



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 15, 2018

TIME: 9:17 AM

WSR 18-21-086

Agency: Department of Health

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 17-23-155 ; 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).

Proposal is exempt under RCW .

Title of rule and other identifying information: (describe subject) Chapter 246-224 WAC Radiation Protection-Radiation Machine Assembly and Registration, and WAC 246-254-001 Purpose and scope, WAC 246-254-010 Definitions, abbreviations, and acronyms, WAC 246-254-020 Payment of fees, WAC 246-254-050 Method of payment, and WAC 246-254-053 Radiation machine facility fees. The Department of Health (department) is proposing a revision to the fee structure for registering selective radiation machine facilities and making other housekeeping and technical corrections.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
11/27/2018	10:30 am	Department of Health 111 Israel Road SE, Room 145 Tumwater, WA 98501	

Date of intended adoption: 12/11/2018 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Peter Beaton
Address: Department of Health
PO BOX 47820
Olympia WA 98504-7820
Email: <https://fortress.wa.gov/doh/policyreview>
Fax: NA
Other: NA
By (date) 11/27/2018

Assistance for persons with disabilities:

Contact Nerissa Lacendorfer
Phone: (360) 236-3214
Fax: NA
TTY: (360) 833-6388 or 711
Email: Nerissa.Lancendorfer@doh.wa.gov
Other: NA
By (date) 11/19/2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The current language allows registrants that have a radiation machine facility or group of facilities under one administrative control that employ two or more full time individuals whose position are entirely devoted to in-house radiation safety to pay a flat, annual fee of \$5,827 regardless of the number of radiation machine facilities or the number of radiation machine tubes. Upon evaluation, the department determined that this "flat" fee does not align with the cost of regulating these registrants and is proposing to remove this fee option. As part of this rule making, the department is also proposing to add a definition of a "radiation machine facility" in chapter 246-224 WAC and 246-254 for consistency and clarity.

Reasons supporting proposal: To illustrate the need for the proposed change with a hypothetical situation, one registrant with 10 facilities and 80 tubes and another with 30 facilities and 240 tubes could both pay the same flat fee. This is not equitable because it would cost the department approximately three times as much to inspect the 30 facilities and 240 tubes compared to 10 facilities and 80 tubes. With this recognition of this inequity, the department is proposing to eliminate the "flat" "radiation safety program fee." With this change, all registrants will pay for their respective cost of the regulatory program.

Statutory authority for adoption: RCWs 43.70.250, 43.20B.020, 70.98.080, and 43.70.110.

Statute being implemented: RCWs 43.70.250, 43.20B.020, 70.98.080, and 43.70.110.

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

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:	Peter Beaton	Department of Health, 111 Israel Road SE Tumwater WA 98501	(360) 236-4031
Implementation:	Daniel Van Gent	Department of Health, 243 Israel Road SE, Tumwater WA 98501	(360) 236-3231
Enforcement:	Daniel Van Gent	Department of Health, 243 Israel Road SE, Tumwater WA 98501	(360) 236-3231

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Is a cost-benefit analysis required under RCW 34.05.328?

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

Name: Peter Beaton

Address: Department of Health
PO BOX 47820
Olympia, WA 98504-7820

Phone: (360) 236-4031

Fax: NA

TTY: (360) 833-6388 or 711

Email: Peter.Beaton@doh.wa.gov

Other:

No: Please explain:

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW .

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. The rule does not impose more than minor costs on impacted businesses. The proposed will collectively generate approximately \$35,000 additional revenue annually. The three business classification impacted include General medical and surgical hospitals (NAICS 6221), Aerospace products and parts (NAICS 3364) and Colleges, universities, and professional schools (NAICS 611310). These three industries have minor cost thresholds of \$656,425, \$557,647 and \$65,693 respectively.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

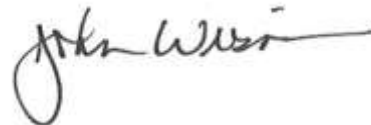
- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: 10/12/2018

Name: John Wiesman, DrPH, MPH

Title: Secretary of Health

Signature:



AMENDATORY SECTION (Amending WSR 02-14-050, filed 6/27/02, effective 7/28/02)

WAC 246-224-0001 Purpose. The purpose of this chapter is to regulate sources of ionizing radiation as required by RCW 70.98.050 and 70.98.080. This chapter provides for the registration of all radiation machine(~~s installed, manufactured, tested, used, or~~) facilities located in Washington state.

AMENDATORY SECTION (Amending WSR 13-17-040, filed 8/13/13, effective 9/13/13)

WAC 246-224-0010 Definitions, abbreviations, and acronyms. The definitions, abbreviations, and acronyms in this section and in WAC 246-220-010 apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Agent" means a person, company, or dealer(~~(; which assembles, installs, repairs, sells, or leases X-ray machines))~~ that sells, leases, transfers, lends, disposes of, assembles, repairs, replaces, or installs radiation machines or components in Washington state.

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

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

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

(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.

(~~((7))~~) (6) "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.)~~) (7) "Radiation machine facility" means each separate building, structure, and operation or buildings, structures, and operations that connect through a walkway or share a common wall, where there is at least one radiation machine installed, manufactured, tested, or used. A vehicle that has one or more radiation machines installed, manufactured, tested, or used is considered a radiation machine facility.

(~~((9))~~) (8) "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))~~ (9) "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, (for example radiation safety office) a locking or disabling procedure may serve to provide this status.)) A radiation machine is considered in storage if a registrant locks out or disables the radiation machine.

(10) "X-ray system" means an assemblage of components for the controlled production of X-rays. It includes minimally an X-ray high-voltage generator, an X-ray control, a tube housing assembly, a beam-limiting device, and the necessary supporting structures. Additional components which function with the X-ray system are considered integral parts of the system.

AMENDATORY SECTION (Amending WSR 02-14-050, filed 6/27/02, effective 7/28/02)

WAC 246-224-0020 ~~((Who must register a radiation machine?))~~ **Radiation machine facility registration.** ~~((Any X-ray facility within Washington state must register))~~ A registrant shall register each radiation machine facility with the department. A registrant shall include each radiation machine they own or control in a radiation machine facility registration except if:

(1) The radiation machine produces incidental X-rays with an equivalent dose rate that does not exceed 5 μ Sv/hr (0.5 mrem/hr) at 5 cm from any accessible equipment surface averaged over an area of 10 square centimeters;

(2) The radiation machine is in transit;

(3) The radiation machine is held for sale or lease by X-ray agents; or

(4) The department allows an exemption in accordance with WAC 246-220-050(1).

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

WAC 246-224-0040 ~~((What if we have separate locations with radiation machines?))~~ **Registering radiation machine facilities.** (1) ~~((Geographically separate facilities must register separately))~~ A registrant shall register each radiation machine facility even if these ((separate)) facilities are under one administrative control ((e.g.)), for example, several satellite clinics operated by one health care institution(+).

(2) Each radiation machine facility must ((designate a)) have a designated contact person.

(3) If ((machines are)) a radiation machine is routinely moved between or among separate radiation machine facilities, the registrant shall notify ((DOL)) BLS prior to moving the radiation machine ((being moved)), or notify the department at the time shielding plans are submitted for review.

AMENDATORY SECTION (Amending WSR 13-17-040, filed 8/13/13, effective 9/13/13)

WAC 246-224-0050 (~~(When and how do I register?)~~) **Radiation machine facility registration process.** (1) (~~(You must)~~) A registrant shall register a radiation machine facility with the department through submission of a business license application and appropriate addendum used by BLS no later than fifteen calendar days (~~(of)~~) after initial use unless a shielding plan(~~(s)~~) review is required.

(2) (~~(Facilities requiring)~~) When a radiation machine facility requires a shielding plan review (~~(must)~~), the registrant shall register with BLS and submit plans to the department for review prior to construction or installation of radiation machines according to WAC 246-225-030(~~(7)~~) 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)~~) by BLS.

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

~~(5))~~) A registrant shall submit registration information and applicable fees identified in WAC 246-254-053 Radiation machine facility fees to BLS in accordance with (~~(their)~~) BLS instructions.

((Note: For BLS information, visit the following web site: www.bls.dor.wa.gov))

AMENDATORY SECTION (Amending WSR 02-14-050, filed 6/27/02, effective 7/28/02)

WAC 246-224-0060 (~~(Are there other requirements besides registration?)~~) **Applicability.** (~~(All)~~) A registrant(~~(s must)~~) shall:

(1) (~~(Follow applicable standards according to)~~) Comply with this chapter and the requirements under:

(a) Chapter 246-225 WAC(~~(, Radiation protection X-rays in the healing arts)~~);

(b) Chapter 246-225A WAC;

(c) Chapter 246-226 WAC;

(d) Chapter 246-227 WAC(~~(, Radiation protection Industrial X-ray)~~);

(e) Chapter 246-228 WAC(~~(, Radiation protection Analytical X-ray equipment)~~); and

(f) Chapter 246-229 WAC(~~(, Radiation protection Particle accelerators)~~).

(2) (~~(Meet)~~) Comply with general radiation protection rules and standards (~~(according to)~~) in accordance with:

(a) Chapter 246-220 WAC(~~(, Radiation protection General provisions)~~);

(b) Chapter 246-221 WAC(~~(, Radiation protection standards)~~); and

(c) Chapter 246-222 WAC(~~(, Radiation protection Worker rights)~~; and

~~(3) Pay applicable fees for radiation machine use according to WAC 246-254-053, Radiation machine facility registration fees).~~

AMENDATORY SECTION (Amending WSR 13-17-040, filed 8/13/13, effective 9/13/13)

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

~~(2) Submit registration changes to:~~

~~Department of Revenue
Business Licensing Service
P.O. Box 9034
Olympia, WA 98507-9034
Phone: 800-451-7985
Fax: 360-705-6699
Email: BLS@dor.wa.gov~~

Note: ~~For office of radiation protection information, visit the following web site: www.doh.wa.gov.
For BLS information, visit the following web site: www.bls.dor.wa.gov.)~~

A registrant shall submit any change to the registration information to BLS and the department within thirty days.

AMENDATORY SECTION (Amending WSR 13-17-040, filed 8/13/13, effective 9/13/13)

WAC 246-224-0080 (~~(When and how do I renew my)~~) Radiation machine facility registration((?)) renewal requirements. (1) ~~((You will receive registration renewal notices from BLS.~~

~~(2) You must submit)) A registrant shall renew their registration annually by submitting renewal information and the applicable fees to ((the department of revenue as specified by)) BLS.~~

~~((3)) (2) If ((you do)) a registrant does not receive a renewal notice, the registrant shall contact BLS.~~

AMENDATORY SECTION (Amending WSR 13-17-040, filed 8/13/13, effective 9/13/13)

WAC 246-224-0090 (~~(What are my obligations if I close my facility or get rid of a machine?)~~) Requirements for closing a radiation machine facility or removing a radiation machine from service. (1) ~~((You must notify the department or BLS of the machine status within thirty days of closure or removal.)) A registrant that closes a radiation machine facility or removes a radiation machine from service shall notify the department and BLS within thirty days.~~

~~(2) If ((the)) a radiation machine is disposed of or transferred within Washington state, ((you must)) the registrant shall 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 radiation machine is to be placed in storage and retained, ~~((contact))~~ the registrant shall obtain approval from the department ~~((for approval))~~.

AMENDATORY SECTION (Amending WSR 02-14-050, filed 6/27/02, effective 7/28/02)

WAC 246-224-0100 ~~((What are the responsibilities of the))~~ **X-ray agent((?)) responsibilities.** (1) Within fifteen calendar days, any agent who sells, leases, transfers, lends, disposes of, assembles, repairs, replaces, or installs radiation machines or components in Washington state ~~((must))~~ shall notify the department of the:

- (a) Recipient's name and radiation machine facility address;
- (b) Manufacturer, model, and serial number of each radiation machine master control; and
- (c) Date of transfer of the radiation machine.

((Note: An FDA form 2579 or equivalent may be used for this notification requirement.))

(2) ~~((Any))~~ An agent may use the FDA form 2579 or equivalent to meet the notification requirements of subsection (1) of this section.

(3) An agent who installs X-ray systems, controls, or components ~~((must))~~ shall ensure that the radiation machines, accessories, or components ~~((+))~~, including exposure switch placement~~((+))~~, meet the applicable requirements of:

- (a) Chapter 246-225 WAC ~~((, Radiation protection X rays in the healing arts))~~;
- (b) Chapter 246-225A WAC;
- (c) Chapter 246-226 WAC;
- (d) Chapter 246-227 WAC ~~((, Radiation protection Industrial X-ray))~~;
- (e) Chapter 246-228 WAC ~~((, Radiation protection Analytical X-ray equipment))~~; and
- (f) Chapter 246-229 WAC ~~((, Radiation protection Particle accelerators))~~.

~~((3))~~ (4) An agent ~~((s must))~~ shall not install or transfer a radiation machine if the registrant does not ~~((complete))~~ submit:

(a) A required plan review according to chapter 246-225 ~~((WAC, Radiation protection X rays in the healing arts))~~, 246-226, or ~~((chapter))~~ 246-227 WAC ~~((, Radiation protection Industrial radiography))~~; or

(b) Shielding ~~((and/or required design construction))~~ plan or radiation machine facility design, or both if required.

~~((4))~~ (5) An agent ~~((s must))~~ shall assemble certified X-ray systems according to 21 C.F.R., ~~((subchapter J))~~ Sec. 1000 through 1050 (2018) so that manufacturer's specifications and intended performance designs are met.

WAC 246-224-0110 (~~((What if I want to bring a radiation machine into Washington state for temporary use from out-of-state?))~~) **Temporary use of an out-of-state radiation machine in Washington state.** (1) A registrant shall notify the department at least three business days prior to in-state use when bringing (~~(an X-ray)~~) a radiation machine into the state for any temporary use. The department may waive the time requirement upon a hardship request by the owner. Notification to the department includes, at a minimum, the:

- (a) Type of radiation machine;
- (b) Nature, duration, and scope of use; and
- (c) Exact location where the radiation machine is to be used.

(2) All radiation machines and assemblies must comply with all applicable regulations.

(3) Any medical or dental use radiation (~~((e.g., X-ray))~~) machines within the state must register with the department according to WAC 246-224-0020.

(4) For radiation (~~((e.g., X-ray))~~) machines not intended for patient diagnosis and treatment, (~~((you must))~~) a registrant shall register the radiation machine if it is used for more than sixty calendar days. Registration is waived if the radiation machine is used for sixty or fewer calendar days per year.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-224-0030 Are there any radiation machines within Washington state that do not have to be registered?
- WAC 246-224-0120 What happens if I do not register my radiation machine?

AMENDATORY SECTION (Amending WSR 07-14-130, filed 7/3/07, effective 8/3/07)

WAC 246-254-001 Purpose and scope. This chapter establishes fees charged for licensing, permitting, registration, and inspection services (~~(rendered by the office of radiation protection as authorized under chapters 43.70, 70.98, and 70.121 RCW)~~). These fees apply to owners and operators of radiation (~~(generating)~~) machine(~~(s)~~) facilities, users of radioactive material, operators of low-level radioactive waste disposal facilities, owners and operators of facilities emitting airborne radioactivity, and owners and operators of certain mineral processing and uranium or thorium milling operations and their associated tailings or waste.

AMENDATORY SECTION (Amending WSR 07-14-130, filed 7/3/07, effective 8/3/07)

WAC 246-254-010 Definitions, abbreviations, and acronyms. (~~(As used in this chapter, the following definitions apply:)~~) The definitions, abbreviations, and acronyms in this section and in WAC 246-220-010 apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Application" means a completed RHF-1 or equivalent with supporting documentation requesting the department to grant authority to receive, possess, use, transfer, own or acquire radioactive material. For radiation machine facility registrations, "application" means the (~~(master business application and appropriate addenda)~~) forms used by (~~(the master license service of the department of licensing)~~) BLS.

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

(3) "Compliance inspection" means a routinely scheduled visit to the licensee's facility and/or temporary job site(s) for the purpose of determining compliance with the radioactive material license and applicable regulations. This service is covered by the annual fee for the radioactive material license.

(~~(+3)~~) (4) "Department" means the department of health which has been designated as the state radiation control agency.

(~~(+4)~~) (5) "Direct staff time" means all work time directly applicable to or associated with a specific radioactive material licensee and includes license file review, inspection preparation, on-site visits, report writing, review and (~~(acknowledgement)~~) acknowledgment of correspondence, review of license applications, renewals and amendment requests, telephone contacts, and staff or management conferences specifically related to the license. Travel time is not considered direct staff time.

(~~(+5)~~) (6) "Emission unit" means the point of release of airborne emissions of radioactive material.

(~~(+6)~~) (7) "Environmental cleanup monitoring" means an on-site visit by the department to a licensee's facility or site of operation to determine the status of corrective actions to remove environmental radiation contamination resulting from the licensee's operation. Such a monitoring visit may include, but is not limited to, the review of the licensee's records pertaining to the environmental cleanup, obser-

vation of the licensee's cleanup work, sampling by the department for analysis, associated laboratory work, and the analysis of the information collected by the department.

~~((7))~~ (8) "Facility" means all buildings, structures and operations on one contiguous site using or identified by one physical location address designation.

~~((8))~~ (9) "Follow-up inspection" means an on-site visit to a licensee's facility to verify that prompt action was taken to correct significant items of noncompliance found by the department in a previous inspection. The first follow-up inspection is covered by the annual fee for the radioactive material license.

~~((9))~~ (10) "Inspection" means an official examination or observation by the department including but not limited to tests, surveys and monitoring to determine compliance with rules, regulations, orders, requirements and conditions of the department.

~~((10))~~ (11) "Investigation" means an on-site visit to a licensee's facility or site of operation when, in the department's judgment, it is required for the purpose of reviewing specific conditions, allegations, or other information regarding unusual conditions, operations, or practices. This service is covered by the annual fee for the radioactive material license.

~~((11))~~ (12) "License" means a ~~(license)~~ document issued by the department in accordance with the regulations adopted by the department.

~~((12))~~ (13) "New license application" means a request to the department to use radioactive material from a person not currently a licensee or from a current licensee requesting authorization to use radioactive material in a new way such that a change of fee category is required.

~~((13))~~ (14) "Perpetual care and maintenance" means further maintenance, surveillance or other care of milling or tailings impoundment sites after termination of the site operator's decommissioning responsibilities and license.

~~((14) "Registration" means registration with the department by any person possessing a source of ionizing radiation in accordance with regulations adopted by the department.)~~

(15) "Radiation machine facility" means each separate building, structure, and operation or buildings, structures, and operations that connect through a walkway or share a common wall, where there is at least one radiation machine installed, manufactured, tested, or used. A vehicle that has one or more radiation machines installed, manufactured, tested, or used is considered a radiation machine facility.

(16) "Sealed source and device evaluation" means a radiological safety evaluation performed by the department on the design, manufacture, and test data of any single sealed source ~~(and/or)~~ or device model for the purpose of registering the sealed source or device with the United States Nuclear Regulatory Commission.

AMENDATORY SECTION (Amending WSR 07-14-130, filed 7/3/07, effective 8/3/07)

WAC 246-254-020 Payment of fees. (1) Applicants, licensees, permittees, and registrants requesting or receiving licenses, permits, registrations, and actions or services by the department shall ~~(pay~~

the)) submit to the department applicable (~~(fee or)~~) fees for the license, permit, registration, and action or service provided by the department.

(2) The department shall charge a fee for each:

(a) Radiation machine facility registration(~~(7)~~) and radiation machine (~~(at the facility, if applicable)~~) tube at the facility;

(b) Radioactive material license;

(c) Service or action with respect to a radioactive material licensee not otherwise covered by fees;

(d) Cubic foot of low-level radioactive waste volume received at a commercial disposal site;

(e) Kilogram of uranium or thorium milled from ore; and

(f) Air emission (~~(permit)~~) license.

(3) The department shall charge a fee for each radioactive material license based on the single highest fee category describing activities subject to the conditions of the license.

(4) The department shall charge the applicable license fee for each category when multiple licenses are required.

(5) The department may require multiple radioactive material licenses based upon:

(a) Physical separation of operations;

(b) Organizational separations within a licensee's operation;

(c) Complexity of uses of radioactive material such that two or more fee categories would apply to the operation.

(6) Each licensee, permittee, or registrant shall:

(a) Remit the full fee (~~(i)~~) at the fee rate established by rule at the time such fee is paid(~~(, and (ii))~~):

(i) At least thirty days prior to the annual anniversary date for licensees; or

~~((iii))~~ (ii) On a payment schedule as provided in WAC 246-254-030 or other schedule as may be determined through partnership with (~~the master license service of the department of licensing~~) BLS.

(b) Consider the annual anniversary to be the month and day of the expiration date of the existing radioactive material license, or other date as may be determined through partnership with (~~the master license service of the department of licensing~~) BLS.

(7) The department shall refund one-half of the fee if an application is withdrawn prior to issuance of a radioactive material license.

(8) If there is a change by the applicant, licensee, permittee or registrant resulting in a higher fee category, the applicant, licensee, permittee, or registrant shall pay a prorated fee for the remainder of the fee interval.

(9) Each licensee, permittee, or registrant shall remit the full amount of any quarterly billing or individual billing for licensing or compliance actions within thirty days of receipt of the bill.

~~((10) Fees due on or after the effective date of these regulations shall be at the rate prescribed in this chapter.)~~

AMENDATORY SECTION (Amending WSR 07-14-130, filed 7/3/07, effective 8/3/07)

WAC 246-254-050 Method of payment. (1) ~~((For radiation machine facility registration application and renewal fees, applicants and registrants shall submit payment to the master license service of the department of licensing.))~~ A registrant shall submit radiation machine facility registration fees and radiation machine tube fees to BLS.

(2) For all other fees and charges including shielding plan review and follow-up inspection fees, licensees, permittees and registrants shall:

(a) Submit fee payments by check, draft or money order made payable to the department ~~((of health))~~; and

(b) Include fee payment with the application for license or submit the fee by mail, in person, or by courier to the address provided in the bill or bill correspondence.

AMENDATORY SECTION (Amending WSR 11-02-012, filed 12/28/10, effective 1/31/11)

WAC 246-254-053 Radiation machine facility ((registration)) fees. (1) ~~((Radiation machine facility fees apply to each person or facility owning, leasing or using radiation-producing machines. The annual facility fee consists of the base registration fee and a per tube charge, where applicable.))~~ A registrant shall comply with chapter 246-224 WAC when registering radiation machine facilities. A registrant shall pay the following applicable radiation machine facility registration fees and radiation machine tube fees for each radiation machine facility and tube annually as identified in Table A and B of this section.

Table A

((a)) Radiation Machine Facility Registration Fees			
Type of Radiation Machine Facility		((Facility Base Fee)) Registration Fee per Facility	((Added Fee per Tube))
((i)) (a)	Dental, podiatric, veterinary uses	\$107	((See following table))
((ii)) (b)	Hospital, medical, chiropractic uses	\$207	((See following table))
((iii)) (c)	Industrial, research, educational, security, or other facilities	\$107	((See following table))
((iv)) (d)	Mammography only	\$89	((N/A))
((v)) (e)	Bone densitometry only	\$89	((N/A))
((vi)) (f)	Electron microscopes only	\$89	((N/A))
((vii)) (g)	Bomb squad only	\$89	((N/A))
((viii))	Radiation safety program as specified in subsection (3) of this section	\$5,827	N/A))

Table B

((b)) Radiation Machine Tube Fees		
Type of Tube		((Added)) Fee per Tube
((i)) (a)	Dental (intraoral, panoramic, cephalometric, dental radiographic, and dental CT)	\$27
((ii)) (b)	Veterinary (radiographic, fluoroscopic, portable, mobile)	\$46
((iii)) (c)	Podiatric uses (radiographic, fluoroscopic)	\$46
((iv)) (d)	Mammography	N/A
((v)) (e)	Bone densitometry	N/A
((vi)) (f)	Electron microscope	N/A
((vii)) (g)	Bomb squad	N/A
((viii)) (h)	Medical radiographic (includes R/F combinations, fixed, portable, mobile)	\$131
((ix)) (i)	Medical fluoroscopic (includes R/F combinations, C-arm, Simulator, fixed, portable, mobile)	\$131
((x)) (j)	Therapy (Grenz Ray, Orthovoltage, nonaccelerator)	\$131
((xi)) (k)	Accelerators (therapy, other medical uses)	\$131
((xii)) (l)	Computer tomography (CT, CAT scanner)	\$131
((xiii)) (m)	Stereotactic (mammography)	\$107
((xiv)) (n)	Industrial radiographic	\$46
((xv)) (o)	Analytical, X-ray fluorescence	\$46
((xvi)) (p)	Industrial accelerators	\$46
((xvii)) (q)	Airport baggage	\$27
((xviii)) (r)	Cabinet (industrial, security, mail, other)	\$27
((xix)) (s)	Other industrial uses (includes industrial fluoroscopic uses)	\$27

(2) ~~((X-ray))~~ Radiation shielding plan review fees. ~~((a))~~ Radiation machine facilities regulated under the shielding plan requirements of WAC 246-225-030, 246-226-030, or 246-227-150 are subject to a ~~((344 X-ray))~~ three hundred forty-four dollar radiation shielding review fee for each X-ray room plan submitted~~((7-08))~~:

~~((b))~~ (a) A registrant may request an expedited plan review for ~~((1000))~~ one thousand dollars for each X-ray room plan. An expedited plan means the department will complete the plan review within two business days of receiving all required information from the registrant.

~~((e))~~ (b) If a radiation machine facility regulated under WAC 246-225-030, 246-226-030, or 246-227-150 operates without submittal and departmental review of ~~((X-ray))~~ radiation shielding calculations and a floor plan it will be subject to a shielding design follow-up fee of ~~((656))~~ six hundred fifty-six dollars.

(3) ~~((Radiation safety fee.~~ If a facility or group of facilities under one administrative control employs two or more full-time individuals whose positions are entirely devoted to in-house radiation

safety, the facility shall pay a flat, annual fee as specified in subsection (1) (a) (viii) of this section.

~~(4) Consolidation of registration.~~ Facilities may consolidate X-ray machine registrations into a single registration after notifying the department in writing and documenting that a single business license applies to all buildings, structures and operations on one contiguous site using or identified by one physical address location designation.

~~(5))~~ Inspection fees.

(a) The cost of routine, periodic inspections, including the initial inspection, are covered under ~~((the base fee and tube registration))~~ fees as described in subsection (1) of this section.

(b) Radiation machine facilities requiring follow-up inspections due to uncorrected noncompliance~~((s))~~ events must pay an inspection follow-up fee of ~~(((\$118))~~ one hundred eighteen dollars for each reinspection required.

~~((6) A facility's annual registration fee is valid for a specific geographical location and person only. It is)~~ (4) The annual radiation machine facility registration fees and radiation machine tube fees are not transferable to another geographical location or ~~((owner or user))~~ registrant.