department of Revenue (DOR). The proposed revisions change references from DOL to DOR for the MLS program. For consistency with the statute, the proposed rules update name, address, and URL references in chapter 246-224 WAC.

**Reasons supporting proposal:**

The proposed rules provide clarity to those who must comply with the rules by including the appropriate name, address, and URL information for the MLS program.

**Statutory authority for adoption:**

RCW 70.98.050

**Statute being implemented:**

RCW 70.98.080 and chapter 19.02 RCW

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**DATE** 05/07/13

**NAME** (type or print)  
John Wiesman, DrPH, MPH

**SIGNATURE**

**TITLE**  
Secretary of Health

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** May 07, 2013

**TIME:** 9:43 AM

**WSR 13-11-019**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None

**Name of proponent:** (person or organization) Department of Health

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Michelle K Austin	111 Israel Road SE, Tumwater, WA 98501	360-236-3250
Implementation.... Dan Van Gent	111 Israel Road SE, Tumwater, WA 98501	253-395-6716
Enforcement..... Dan Ven Gent	111 Israel Road SE, Tumwater, WA 98501	253-395-6716

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement (SBEIS) was not prepared. Under RCW 19.85.025 and 34.05.310(4)(d), a SBEIS is not required for proposed rules that only correct typographical errors, make address or name changes, or clarify the language of a rule without changing its effect.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(iv) exempts rules that only correct typographical errors, make address or name changes or clarify the language of a rule without changing its effect.

AMENDATORY SECTION (Amending WSR 08-09-079, filed 4/16/08, effective 5/17/08)

**WAC 246-224-0010 Definitions.** (1) "Agent" means a person, company, or dealer; which assembles, installs, repairs, sells, or leases X-ray machines.

(2) "Application" means, for the purpose of this chapter, the ~~((master))~~ business license application or business license renewal application and appropriate addenda used by the ~~((master license service))~~ BLS of the department of ~~((licensing (DOL)))~~ revenue.

(3) "BLS" means the department of revenue's business licensing service.

(4) "Department" means the department of health.

~~(( "DOL" means the department of licensing. ))~~

(5) "Facility" means all buildings, structures, and operations on one contiguous site or identified by one physical location address designation at which one or more radiation machines are installed, manufactured, tested, or used.

(6) "FDA" means the United States Food and Drug Administration.

~~(( "MLS" means the department of licensing's master license service. ))~~

(7) "Radiation" means, for the purposes of this chapter, ionizing radiation, including X-ray, electron beam, and other machine produced particulate radiation.

(8) "Radiation machine" means, for purposes of this chapter, a device that, when operated, produces X-ray or electron radiation, in a prescribed manner, with defined characteristics, techniques, or parameters. It does not include devices with radioactive material as the only source of radiation.

(9) "Registrant" means the owner or controller of the radiation machine who is responsible for the safe operation of the radiation machine.

(10) "Registration" means providing required information and continuing contact with the department by any person possessing a radiation machine in accordance with regulations adopted by the department.

(11) "Storage" means the status of a radiation machine that is approved by the department as being unable to produce radiation without substantial effort at set-up, reassembly, or reinstallation. For facilities with a radiation control authority, ~~((e.g.,))~~ for example radiation safety office) a locking or disabling procedure may serve to provide this status.

AMENDATORY SECTION (Amending WSR 08-09-079, filed 4/16/08, effective 5/17/08)

**WAC 246-224-0050 When and how do I register?** (1) You must register with the department through submission of a (~~master~~) business license application and appropriate addendum used by (~~MLS~~) BLS no later than fifteen calendar days of initial use unless shielding plans review is required.

(2) Facilities requiring shielding plan review must register with (~~DOL~~) BLS and submit plans to the department for review prior to construction or installation of radiation machines according to WAC 246-225-030, General requirements--Plan review.

(3) Registration is valid for one year from the department approval date, or any other date as may be determined through partnership with (~~MLS~~) BLS.

(4) Pay applicable registration fees according to WAC 246-254-053, Radiation machine facility registration fees.

(5) Submit registration information and applicable fees to (~~MLS~~) BLS in accordance with their instructions.

Note: For (~~DOL~~) BLS information, visit the following web site:  
(~~http://www.dol.wa.gov/business/xray.htm~~) www.bls.dor.wa.gov.

AMENDATORY SECTION (Amending WSR 08-09-079, filed 4/16/08, effective 5/17/08)

**WAC 246-224-0070 When and how do I report changes to my registration?** (1) You must notify (~~DOL~~) BLS within thirty days of any change to your registration information.

(2) Submit registration changes to:

Department of (~~Licensing~~) Revenue  
(~~Master License~~) Business Licensing Service  
P.O. Box (~~49034~~) 9034  
Olympia, WA (~~98504~~) 98507-9034  
(~~360-664-1400 or fax 360-570-7875~~) Phone: 800-451-7985  
Fax: 360-705-6699  
E-mail: BLS@dor.wa.gov

Note: For office of radiation protection information, visit the following web site:  
(~~http://www.doh.wa.gov/chp/rp/Default.htm~~) www.doh.wa.gov.  
For (~~department of licensing~~) BLS information, visit the following web site:  
(~~http://www.dol.wa.gov/business/xray.htm~~) www.bls.dor.wa.gov.

AMENDATORY SECTION (Amending WSR 08-09-079, filed 4/16/08, effective 5/17/08)

**WAC 246-224-0080 When and how do I renew my registration?**

- (1) You will receive registration renewal notices from ((~~DOT~~)) BLS.
- (2) You must submit renewal information and the applicable fees to ((~~DOT~~)) the department of revenue as specified by ((~~MLS~~)) BLS.
- (3) If you do not receive a renewal notice, contact ((~~DOT~~)) BLS.

AMENDATORY SECTION (Amending WSR 08-09-079, filed 4/16/08, effective 5/17/08)

**WAC 246-224-0090 What are my obligations if I close my facility or get rid of a machine?**

- (1) You must notify the department or ((~~DOT~~)) BLS of the machine status within thirty days of closure or removal.
- (2) If the machine is disposed of or transferred within Washington state, you must provide the department the following:
  - (a) The name and contact information of the recipient;
  - (b) The address of the recipient; and
  - (c) The date of the disposal or transfer.
- (3) If the machine is to be placed in storage and retained, contact the department for approval.