

# Chapter 246-254 WAC

## RADIATION PROTECTION—FEES

### WAC

246-254-001	Purpose and scope.
246-254-010	Definitions.
246-254-020	Payment of fees.
246-254-030	Small business discount provision and optional fee payment schedule applicable to radioactive materials licensees.
246-254-040	Denial, revocation, suspension, and reinstatement.
246-254-050	Method of payment.
246-254-053	Radiation machine facility registration fees.
246-254-070	Fees for specialized radioactive material licenses.
246-254-080	Fees for medical and veterinary radioactive material use.
246-254-090	Fees for industrial radioactive material licenses.
246-254-100	Fees for laboratory radioactive material licenses.
246-254-110	Fees for reciprocity.
246-254-120	Fees for licensing and compliance actions.
246-254-130	Radioactive waste disposal site surveillance fee.
246-254-140	Fees for uranium, thorium and other mineral processors.
246-254-150	Fees for perpetual care and maintenance.
246-254-160	Fees for airborne emissions of radioactive materials.
246-254-170	Failure by applicant or licensee to pay prescribed fees.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-254-057	License fees for radioactive materials. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-254-057, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20A.055. 87-21-016 (Order 2545), § 440-44-057, filed 10/9/87; 86-08-054 (Order 2359), § 440-44-057, filed 3/28/86; 85-13-007 (Order 2238), § 440-44-057, filed 6/7/85; 85-06-024 (Order 2209), § 440-44-057, filed 2/27/85. Statutory Authority: RCW 70.98.080. 83-24-014 (Order 2050), § 440-44-057, filed 11/30/83. Statutory Authority: RCW 43.20A.055. 83-12-058 (Order 1965), § 440-44-057, filed 6/1/83. Statutory Authority: 1982 c 201. 82-17-021 (Order 1860), § 440-44-057, filed 8/9/82.] Repealed by 91-22-027 (Order 208), filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 43.70.110.
246-254-058	Fees for additional service. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-254-058, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20A.055. 85-13-007 (Order 2238), § 440-44-058, filed 6/7/85.] Repealed by 91-22-027 (Order 208), filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 43.70.110.
246-254-999	Site use permit fee. [Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-254-999, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.98 RCW and 1985 c 383. 85-20-021 (Order 2283), § 440-44-060, filed 9/23/85. Statutory Authority: RCW 43.20A.055. 83-12-058 (Order 1965), § 440-44-060, filed 6/1/83.] Repealed by 91-22-027 (Order 208), filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 43.70.110.

**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 machines, 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.

[Statutory Authority: RCW 19.02.050, 43.20B.020, 43.70.110, 43.70.250, 70.98.080. 07-14-130, § 246-254-001, filed 7/3/07, effective 8/3/07. Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-001, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-254-001, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080. 87-01-031 (Order 2450), § 402-70-010, filed 12/11/86; 79-12-073 (Order 1459), § 402-70-010, filed 11/30/79, effective 1/1/80.]

**WAC 246-254-010 Definitions.** As used in this chapter, the following definitions apply:

(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 used by the master license service of the department of licensing.

(2) "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) "Department" means the department of health which has been designated as the state radiation control agency.

(4) "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 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) "Emission unit" means the point of release of airborne emissions of radioactive material.

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

(8) "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) "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) "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) "License" means a license issued by the department in accordance with the regulations adopted by the department.

(12) "New license application" means a request 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) "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) "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 device model for the purpose of registering the sealed source or device with the United States Nuclear Regulatory Commission.

[Statutory Authority: RCW 19.02.050, 43.20B.020, 43.70.110, 43.70.250, 70.98.080, 07-14-130, § 246-254-010, filed 7/3/07, effective 8/3/07. Statutory Authority: RCW 43.70.110, 91-22-027 (Order 208), § 246-254-010, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-254-010, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080, 87-01-031 (Order 2450), § 402-70-020, filed 12/11/86; 79-12-073 (Order 1459), § 402-70-020, filed 11/30/79, effective 1/1/80.]

**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 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, and radiation machine at the facility, if applicable;
- (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.

(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) at least thirty days prior to the annual anniversary date for licensees or (iii) 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.

(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.

(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.

[Statutory Authority: RCW 19.02.050, 43.20B.020, 43.70.110, 43.70.250, 70.98.080, 07-14-130, § 246-254-020, filed 7/3/07, effective 8/3/07. Statutory Authority: RCW 43.70.110, 91-22-027 (Order 208), § 246-254-020, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-254-020, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080, 87-01-031 (Order 2450), § 402-70-030, filed 12/11/86; 79-12-073 (Order 1459), § 402-70-030, filed 11/30/79, effective 1/1/80.]

**WAC 246-254-030 Small business discount provision and optional fee payment schedule applicable to radioactive materials licensees.**

(1) Small business may receive a twenty-five percent discount on radioactive materials license fees specified in WAC 246-254-070, 246-254-080, 246-254-090, and 246-254-100.

(2) To qualify for the discount, the business shall:

- (a) Be a corporation, partnership, sole proprietorship, or other legal entity formed for the purpose of making a profit;
- (b) Be independently owned and operated from all other businesses (i.e., not a subsidiary of a parent company); and
- (c) Have fifty or fewer employees.

(3) To receive the discount, the license applicant at the time of initial license request, or the licensee at the time of annual billing shall:

(a) Certify, on the business' letterhead or appropriate departmental form, the business meets the conditions in subsection (2) of this section;

(b) Sign the certification as the chief executive officer of the business or as an official designee;

(c) Have the certification notarized;

(d) Enclose the payment with the certification; and

(e) Submit the certification and payment in accordance with instructions provided by the department.

(4) The department may verify certifications and will suspend any radioactive materials license if the applicant/licensee:

(a) Failed to pay the required fee; or

(b) Made an invalid or false certification.

(5) Upon request of any radioactive materials licensee or license applicant, the department may accept semiannual or quarterly payments in lieu of the required annual license fee, provided:

(a) A written payment schedule setting specific due dates and payment amounts is submitted; and

(b) The total payments per the schedule equal the fee in effect at the time such fee payment schedule is accepted by the department.

[Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-030, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-254-030, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20A.055. 86-12-039 (Order 2382), § 440-44-059, filed 5/30/86.]

**WAC 246-254-040 Denial, revocation, suspension, and reinstatement.** The department shall:

(1) Deny an application if the appropriate fee is not received;

(2) Suspend or revoke a license, permit, or registration if a required fee is not received;

(3) Refund no fees if a license, permit or registration is denied, revoked, or suspended;

(4) Require reapplication for a license, permit, or registration after denial or revocation including fees as required under this chapter.

[Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-040, filed 10/29/91, effective 11/29/91.]

**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.

(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.

[Statutory Authority: RCW 19.02.050, 43.20B.020, 43.70.110, 43.70.250, 70.98.080. 07-14-130, § 246-254-050, filed 7/3/07, effective 8/3/07. Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-050, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-254-050, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080. 87-01-031 (Order

2450), § 402-70-050, filed 12/11/86; 79-12-073 (Order 1459), § 402-70-050, filed 11/30/79, effective 1/1/80.]

**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.

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

<b>(b) Radiation Machine Tube Fees</b>		
Type of Tube	Added Fee per Tube	
(i) Dental (intraoral, panoramic, cephalometric, dental radiographic, and dental CT)	\$27	
(ii) Veterinary (radiographic, fluoroscopic, portable, mobile)	\$46	
(iii) Podiatric uses (radiographic, fluoroscopic)	\$46	
(iv) Mammography	N/A	
(v) Bone densitometry	N/A	
(vi) Electron microscope	N/A	
(vii) Bomb squad	N/A	
(viii) Medical radiographic (includes R/F combinations, fixed, portable, mobile)	\$131	
(ix) Medical fluoroscopic (includes R/F combinations, C-arm, Simulator, fixed, portable, mobile)	\$131	
(x) Therapy (Grenz Ray, Orthovoltage, nonaccelerator)	\$131	
(xi) Accelerators (therapy, other medical uses)	\$131	
(xii) Computer tomography (CT, CAT scanner)	\$131	
(xiii) Stereotactic (mammography)	\$107	
(xiv) Industrial radiographic	\$46	
(xv) Analytical, X-ray fluorescence	\$46	

(b) Radiation Machine Tube Fees		
Type of Tube		Added Fee per Tube
(xvi)	Industrial accelerators	\$46
(xvii)	Airport baggage	\$27
(xviii)	Cabinet (industrial, security, mail, other)	\$27
(xiv)	Other industrial uses (includes industrial fluoroscopic uses)	\$27

**(2) X-ray shielding fees.**

(a) Facilities regulated under the shielding plan requirements of WAC 246-225-030 or 246-227-150 are subject to a \$344 X-ray shielding review fee for each X-ray room plan submitted; or

(b) A registrant may request an expedited plan review for \$1000 for each X-ray room plan. Expedited plan means the department will complete the plan review within two business days of receiving all required information from the registrant.

(c) If a facility regulated under WAC 246-225-030 or 246-227-150 operates without submittal and departmental review of X-ray shielding calculations and a floor plan it will be subject to a shielding design follow-up fee of \$656.

**(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) Facilities requiring follow-up inspections due to uncorrected noncompliances must pay an inspection follow-up fee of \$118 for each reinspection required.

(6) A facility's annual registration fee is valid for a specific geographical location and person only. It is not transferable to another geographical location or owner or user.

[Statutory Authority: RCW 43.70.250, 43.20B.020, 70.98.080, and 43.70.110. 11-02-012, § 246-254-053, filed 12/28/10, effective 1/31/11; 08-14-118, § 246-254-053, filed 6/30/08, effective 7/31/08. Statutory Authority: RCW 19.02.050, 43.20B.020, 43.70.110, 43.70.250, 70.98.080. 07-14-130, § 246-254-053, filed 7/3/07, effective 8/3/07. Statutory Authority: RCW 70.98.080, 43.20B.020, 43.70.110, and 43.70.250. 05-24-108, § 246-254-053, filed 12/7/05, effective 1/7/06. Statutory Authority: RCW 43.70.250. 04-12-125, § 246-254-053, filed 6/2/04, effective 7/3/04. Statutory Authority: RCW 43.70.250 and 43.70.110. 03-13-122, § 246-254-053, filed 6/18/03, effective 7/19/03. Statutory Authority: RCW 43.70.250 and 2001 2nd sp.s. c 7 § 220. 02-07-085, § 246-254-053, filed 3/19/02, effective 4/19/02. Statutory Authority: RCW 43.70.110. 01-14-048, § 246-254-053, filed 6/29/01, effective 7/30/01; 99-13-085, § 246-254-053, filed 6/14/99, effective 7/15/99; 98-11-066, § 246-254-053, filed 5/19/98, effective 7/1/98. Statutory Authority: RCW 43.70.110, 43.70.250 and chapter 70.98 RCW. 98-01-047, § 246-254-053, filed 12/8/97, effective 1/8/98; 96-11-043, § 246-254-053, filed 5/8/96, effective 6/28/96; 95-12-004, § 246-254-053, filed 5/25/95, effective 6/25/95; 94-11-010, § 246-254-053, filed 5/5/94, effective 6/5/94; 93-13-019 (Order 372), § 246-254-053, filed 6/8/93, effective 7/9/93. Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-

053, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-254-053, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20B.110. 89-16-064 (Order 2839), § 440-44-050, filed 7/31/89, effective 8/31/89. Statutory Authority: RCW 43.20A.055. 86-08-054 (Order 2359), § 440-44-050, filed 3/28/86. Statutory Authority: Chapter 70.98 RCW and 1985 c 383. 85-20-021 (Order 2283), § 440-44-050, filed 9/23/85. Statutory Authority: RCW 43.20A.055. 85-13-007 (Order 2238), § 440-44-050, filed 6/7/85; 83-12-058 (Order 1965), § 440-44-050, filed 6/1/83. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-050, filed 6/4/82.]

**WAC 246-254-070 Fees for specialized radioactive material licenses.** (1) Persons licensed or authorized to possess or use radioactive material in the following special categories shall forward annual fees to the department as follows:

- (a) \$9,164 for operation of a single nuclear pharmacy.
- (b) \$15,628 for operation of a single nuclear laundry.
- (c) \$15,628 for a license authorizing a single facility to use more than one curie of unsealed radioactive material in the manufacture and distribution of radioactive products or devices containing radioactive material.
- (d) \$5,476 for a license authorizing a single facility to use less than or equal to one curie of unsealed radioactive material or any quantity of previously sealed sources in the manufacture and distribution of products or devices containing radioactive material.
- (e) \$1,408 for a license authorizing the receipt and redistribution from a single facility of manufactured products or devices containing radioactive material.
- (f) \$10,484 for a license authorizing decontamination services operating from a single facility.
- (g) \$4,956 for a license authorizing waste brokerage including the possession, temporary storage at a single facility, and over-packing only of radioactive waste.
- (h) \$2,208 for a license authorizing health physics services, leak testing, calibration services, equipment servicing, or possession of sealed sources for purpose of sales demonstration only.
- (i) \$2,592 for a civil defense license.
- (j) \$780 for a license authorizing possession of special nuclear material as pacemakers or depleted uranium as shielding.

(2) Persons licensed or authorized to possess and use radioactive material in the following broad scope categories shall forward annual fees to the department as follows:

- (a) \$31,016 for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than one curie.
- (b) \$14,336 for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than 0.1 curie but less than or equal to one curie.
- (c) \$11,520 for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession less than or equal to 0.1 curie.

(3) Persons licensed or authorized to possess or use radioactive material which are not covered by any of the annual license fees described in WAC 246-254-070 through 246-254-100, shall pay fees as follows:

- (a) An initial application fee of one thousand dollars;

(b) Billing at the rate of \$162 for each hour of direct staff time associated with issuing and maintaining the license and for the inspection of the license; and

(c) Any fees for additional services as described in WAC 246-254-120.

(d) The initial application fee will be considered a credit against billings for direct staff charges but is otherwise non-refundable.

(4) Persons licensed or authorized to possess or use radioactive material in a facility for radioactive waste processing, including resource recovery, volume reduction, decontamination activities, or other waste treatment, but not permitting commercial on-site disposal, shall pay fees as follows:

(a) A nonrefundable initial application fee for a new license of sixteen thousand dollars which shall be credited to the applicant's quarterly billing described in (b) of this subsection; and

(b) Quarterly billings for actual direct and indirect costs incurred by the department including, but not limited to, license renewal, license amendments, compliance inspections, a resident inspector for time spent on the licensee's premises as deemed necessary by the department, laboratory and other support services, and travel costs associated with staff involved in the foregoing.

[Statutory Authority: RCW 70.98.080, 43.20B.020, 43.70.110, 43.70.250. 08-14-075, § 246-254-070, filed 6/26/08, effective 7/27/08; 05-24-109, § 246-254-070, filed 12/7/05, effective 1/7/06. Statutory Authority: RCW 43.70.250. 04-12-124, § 246-254-070, filed 6/2/04, effective 7/3/04. Statutory Authority: RCW 70.98.080, 43.70.250 and [43.70.]110. 03-14-034, § 246-254-070, filed 6/23/03, effective 7/24/03. Statutory Authority: RCW 43.70.250, 43.270.040, and 2001 2nd sp.s. c 7 § 220. 02-04-025, § 246-254-070, filed 1/24/02, effective 2/24/02. Statutory Authority: RCW 70.98.080. 01-14-046, § 246-254-070, filed 6/29/01, effective 7/30/01. Statutory Authority: RCW 43.70.250. 00-02-016, § 246-254-070, filed 12/27/99, effective 1/27/00; 99-12-022, § 246-254-070, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 43.70.110. 98-11-067, § 246-254-070, filed 5/19/98, effective 6/19/98. Statutory Authority: RCW 43.70.110, [43.70.]250 and chapter 70.98 RCW. 96-11-043, § 246-254-070, filed 5/8/96, effective 6/28/96; 95-12-004, § 246-254-070, filed 5/25/95, effective 6/25/95; 94-11-011 § 246-254-070, filed 5/5/94, effective 6/5/94; 93-13-019 (Order 372), § 246-254-070, filed 6/8/93, effective 7/9/93. Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-070, filed 10/29/91, effective 11/29/91.]

**WAC 246-254-080 Fees for medical and veterinary radioactive material use.** (1) Licensees authorized possession or use of radioactive material in the following medical or veterinary categories shall forward annual fees to the department as follows:

(a) \$7,748 for operation of a mobile nuclear medicine program from a single base of operation;

(b) \$5,648 for the use of unsealed radioactive material for imaging and localization studies for which a written directive is not required as defined in WAC 246-240-157, at a single facility (diagnostic imaging and localization nuclear medicine);

(c) \$4,892 for the use of unsealed radioactive material for which a written directive is required as defined in WAC 246-240-201 at a single facility (radiopharmaceutical therapy);

(d) \$7,800 for the use of unsealed radioactive material for imaging and localization studies for which a written directive is not required as defined in WAC 246-240-157, the

use of unsealed radioactive material for which a written directive is required as defined in WAC 246-240-201, and/or the use of sealed sources for manual brachytherapy as defined in WAC 246-240-251 at a single facility (combination diagnostic nuclear medicine and/or radiopharmaceutical therapy), and/or sealed source (manual or machine) therapy;

(e) \$4,192 for the use of sealed sources for manual brachytherapy as defined in WAC 246-240-251 at a single facility (manual brachytherapy);

(f) \$2,592 for the use of sealed sources in a remote after-loader unit, teletherapy unit, or gamma stereotactic radiosurgery unit, as defined in WAC 246-240-351, at a single facility (machine brachytherapy);

(g) \$3,936 for a license authorizing medical or veterinary possession of greater than two hundred millicuries total possession of radioactive material at a single facility;

(h) \$3,132 for a license authorizing medical or veterinary possession of greater than thirty millicuries but less than or equal to two hundred millicuries total possession of radioactive material at a single facility;

(i) \$2,292 for a license authorizing medical or veterinary possession of less than or equal to thirty millicuries total possession of radioactive material at a single facility;

(j) \$2,020 for the use of unsealed radioactive material for uptake, dilution and/or excretion studies for which a written directive is not required, as defined in WAC 246-240-151, at a single facility (diagnostic uptake, dilution, and excretion nuclear medicine);

(k) \$1,260 for a license authorizing medical or veterinary possession of a sealed source for diagnostic use at a single facility.

(2) The fee for a license authorizing multiple locations shall be increased by fifty percent of the annual fee for each additional location.

[Statutory Authority: RCW 70.98.080, 43.20B.020, 43.70.110, 43.70.250. 08-14-075, § 246-254-080, filed 6/26/08, effective 7/27/08; 05-24-109, § 246-254-080, filed 12/7/05, effective 1/7/06. Statutory Authority: RCW 43.70.250. 04-12-124, § 246-254-080, filed 6/2/04, effective 7/3/04. Statutory Authority: RCW 70.98.080, 43.70.250 and [43.70.]110. 03-14-034, § 246-254-080, filed 6/23/03, effective 7/24/03. Statutory Authority: RCW 43.70.250, 43.270.040, and 2001 2nd sp.s. c 7 § 220. 02-04-025, § 246-254-080, filed 1/24/02, effective 2/24/02. Statutory Authority: RCW 70.98.080. 01-14-046, § 246-254-080, filed 6/29/01, effective 7/30/01. Statutory Authority: RCW 43.70.250. 00-02-016, § 246-254-080, filed 12/27/99, effective 1/27/00; 99-12-022, § 246-254-080, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 43.70.110. 98-11-067, § 246-254-080, filed 5/19/98, effective 6/19/98. Statutory Authority: RCW 43.70.110, [43.70.]250 and chapter 70.98 RCW. 96-11-043, § 246-254-080, filed 5/8/96, effective 6/28/96; 95-12-004, § 246-254-080, filed 5/25/95, effective 6/25/95; 94-11-011 § 246-254-080, filed 5/5/94, effective 6/5/94; 93-13-019 (Order 372), § 246-254-080, filed 6/8/93, effective 7/9/93. Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-080, filed 10/29/91, effective 11/29/91.]

**WAC 246-254-090 Fees for industrial radioactive material licenses.** (1) Persons licensed or authorized to possess or use radioactive material in the following industrial categories shall forward annual fees to the department as follows:

(a) \$9,124 for a license authorizing the use of radiographic exposure devices in one or more permanent radiographic vaults in a single facility.

(b) \$12,232 for a license authorizing the use of radiographic exposure devices at temporary job sites but operating from a single storage facility.

(c) \$5,992 for a license authorizing well-logging activities including the use of radioactive tracers operating from a single storage facility.

(d) \$1,292 for a license authorizing possession of portable sealed sources including moisture/density gauges and excluding radiographic exposure devices operating from a single storage facility.

(e) \$1,408 for a license authorizing possession of any nonportable sealed source, including special nuclear material and excluding radioactive material used in a gas chromatograph at a single facility.

(f) \$888 for a license authorizing possession of gas chromatograph units containing radioactive material at a single facility.

(g) \$2,460 for a license authorizing possession of any self-shielded or pool type irradiator with sealed source total quantity greater than one hundred curies at a single facility.

(h) \$13,076 for a license authorizing possession of sealed sources for a walk-in type irradiator at a single facility.

(i) \$11,388 for a license authorizing possession of greater than one gram of unsealed special nuclear material or greater than five hundred kilograms of source material at a single facility.

(j) \$3,644 for a license authorizing possession of less than or equal to one gram of unsealed special nuclear material or five hundred kilograms of source material at a single facility.

(k) \$576 for a license authorizing possession of static elimination devices not covered by a general license.

(2) Persons with licenses authorizing multiple locations of permanent storage shall increase the annual fee by fifty percent for each additional location.

(3) Depleted uranium registrants required to file Form RHF-20 shall forward an annual fee of \$116 to the department.

(4) General licensees required to register in accordance with WAC 246-233-020 (3)(k) shall forward an annual fee of \$344 to the department.

[Statutory Authority: RCW 70.98.080, 43.20B.020, 43.70.110, 43.70.250. 08-14-075, § 246-254-090, filed 6/26/08, effective 7/27/08; 05-24-109, § 246-254-090, filed 12/7/05, effective 1/7/06. Statutory Authority: RCW 43.70.250. 04-12-124, § 246-254-090, filed 6/2/04, effective 7/3/04. Statutory Authority: RCW 70.98.050, 04-04-055, § 246-254-090, filed 1/30/04, effective 3/1/04. Statutory Authority: RCW 70.98.080, 43.70.250 and [43.70.]110. 03-14-034, § 246-254-090, filed 6/23/03, effective 7/24/03. Statutory Authority: RCW 43.70.250, 43.270.040, and 2001 2nd sp.s. c 7 § 220. 02-04-025, § 246-254-090, filed 1/24/02, effective 2/24/02. Statutory Authority: RCW 70.98.080. 01-14-046, § 246-254-090, filed 6/29/01, effective 7/30/01. Statutory Authority: RCW 43.70.250. 00-02-016, § 246-254-090, filed 12/27/99, effective 1/27/00; 99-12-022, § 246-254-090, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 43.70.110. 98-11-067, § 246-254-090, filed 5/19/98, effective 6/19/98. Statutory Authority: RCW 43.70.110, [43.70.]250 and chapter 70.98 RCW. 96-11-043, § 246-254-090, filed 5/8/96, effective 6/28/96; 95-12-004, § 246-254-090, filed 5/25/95, effective 6/25/95; 94-11-011 § 246-254-090, filed 5/5/94, effective 6/5/94; 93-13-019 (Order 372), § 246-254-090, filed 6/8/93, effective 7/9/93. Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-090, filed 10/29/91, effective 11/29/91.]

**WAC 246-254-100 Fees for laboratory radioactive material licenses.** (1) Persons licensed or authorized to pos-

[Ch. 246-254 WAC—p. 6]

sess or use unsealed radioactive material in the following laboratory categories shall forward annual fees to the department as follows:

(a) \$6,240 for a license authorizing possession at a single facility of unsealed sources in amounts greater than:

- (i) One millicurie of I-125 or I-131; or
- (ii) One hundred millicuries of H-3 or C-14; or
- (iii) Ten millicuries of any single isotope.

(b) \$3,080 for a license authorizing possession at a single facility of unsealed sources in amounts:

- (i) Greater than 0.1 millicurie and less than or equal to one millicurie of I-125 or I-131; or
- (ii) Greater than ten millicuries and less than or equal to one hundred millicuries of H-3 or C-14; or
- (iii) Greater than one millicurie and less than or equal to ten millicuries of any single isotope.

(c) \$2,592 for a license authorizing possession at a single facility of unsealed sources in amounts:

- (i) Greater than 0.01 millicurie and less than or equal to 0.1 millicurie of I-125 or I-131; or
- (ii) Greater than one millicurie and less than or equal to ten millicuries of H-3 or C-14; or
- (iii) Greater than 0.1 millicurie and less than or equal to one millicurie of any other single isotope.

(d) \$888 for a license authorizing possession at a single facility of unsealed or sealed sources in amounts:

- (i) Less than or equal to 0.01 millicurie of I-125 or I-131; or
- (ii) Less than or equal to one millicurie of H-3 or C-14; or
- (iii) Less than or equal to 0.1 millicurie of any other single isotope.

(e) \$1,196 for a license authorizing possession at a single facility of large quantities of naturally occurring radioactive material in total concentration not exceeding 0.002 microcurie per gram.

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location.

(3) Persons registered to perform in vitro testing pursuant to Form RHF-15 shall forward an annual fee of \$116 to the department.

[Statutory Authority: RCW 70.98.080, 43.20B.020, 43.70.110, 43.70.250. 08-14-075, § 246-254-100, filed 6/26/08, effective 7/27/08; 05-24-109, § 246-254-100, filed 12/7/05, effective 1/7/06. Statutory Authority: RCW 43.70.250. 04-12-124, § 246-254-100, filed 6/2/04, effective 7/3/04. Statutory Authority: RCW 70.98.080, 43.70.250 and [43.70.]110. 03-14-034, § 246-254-100, filed 6/23/03, effective 7/24/03. Statutory Authority: RCW 43.70.250, 43.270.040, and 2001 2nd sp.s. c 7 § 220. 02-04-025, § 246-254-100, filed 1/24/02, effective 2/24/02. Statutory Authority: RCW 70.98.080. 01-14-046, § 246-254-100, filed 6/29/01, effective 7/30/01. Statutory Authority: RCW 43.70.250. 00-02-016, § 246-254-100, filed 12/27/99, effective 1/27/00; 99-12-022, § 246-254-100, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 43.70.110. 98-11-067, § 246-254-100, filed 5/19/98, effective 6/19/98. Statutory Authority: RCW 43.70.110, [43.70.]250 and chapter 70.98 RCW. 96-11-043, § 246-254-100, filed 5/8/96, effective 6/28/96; 95-12-004, § 246-254-100, filed 5/25/95, effective 6/25/95; 94-11-011 § 246-254-100, filed 5/5/94, effective 6/5/94; 93-13-019 (Order 372), § 246-254-100, filed 6/8/93, effective 7/9/93. Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-100, filed 10/29/91, effective 11/29/91.]

**WAC 246-254-110 Fees for reciprocity.** (1) The department shall charge fees for reciprocal recognition of

(12/28/10)

other agreement state, licensing state or United States Nuclear Regulatory Commission licenses based upon the actual amount of radioactive material or type of devices being transported into Washington state or the type of service to be performed involving radioactive material.

(2) The department shall charge a fee equal to one hundred percent of the fee specified under WAC 246-254-070, 246-254-080, 246-254-090, and 246-254-100.

(3) The department shall permit the reciprocally recognized licensee to possess and use radioactive material in the state of Washington up to one hundred eighty days during the twelve-month period following payment of each fee.

[Statutory Authority: RCW 43.70.110, 91-22-027 (Order 208), § 246-254-110, filed 10/29/91, effective 11/29/91.]

**WAC 246-254-120 Fees for licensing and compliance actions.** (1) In addition to the fee for each radioactive material license as described under WAC 246-254-070, 246-254-080, 246-254-090, and 246-254-100, a licensee shall pay a service fee for each additional licensing and compliance action as follows:

(a) For a second follow-up inspection, and each follow-up inspection thereafter, a fee of \$162 per hour of direct staff time associated with the follow-up inspection, not to exceed \$1,625 per follow-up inspection. Hours are calculated in half-hour increments.

(b) For each environmental cleanup monitoring visit, a fee of \$162 per hour of direct staff time associated with the environmental cleanup monitoring visit, not to exceed \$4,063 per visit. Hours are calculated in half-hour increments.

(c) For each new license application, the fee of \$260 in addition to the required annual fee.

(d) For each sealed source and device evaluation, a fee of \$162 per hour of direct staff time associated with each sealed source and device evaluation, not to exceed \$4,875 per evaluation.

(e) For review of air emission and environmental programs and data collection and analysis of samples, and review of decommissioning activities by qualified staff in those work units, a fee of \$162 per hour of direct staff time associated with the review. The fee does not apply to reviews conducted by the radioactive materials section staff and does not apply unless the review time would result in a special service charge exceeding ten percent of the licensee's annual fee.

(f) For expedited licensing review, a fee of \$162 per hour of direct staff time associated with the review. This fee only applies when, by the mutual consent of licensee and affected staff, a licensing request is taken out of date order and processed by staff during nonwork hours and for which staff is paid overtime.

(2) The licensee or applicant shall pay any additional service fees at the time of application for a new license or within thirty days of the date of the billing for all other licensing and compliance actions.

(3) The department shall process an application only upon receipt of the new application fee and the annual fee.

(4) The department may take action to modify, suspend, or terminate the license or sealed source and device registration if the licensee fails to pay the fee for additional licensing and compliance actions billed by the department.

(12/28/10)

[Statutory Authority: RCW 70.98.080, 43.20B.020, 43.70.110, 43.70.250, 08-14-075, § 246-254-120, filed 6/26/08, effective 7/27/08; 05-24-109, § 246-254-120, filed 12/7/05, effective 1/7/06. Statutory Authority: RCW 43.70.250, 04-12-124, § 246-254-120, filed 6/2/04, effective 7/3/04. Statutory Authority: RCW 43.70.250, 43.270.040, and 2001 2nd sp.s. c 7 § 220. 02-04-025, § 246-254-120, filed 1/24/02, effective 2/24/02. Statutory Authority: RCW 70.98.080, 01-14-046, § 246-254-120, filed 6/29/01, effective 7/30/01. Statutory Authority: RCW 43.70.110, 43.70.250 and chapter 70.98 RCW, 95-12-004, § 246-254-120, filed 5/25/95, effective 6/25/95; 94-11-011, § 246-254-120, filed 5/5/94, effective 6/5/94; 93-13-019 (Order 372), § 246-254-120, filed 6/8/93, effective 7/9/93. Statutory Authority: RCW 43.70.110, 91-22-027 (Order 208), § 246-254-120, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-254-120, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080, 87-01-031 (Order 2450), § 402-70-070, filed 12/11/86; 79-12-073 (Order 1459), § 402-70-070, filed 11/30/79, effective 1/1/80.]

**WAC 246-254-130 Radioactive waste disposal site surveillance fee.** (1) The department shall charge a fee for radioactive waste site surveillance.

(2) The fee shall be an added charge on each cubic foot of low-level waste disposed at the disposal site.

(3) The department shall authorize by contract the operator of a low-level radioactive waste disposal site to collect the fee from waste generators and brokers.

(4) The department shall provide for reimbursement to the site operator for collection costs.

(5) The department shall calculate the fee collected from waste generators and brokers as required under RCW 70.98.085 and the fee shall not exceed the statutory limit specified in that section.

(6) The site operator shall remit the fee to the department as follows:

(a) Quarterly for the first seven quarters of each biennium.

(b) By July 15 for the final quarter of the biennium.

[Statutory Authority: RCW 43.70.040, 91-02-049 (Order 121), recodified as § 246-254-130, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.085, 90-11-126 (Order 050), § 402-70-073, filed 5/23/90, effective 6/23/90.]

**WAC 246-254-140 Fees for uranium, thorium and other mineral processors.** (1) Persons licensed or authorized to receive, possess, or use natural uranium and its decay daughters for the extraction of uranium or thorium compounds or for the reclamation and disposal of the associated tailings or waste shall pay:

(a) Initial application fee of thirty-five thousand dollars; and

(b) Quarterly billings for actual costs to the department.

(2) The department shall bill the uranium or thorium milling licensee quarterly for the department's actual cost of:

(a) Reviewing and issuing a license in excess of the initial application fee;

(b) Determining the licensee's compliance with terms and conditions of the license;

(c) Reviewing license amendment requests;

(d) Maintaining a uranium mill program which is compatible with the requirements of the United States Nuclear Regulatory Commission;

(e) Determining and assuring compliance with chapter 173-11 WAC; and

(f) Reviewing and processing an application for renewal.

(3) The department shall delineate in the quarterly billing the staff, laboratory, and support service costs.

(4) The department:

(a) Shall process any initial application only upon receipt of the full fee specified; and

(b) May return an application to an applicant if no payment is received.

(5) The department shall credit the initial application fee to the applicants' quarterly billing.

(6) Mineral processors requiring licenses for naturally occurring radioactive material in excess of exempt concentrations shall pay:

(a) Initial application fee of twenty-seven thousand dollars; and

(b) Quarterly billings not to exceed forty thousand dollars.

(7) The department shall bill mineral processor licensees quarterly for the department's actual cost of:

(a) Processing and issuing a license in excess of the initial application fee;

(b) Determining the licensee's compliance with terms and conditions of the license;

(c) Reviewing and processing amendment and renewal requests; and

(d) Determining and assuring compliance with chapter 173-11 WAC.

[Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-140, filed 10/29/91, effective 11/29/91.]

**WAC 246-254-150 Fees for perpetual care and maintenance.** (1) Persons with licenses specifically authorizing the receipt, possession, or use of natural uranium and its decay daughters for the extraction of uranium or thorium compounds or for the reclamation and disposal of the associated tailings or waste shall:

(a) Make quarterly payments of twenty cents per kilogram of uranium or thorium compound milled out of the raw ore;

(b) Remit this payment within thirty days after the end of each calendar quarter; and

(c) Pay to the department a minimum of two hundred fifty thousand dollars (1978 dollars) to cover the costs of long-term surveillance prior to the termination of a uranium or thorium mill license.

(2) Licensees under this section may make additional payments to meet the minimum, prior to the release of any surety arranged by the licensee in accordance with WAC 246-235-086(4).

[Statutory Authority: RCW 70.98.050. 00-08-013, § 246-254-150, filed 3/24/00, effective 4/24/00. Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-150, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-254-150, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080. 87-01-031 (Order 2450), § 402-70-080, filed 12/11/86.]

**WAC 246-254-160 Fees for airborne emissions of radioactive materials.** (1) The department shall waive the fee of one thousand dollars for each air emission permit application for those facilities who pay the fees specified in WAC 246-254-070, 246-254-080, 246-254-090, and 246-254-100; however, those facilities shall pay costs associated

with direct staff time of the air emissions program in accordance with WAC 246-254-120 (1)(e).

(2) For emission units at all other facilities:

(a) Application. The applicant shall submit a fee of one thousand dollars for each air emission license to the department with each application.

(i) The department shall process only those applications accompanied by the fee prescribed in (a) of this subsection. The department shall return any application submitted without the prescribed fee to the applicant.

(ii) The applicant shall pay any additional actual costs involved with processing the application upon receipt of a bill from the department on a calendar quarter basis.

(iii) The department shall credit the initial application fee to the applicant's quarterly billings.

(b) Operations. The department shall charge each emission unit operator the actual expenses incurred by the department in determining compliance with the provisions of established regulations and conditions of the air emission license; and:

(i) Bill the operator each calendar quarter until the air emission license is terminated by the department.

(ii) Specify in the quarterly bill the staff, laboratory, and support service costs associated with the regulatory activities conducted by the department.

(c) Amendment. The department shall add and include the actual costs incurred by the department in reviewing and processing an amendment to an air emission license in the department's calendar quarter charge for regulatory activities.

[Statutory Authority: Chapters 70.98 and 70.94 RCW and chapter 173-480 WAC. 94-07-010, § 246-254-160, filed 3/4/94, effective 4/4/94. Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-160, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-254-160, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.98 RCW. 88-17-061 (Order 2670), § 440-44-062, filed 8/17/88.]

**WAC 246-254-170 Failure by applicant or licensee to pay prescribed fees.** In any case where the department finds that an applicant, a permittee, a registrant, or a licensee failed to pay a prescribed fee or actual costs incurred during a calendar quarter, the department: (1) Shall not process any application and (2) may suspend or revoke any license, permit, registration, or approval involved; or (3) may issue an order with respect to licensed, permitted, or registered activities as the department determines appropriate or necessary in order to carry out the provisions of this chapter.

[Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-170, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-254-170, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080. 87-01-031 (Order 2450), § 402-70-090, filed 12/11/86; 79-12-073 (Order 1459), § 402-70-090, filed 11/30/79, effective 1/1/80.]