

Actions taken pursuant to sections 4 of 16 of the act must be approved by an absolute majority of the voting members of the commission. [Statutory Authority: Chapter 9.94A RCW. 84-23-048 (Order 84-01), § 437-10-040, filed 11/19/84.]

**WAC 437-10-050 Participation and discussion during sentencing guidelines commission meetings, rules of order, and forms of action.** (1) Only duly appointed members or his or her designee of the sentencing guidelines commission and such other persons as are recognized by the chair shall be permitted to participate in the discussion of any matter before the sentencing guidelines commission unless otherwise authorized by a majority of the members of the sentencing guidelines commission present and voting. Any person wishing to participate in such discussion shall notify the sentencing guidelines commission in writing, not less than three days prior to the meeting at which such discussion will be held.

(2) The business of the sentencing guidelines commission shall be conducted in accordance with *Robert's Rules of Order*, new edition, unless such rules are suspended or unless otherwise provided for by these rules.

(3) The sentencing guidelines commission shall act by the adoption of a motion or a resolution. [Statutory Authority: Chapter 9.94A RCW. 84-23-048 (Order 84-01), § 437-10-050, filed 11/19/84.]

**WAC 437-10-060 Voting procedures.** (1) Voting during meetings of the sentencing guidelines commission shall be recorded.

(2) The chairperson shall have the same voting rights as any other member of the sentencing guidelines commission.

(3) Only duly appointed members of the sentencing guidelines commission (not designees) shall be permitted to vote on any issue before the sentencing guidelines commission; no proxies shall be permitted to vote.

(4) Action by the sentencing guidelines commission will be determined by a simple majority vote in accordance with quorum requirements.

(5) Any member on the sentencing guidelines commission who has a direct or indirect personal interest in a contract or application before the sentencing guidelines commission will withdraw himself/herself from voting on that matter. The sentencing guidelines commission member may, however, participate in discussions and answer questions from other sentencing guidelines commission members. [Statutory Authority: Chapter 9.94A RCW. 84-23-048 (Order 84-01), § 437-10-060, filed 11/19/84.]

**WAC 437-10-070 Minutes.** (1) All meetings of the sentencing guidelines commission and subcommittees will have staff available to make a written record concerning the actions of the commission.

(2) Upon termination of the sentencing guidelines commission meeting, the minutes shall be promptly recorded and submitted to the commission members for final approval.

(3) At the next scheduled meeting of the sentencing guidelines commission, the minutes shall be reviewed by the commission and any amendments or changes will be made. The commission will then adopt the minutes as final. Subcommittee minutes will be recorded and mailed to the subcommittee members. These minutes will be automatically approved and adopted if there are no suggested changes.

(4) The chair of the sentencing guidelines commission along with the executive officer will sign the approved commission meeting minutes. The minutes will then be placed in appropriate folders for a permanent record, subject to audit and public inspection. Subcommittee minutes will be signed by the subcommittee chair and the executive officer. [Statutory Authority: Chapter 9.94A RCW. 84-23-048 (Order 84-01), § 437-10-070, filed 11/19/84.]

**WAC 437-10-080 Change in bylaws.** (1) A section or subsection of the bylaws may be reviewed for change at the request of any voting member of the sentencing guidelines commission.

(2) A change in the bylaws must be approved by a simple majority vote of the sentencing guidelines commission. [Statutory Authority: Chapter 9.94A RCW. 84-23-048 (Order 84-01), § 437-10-080, filed 11/19/84.]

## Title 440 WAC

### SOCIAL AND HEALTH SERVICES, DEPARTMENT OF (GENERAL PROVISIONS)

#### Chapter 440-44 Fees.

#### Chapter 440-44 WAC FEES

WAC	
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**WAC 440-44-030 Health facility certificate of need review fees.** (1) An application for a certificate of need

under chapter 248-19 WAC shall be accompanied by payment of a fee consisting of the following:

- (a) An application processing fee in the amount of five hundred dollars which shall not be refundable, and
- (b) A review fee, based on the total capital expenditure associated with the undertaking or project, as follows:

Proposed Capital Expenditure		Review Fee
\$ 0 to	\$ 69,999	\$ 1,000
70,000 to	84,999	1,670
85,000 to	99,999	1,930
100,000 to	129,999	2,215
130,000 to	159,999	2,525
160,000 to	204,999	2,875
205,000 to	249,999	3,255
250,000 to	399,999	3,680
400,000 to	549,999	4,145
550,000 to	699,999	4,655
700,000 to	849,999	5,210
850,000 to	999,999	5,830
1,000,000 to	1,299,999	6,515
1,300,000 to	1,599,999	7,260
1,600,000 to	1,999,999	8,085
2,000,000 to	2,499,999	8,990
2,500,000 to	2,999,999	9,975
3,000,000 to	3,999,999	11,060
4,000,000 to	4,999,999	12,255
5,000,000 to	7,499,999	13,570
7,500,000 to	9,999,999	15,015
10,000,000 to	14,999,999	16,650
15,000,000 to	19,999,999	19,260
20,000,000 to	29,999,999	20,545
30,000,000 to	39,999,999	22,865
40,000,000 to	49,999,999	25,285
50,000,000 to	64,999,999	28,015
65,000,000 to	79,999,999	31,060
80,000,000 to	99,999,999	34,485
100,000,000 and over		38,285

(2) A request for an amendment to a certificate of need application shall be accepted by the department only when accompanied by a nonrefundable processing fee of two hundred fifty dollars.

(a) When an amendment results in a capital expenditure exceeding the capital expenditure corresponding to the review fee paid at the time the application was first submitted to the department, the amendment shall be accompanied by payment of an additional fee representing the difference between the review fee paid when the application was first submitted and the review fee applicable to the increased capital expenditure.

(b) When an amendment results in a capital expenditure less than the capital expenditure corresponding to the review fee paid at the time the application was first submitted to the department, the department shall refund the difference to the applicant.

(3) When an application for an amended or extended certificate of need is submitted to the department subsequent to the issuance of a certificate of need, in accordance with the provisions of WAC 248-19-450 or 248-19-460, such application shall be accompanied by payment of a nonrefundable processing fee in the amount of five hundred dollars and, if the amendment represents an increase in the capital expenditure associated with the project, a review fee representing the difference between the review fee paid when the application was first submitted and the review fee applicable to the increased capital expenditure associated with the application for amendment.

(4) When an application is returned to an applicant in accordance with the provisions of WAC 248-19-280 (2)(b) or (e), any review fees paid by the applicant shall be refunded, in full, by the department.

(5) Each notice of intent to acquire a health care facility submitted to the department under the provisions of WAC 248-19-230(2) shall include a nonrefundable processing fee of one hundred dollars.

(6) Each notice of intent to acquire major medical equipment submitted to the department under the provisions of WAC 248-19-403 shall include a nonrefundable processing fee of one hundred dollars.

(7) Each request for an exemption from certificate of need review submitted to the department under the provisions of WAC 248-19-405 (which pertains to health maintenance organizations) shall include a nonrefundable processing fee of one hundred dollars.

(8) Each request for an exemption from certificate of need review submitted to the department under the provisions of RCW 70.38.105 (4)(d) (which pertains to certain capital expenditure projects which do not substantially affect patient charges) shall include a nonrefundable processing fee of one hundred dollars. [Statutory Authority: RCW 43.20A.055. 84-13-006 (Order 2109), § 440-44-030, filed 6/7/84; 83-21-015 (Order 2037), § 440-44-030, filed 10/6/83. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-030, filed 6/4/82.]

**WAC 440-44-035 Health facility construction review fees.** An application for project review shall be accompanied by payment of a fee as follows:

Estimated Cost Range of Construction Project	Standard Project Review Fee
\$ 0 to	\$ 499
500 to	999
1,000 to	1,999
2,000 to	2,999
3,000 to	4,999
5,000 to	9,999
10,000 to	19,999
20,000 to	29,999
30,000 to	39,999
40,000 to	49,999
50,000 to	64,999
65,000 to	79,999
	1,080

Estimated Cost Range of Construction Project	Standard Project Review Fee
80,000 to 99,999	1,200
100,000 to 124,999	1,500
125,000 to 149,999	1,800
150,000 to 199,999	2,100
200,000 to 249,999	2,400
250,000 to 324,999	2,700
325,000 to 449,999	3,000
450,000 to 574,999	3,300
575,000 to 699,999	3,600
700,000 to 849,999	4,200
850,000 to 999,999	4,800
1,000,000 to 1,249,999	5,400
1,250,000 to 2,499,999	6,000
2,500,000 to 2,999,999	6,600
3,000,000 to 3,499,999	7,200
3,500,000 to 4,999,999	7,800
5,000,000 to 6,999,999	9,000
7,000,000 to 9,999,999	10,200
10,000,000 to 14,999,999	11,400
15,000,000 to 19,999,999	13,200
20,000,000 to 29,999,999	15,000
30,000,000 to 39,999,999	16,800
40,000,000 and over	19,200

(1) "Project" means a construction endeavor including new construction, replacement, alterations, additions, expansions, conversions, improvements, remodeling, renovating, and upgrading of the following types of facilities:

(a) Chapter 18.20 RCW and chapter 248-16 WAC, Boarding homes.

(b) Chapter 18.46 RCW, Maternity homes, and chapter 248-29 WAC, Childbirth centers.

(c) Chapter 18.51 RCW and chapter 248-14 WAC, Nursing homes.

(d) Chapter 71.12 RCW, Private establishments, and chapter 248-22 WAC, Licensing regulations for private psychiatric and alcoholism hospitals and minimum licensing standards for alcoholism treatment facilities.

(e) Chapter 71.12 RCW, Private establishments, and chapter 248-23 WAC, Residential treatment facilities for psychiatrically impaired children and youth.

(f) Chapter 70.41 RCW, Hospital licensing and regulation, and chapter 248-18 WAC, Hospitals.

(g) Chapter 70.41 RCW, Hospital licensing and regulation, and chapter 248-21 WAC, Hospice care center.

(2) "Project sponsor" means the person, persons or organization planning and contracting for the design and construction of facilities, generally the owner or his or her representative.

(3) "Project cost" means all costs, except taxes, directly associated with the project. Project costs are estimated initially and corrected by certification to the date of completion of the project. Project costs include:

(a) All architectural-engineering designs, plans, drawings, and specifications.

(b) All fixed and/or installed equipment in the project.

(c) Contractor supervision, inspection, and overhead. [Statutory Authority: RCW 43.20A.055, 85-12-029 (Order 2236), § 440-44-035, filed 5/31/85; 83-12-058 (Order 1965), § 440-44-035, filed 6/1/83. Statutory Authority: 1982 c 201, 82-13-011 (Order 1825), § 440-44-035, filed 6/4/82.]

**WAC 440-44-040 Medical facilities and boarding homes licensing fees.** (1) Hospitals: The annual fee shall be sixteen dollars and fifty cents for each bed space within the licensed bed capacity of the hospital. The licensed bed capacity of a hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-18 WAC for twenty-four hour assigned patient rooms including neonatal intensive care bassinet spaces. Bed spaces not used for twenty-four hour assigned patient use, in compliance with the physical plant requirements of chapter 248-18 WAC but not containing the required movable equipment, will be included in the licensed bed capacity: *Provided*, That the hospital certifies to the department the hospital currently possesses the required movable equipment. The licensed bed capacity shall exclude all normal infant bassinets. The number of licensed bed spaces shall be limited in accordance with decisions made under chapter 70.38 RCW, and bed additions subsequent to the establishment of each hospital's licensed bed capacity by the department shall be subject to review under chapter 70.38 RCW. The number of twenty-four hour assigned patient beds set up in a hospital shall not exceed the hospital's licensed bed capacity.

(2) Private psychiatric hospitals: The annual fee shall be twenty-seven dollars for each bed space within the licensed bed capacity of the private psychiatric hospital. The licensed bed capacity of a private psychiatric hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. Bed spaces not used for twenty-four hour assigned patient use, in compliance with the physical plant requirement of chapter 248-22 WAC but not containing the required movable equipment, will be included in the licensed bed capacity: *Provided*, That the private psychiatric hospital certifies to the department the private psychiatric hospital currently possesses the required movable equipment.

The number of licensed bed spaces shall be limited in accordance with decisions made under chapter 70.38 RCW, and bed additions subsequent to the establishment of each private psychiatric hospital's licensed bed capacity by the department shall be subject to review under chapter 70.38 RCW. The number of twenty-four hour assigned patient beds set up in a private psychiatric hospital shall not exceed the private psychiatric hospital's licensed bed capacity.

(3) Alcoholism hospitals: The annual fee shall be fifteen dollars for each bed space within the licensed bed capacity of the alcoholism hospital. The licensed bed capacity of an alcoholism hospital shall include all bed spaces in rooms in compliance with the physical plant

and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set up in an alcoholism hospital shall not exceed the alcoholism hospital's licensed bed capacity.

(4) Alcoholism treatment facilities: The annual fee shall be eleven dollars and fifty cents for each bed space within the licensed bed capacity of the alcoholism treatment facility. The licensed bed capacity of an alcoholism treatment facility shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set up in an alcoholism treatment facility shall not exceed the alcoholism treatment facility's licensed bed capacity.

(5) Boarding homes: The annual fee shall be twelve dollars times the licensed resident capacity of the boarding home. The licensed resident capacity is the capacity determined by the boarding home and approved by the department. The licensed resident capacity shall be consistent with the physical plant and movable equipment requirements of chapter 248-16 WAC for resident sleeping rooms. The number of residents in a boarding home shall not exceed the licensed resident capacity of the boarding home. The term "resident" as used herein is defined in WAC 248-16-001.

(6) Residential treatment facilities for psychiatrically impaired children and youth: The annual fee shall be fifty dollars for each bed space within the licensed bed capacity of the residential treatment facility for psychiatrically impaired children and youth. The licensed bed capacity of a residential treatment facility for psychiatrically impaired children and youth shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-23 WAC for client sleeping rooms. The number of beds set up in a residential treatment facility for psychiatrically impaired children and youth shall not exceed the residential treatment facility for psychiatrically impaired children and youth licensed bed capacity.

(7) Pregnancy termination facilities: The annual fee for licensing and certification of facilities for induction or termination of pregnancy in the second trimester shall be two hundred fifty dollars.

(8) Child birth centers: The annual fee shall be four hundred dollars: *Provided*, That no fee shall be required of charitable, nonprofit or government-operated institutions (as required by RCW 18.46.030).

(9) Residential treatment and rehabilitation facilities for psychiatrically impaired adults: The annual fee shall be thirty-five dollars for each bed space within the licensed bed capacity of the residential treatment and rehabilitation facility for psychiatrically impaired adults. The licensed bed capacity of a residential treatment and rehabilitation facility for psychiatrically impaired adults shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-25 WAC for client sleeping rooms. The number of beds set up in a residential treatment and rehabilitation facility for psychiatrically impaired adults

shall not exceed the residential treatment and rehabilitation facility for psychiatrically impaired adults licensed bed capacity.

(10) Hospice care centers: Each application for a license shall be accompanied by a license fee of fifteen dollars and fifty cents for each bed space within the licensed bed capacity of the hospice care center. The licensed bed capacity shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-21 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set up in a hospice care center shall not exceed the hospice care center's licensed bed capacity.

(11) Hospice agencies: The annual fee for each facility certified under chapter 70.126 RCW shall be two hundred fifty dollars.

(12) Home health agencies: The annual fee for each facility certified under chapter 70.126 RCW shall be two hundred fifty dollars. [Statutory Authority: RCW 43.20A.055. 85-12-029 (Order 2236), § 440-44-040, filed 5/31/85; 84-13-006 (Order 2109), § 440-44-040, filed 6/7/84; 83-12-058 (Order 1965), § 440-44-040, filed 6/1/83. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-040, filed 6/4/82.]

**WAC 440-44-050 Radiation machine facility registration fees.** The following biennial fees are required at the time of application or renewal. For any facility or group of facilities under one administrative control the maximum fee of three thousand dollars has been established.

(1) For veterinarians, podiatrists: A fifty dollar registration fee plus sixty dollars for the first tube plus twenty-five dollars for each additional tube.

(2) For hospitals, medical and chiropractic: A fifty dollar registration fee plus one hundred seventy-five dollars for the first tube plus fifty dollars for each additional tube.

(3) For industrial, research, and others: A fifty dollar registration fee plus one hundred dollars for the first tube plus fifty dollars for each additional tube.

(4) For dentists: A fifty dollar registration fee plus forty-five dollars for the first tube plus twenty dollars for each additional tube. [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 440-44-057 License fees for radioactive materials.** (1) The fee for each radioactive materials license is the single highest fee category which describes activities subject to the conditions of the license. When multiple licenses are required by the department, each license is subject to the applicable license fee. Multiple licenses may be required by the department based upon physical separation of operations, organizational separations

within a licensee's operation, or possession of special nuclear material.

(2) FEE CATEGORIES.

(a) For operation of a radioactive waste treatment facility: Annual fee of five thousand two hundred fifty dollars.

(b) For operation of a nuclear pharmacy: Annual fee of two thousand one hundred forty dollars.

(c) For operation of a mobile nuclear medicine program: Annual fee of two thousand one hundred thirty dollars.

(d) For operation of a nuclear laundry: Annual fee of four thousand dollars.

(e) For licenses authorizing one curie or more of unsealed radioactive material in the manufacture and distribution of radioactive products or devices containing radioactive material: Annual fee of three thousand seven hundred ten dollars.

(f) For licenses authorizing manufacturing utilizing less than one curie of unsealed radioactive material or any quantity of previously sealed sources and distribution of products or devices containing radioactive material: Annual fee of one thousand three hundred twenty dollars.

(g) For licenses authorizing decontamination services: Annual fee of one thousand eight hundred ninety dollars.

(h) For licenses authorizing waste brokerage including the possession, temporary storage, and over-packing only of radioactive waste: Annual fee of one thousand two hundred twenty dollars.

(i) For licenses authorizing equipment servicing involving incidental use of calibration sources, for maintenance of equipment containing radioactive material, or possession of sealed sources for the purpose of sales demonstration only: Annual fee of five hundred sixty dollars.

(j) For licenses authorizing health physics services, leak testing, or calibration services: Annual fee of one thousand forty dollars.

(k) For civil defense licenses: Annual fee of six hundred fifty dollars.

(l) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than or equal to 1 curie: Annual fee of seven thousand nine hundred fifty dollars.

(m) For licenses 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 1 curie: Annual fee of three thousand five hundred seventy dollars.

(n) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession less than or equal to 0.1 curie: Annual fee of two thousand nine hundred fifty dollars.

(o) For medical licenses authorizing one or more of Groups II-VI, as defined in WAC 402-22-200 Schedule A:

(i) For licenses authorizing Group II and III (diagnostic nuclear medicine): Annual fee of one thousand four hundred sixty dollars.

(ii) For licenses authorizing Group IV and V (unlimited medical therapy): Annual fee of one thousand two hundred ten dollars.

(iii) For licenses authorizing Group II or III and Group IV or V: Annual fee of one thousand nine hundred ninety dollars.

(iv) For licenses authorizing Group VI (unlimited brachytherapy): Annual fee of one thousand forty dollars.

(p) For licenses authorizing brachytherapy or teletherapy: Annual fee of six hundred dollars.

(q) For licenses authorizing medical or veterinarian possession of greater than 200 millicuries total possession of radioactive material: Annual fee of nine hundred seventy dollars.

(r) For licenses authorizing medical or veterinarian possession of greater than 30 millicuries but less than or equal to 200 millicuries total possession of radioactive material: Annual fee of seven hundred eighty dollars.

(s) For licenses authorizing medical or veterinarian possession of less than or equal to 30 millicuries total possession of radioactive material: Annual fee of five hundred seventy dollars.

(t) For licenses authorizing Group I as defined in WAC 402-22-200 Schedule A or *in vitro* uses of radioactive materials: Annual fee of five hundred forty dollars.

(u) For licenses authorizing possession of special nuclear material as pacemakers or depleted uranium as shielding: Annual fee of two hundred dollars.

(v) For licenses authorizing the use of radiographic exposure devices in a permanent radiographic facility (vault) only: Annual fee consisting of two thousand five hundred seventy dollars.

(w) For licenses authorizing the use of radiographic exposure devices at temporary job sites: Annual fee of three thousand eighty dollars.

(x) For licenses authorizing well-logging activities including the use of radioactive tracers: Annual fee of one thousand two hundred dollars.

(y) For licenses authorizing possession of unsealed sources in the following amounts:

(i) Greater than or equal to 1 millicurie of I-125 or I-131 or greater than or equal to 100 millicuries of H-3 or C-14 or greater than or equal to 10 millicuries of any single isotope: Annual fee of one thousand six hundred thirty dollars.

(ii) Greater than 0.1 millicurie but less than 1 millicurie of I-125 or I-131 or greater than 10 millicuries but less than 100 millicuries of H-3 or C-14 or greater than 1 millicurie but less than 10 millicuries of any other single isotope: Annual fee of seven hundred eighty dollars.

(iii) Less than or equal to 0.1 millicurie of I-125 or I-131 or less than or equal to 10 millicuries of H-3 or C-14 or less than or equal to 1 millicurie of any other single isotope: Annual fee of six hundred ten dollars.

(z) For licenses authorizing possession of portable sealed sources (such as moisture/density gauges but excluding radiographic exposure devices): Annual fee of three hundred ten dollars.

(aa) For licenses authorizing possession of any non-portable sealed source, including special nuclear material but excluding radioactive material used in a gas chromatograph: Annual fee of three hundred thirty dollars.

(bb) For licenses authorizing possession of gas chromatograph units containing radioactive material: Annual fee of two hundred thirty dollars.

(cc) For licenses authorizing possession of any self-shielded or pool type irradiator with sealed source greater than 100 curies: Annual fee of six hundred ten dollars.

(dd) For licenses authorizing possession of sealed sources for a walk-in type irradiator: Annual fee of nine hundred sixty dollars.

(ee) For licenses authorizing possession of greater than 1 gram of unsealed special nuclear material or greater than 500 kilograms of source material: Annual fee of two thousand nine hundred ten dollars.

(ff) For licenses authorizing possession of less than or equal to 1 gram of unsealed special nuclear material or less than or equal to 500 kilograms of source material: Annual fee of nine hundred forty dollars.

(gg) For *in vitro* registrants (requiring filing of Form RHF-15): Annual fee of thirty dollars.

(hh) For depleted uranium registrants (requiring filing of Form RHF-20): Annual fee of thirty dollars.

(ii) For licenses issued to mineral processors for naturally occurring radioactive material in excess of exempt concentrations:

(i) License application fee, as defined in chapter 402-70 WAC, not to exceed twenty-seven thousand dollars plus

(ii) The actual cost of the service provided by the department to be paid in quarterly payments equal to the cost incurred by the department during the previous calendar quarter. This quarterly fee may not exceed forty thousand dollars in any calendar quarter and is intended to cover the full cost of regulatory services incurred by the department and its contractors including the department cost of determining and assuring compliance with the provisions of the State Environmental Policy Act.

(3) For reciprocal recognition of out-of-state licenses: Fee equal to one hundred percent of the fee that would be charged for an in-state license as described in subsection (2) of this section based upon the actual amount of radioactive material or type of devices requested to be brought into the state. Payment of fee authorizes possession and use in the state of Washington for up to one hundred eighty days of the twelve-month period following payment of the fee.

(4) It is the intent of the department to require all radioactive materials licensees who have not yet paid fees for their licenses to begin doing so on January 1, 1984. The following mechanism will be employed to accomplish this intent. A licensee who has not paid for a license shall remit by January 1, 1984, a prorated amount of the license fee for the period between January 1, 1984 and the annual anniversary of the expiration date of the license. Thereafter, thirty days prior to the

annual anniversary date, each licensee shall remit the full annual fee for the license as specified in subsection (2) of this section. The annual anniversary is the month and day of the expiration date of the existing radioactive materials license. [Statutory Authority: RCW 43.20A-.055. 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.]

**WAC 440-44-058 Fees for additional service.** (1) In addition to the fee for each radioactive materials license as described in WAC 440-44-057, a licensee will be charged a service fee for each additional service performed.

(2) Definitions.

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

(b) "Investigation." An investigation is an on-site visit of 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.

(c) "Follow-up inspection." A follow-up inspection is an on-site visit to a licensee's facility, required to verify licensee corrective actions when, in the department's judgment, the preceding compliance inspection or investigation revealed health and safety concerns or significant items of noncompliance which must be corrected. The first follow-up inspection is covered by the annual fee.

(d) "Environmental cleanup monitoring." Environmental cleanup monitoring is 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.

(e) "New license application." A new license application is 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.

(f) "Sealed source and device evaluation." A sealed source and device evaluation is 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.

(g) "Direct staff time." Direct staff time is all work time directly applicable to or associated with a specific 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.

(3) Schedule of fees for additional services.

(a) For a second follow-up inspection and each additional follow-up inspection the licensee will be charged a fee equal to the number of hours in half-hour increments of direct staff time associated with each follow-up inspection at the rate of sixty-five dollars per hour, but not to exceed a maximum of five hundred twenty dollars per follow-up inspection.

(b) For each environmental cleanup monitoring visit, the licensee will be charged a fee equal to the number of hours in half-hour increments of direct staff time associated with each environmental cleanup monitoring visit at the rate of sixty-five dollars per hour, but not to exceed a maximum of one thousand six hundred twenty-five dollars per visit.

(c) For each new license application, the fee will be one hundred thirty dollars in addition to the required annual fee as specified in WAC 440-44-057.

(d) For each sealed source and device evaluation, the licensee will be charged a fee equal to the number of hours in half-hour increments of direct staff time associated with each sealed source and device evaluation at the rate of sixty-five dollars per hour, but not to exceed a maximum of two thousand dollars per evaluation.

(4) Failure to pay the additional service fee within sixty days of the date of the billing will result in departmental action to modify, suspend, or terminate the license or sealed source and device registration. [Statutory Authority: RCW 43.20A.055. 85-13-007 (Order 2238), § 440-44-058, filed 6/7/85.]

**WAC 440-44-060 Site use permit fee.** (1) The fees for a site use permit are:

One time shipment	-	\$ 50.00 or
(see WAC 440-44-060(2))		
Site use permit	-	
continuous services		\$150.00 per year

(2) One-time shipment: A generator having radioactive waste for disposal for one time only can obtain a site use permit for such a shipment. This permit terminates upon receipt of the shipment for disposal and cannot be reissued to a generator.

(3) A broker who takes possession of waste from a generator and assumes responsibility for that waste must also assume responsibility for assuring the generator has a current, unencumbered site use permit. [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.]

**WAC 440-44-061 Radioactive waste site surveillance fee.** The operator of a low-level radioactive waste disposal site in this state shall collect from the waste generators and brokers a surveillance fee as an added charge on each cubic foot of low-level waste disposed at the disposal site. The fee shall be three percent of the basic minimum fee as defined in RCW 70.98.— (section 3, chapter 383, Laws of 1985) and shall be remitted to the department quarterly by the site operator. [Statutory Authority: Chapter 70.98 RCW and 1985 c 383. 85-20-021 (Order 2283), § 440-44-061, filed 9/23/85.]

**WAC 440-44-065 Shellfish program certification fees.** (1) Annual certificate fees shall be:

Type of Operation	Annual Fee
Reshipper	\$110
Repacker	\$290
Shellstock Shipper	
0 - 10 Acres	\$110
11 - 49 Acres	\$150
50 - 99 Acres	\$180
100+ Acres	\$255
Shucker-Packer	
1 - 5 Shuckers	\$180
6 - 10 Shuckers	\$225
11 - 15 Shuckers	\$255
16 - 30 Shuckers	\$290
30 - 50 Shuckers	\$300
50+ Shuckers	\$325

(2) Type of operations are defined as follows:

(a) "Reshipper" shall mean shippers transshipping shucked stock in original containers, or shellstock from certified shellfish shippers to other dealers or to final consumers. (Reshippers are not authorized to shuck or repack shellfish.)

(b) "Repacker" shall mean shippers, other than the original shucker, packing shucked shellfish into containers for delivery to the consumer. A repacker may shuck shellfish or act as a shellstock shipper if the repacker has the necessary facilities.

(c) "Shellstock shipper" shall mean shippers growing, harvesting, buying, or selling shellstock. Shellstock shippers are not authorized to shuck shellfish or to repack shucked shellfish.

(d) "Shucker-packer" shall mean shippers shucking and packing shellfish. A shucker-packer may act as a shellstock dealer. [Statutory Authority: RCW 43.20A.055. 85-12-029 (Order 2236), § 440-44-065, filed 5/31/85; 84-13-006 (Order 2109), § 440-44-065, filed 6/7/84; 83-15-021 (Order 1991), § 440-44-065, filed 7/14/83. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-065, filed 6/4/82.]



**WAC 440-44-075 Transient accommodations licensing and inspection fees.**

For licensing periods starting on or after July 1, 1985, the annual license fee including the cost of inspections shall be:

Size of Facility (No. of Rooms)	License Fee
3-24	\$ 80
25-49	\$130
50-74	\$180
75-99	\$240
100 or more	\$305

[Statutory Authority: RCW 43.20A.055. 85-12-029 (Order 2236), § 440-44-075, filed 5/31/85. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-075, filed 6/4/82.]

**WAC 440-44-076 Environmental health inspection fee of state institutions, community colleges, ferries, and other state of Washington facilities.** Starting July 1, 1985, an annual environmental health inspection fee shall be assessed as follows:

	Annual Fee Per Facility
(1)(a) Food service establishments as defined in WAC 248-84-002(11) in community colleges, ferries, or any other state of Washington facility. This shall also include dockside food establishments directly providing food for the Washington state ferry system.	\$ 170
(b) State park food service concessions which do not prepare potentially hazardous foods shall be charged seventy-five dollars.	
(c) The environmental health inspection referenced in (a) and (b) of this subsection fee may be waived provided there is an agreement between the department of social and health services and the jurisdictional local health agency for it to conduct the food service establishments inspections.	
(2) State institutions.	
(a) 400 or more rated bed capacity Washington Corrections Center Washington State Penitentiary Washington State Reformatory McNeil Island Corrections Center	\$2,100

	Annual Fee Per Facility
Twin Rivers Corrections Center Clallam Bay Corrections Center	
(b) 399-190 rated bed capacity Purdy Treatment Center for Women State School for Deaf Washington Soldiers Home Washington Veterans Home Olympic Corrections Center	\$1,000
(c) 189-90 rated bed capacity Echo Glen Childrens Center Special Offenders Center (Monroe) Larch Corrections Center Cedar Creek Corrections Maple Lane School Green Hill School Indian Ridge Treatment Center Tacoma Work/Training Release Geiger Work/Training Release (Spokane) Naselle Youth Camp	\$ 500
(d) 89 or less rated bed capacity State School for the Blind Washington State Patrol Academy Mission Creek Youth Camp Firland Corrections Center Pine Lodge Corrections Center Canyon View Group Home Woodinville Group Home Ridgeview Group Home Oakridge Group Home Park Creek Group Home Sunrise Group Home Twin Rivers Group Home	\$ 300
(e) Any new institution of the Washington department of corrections; department of social and health services, division of developmental disabilities not inspected by the bureau of nursing home affairs, department of social and health services, or division of juvenile rehabilitation; or department of veterans affairs shall be assessed an appropriate annual fee based on the rated bed capacity.	

[Statutory Authority: RCW 43.20A.055. 85-13-007 (Order 2238), § 440-44-076, filed 6/7/85.]

**WAC 440-44-090 Mental health service provider license and certification fees.** (1) An annual fee, based on a range of client service hours provided per year, shall be assessed as follows:



Range	Client Service Hours	Annual Fee
1	0- 3,999	\$ 281.00
2	4,000-14,999	422.00
3	15,000-29,999	562.00
4	30,000-49,999	842.00
5	50,000 and over	1,030.00

(2) Fee ranges shall be determined from provider information reported to the department's community mental health information system. Providers applying for a license or certification not reporting to the department's community mental health information system shall submit as part of their application the number of annual client service hours.

(3) Fee for an applicant not licensed and/or certified shall be equal to the fees for licensure and/or certification of licensed and certified providers with similar annual client service hours.

(4) Certified short-term inpatient component, or new applicants seeking certification for a short-term inpatient component, shall be assessed an annual fee of thirty-two dollars per bed. [Statutory Authority: RCW 43.20A.055. 85-20-031 (Order 2287), § 440-44-090, filed 9/24/85.]

**WAC 440-44-095 Vital records fees.** The fee for opening a sealed adoption file by court order shall be fifteen dollars per file pursuant to RCW 26.33.330. [Statutory Authority: RCW 26.33.330. 85-04-023 (Order 2199), § 440-44-095, filed 1/30/85.]

## Title 446 WAC STATE PATROL

**Chapter 446-50** Transportation of hazardous materials.

### Chapter 446-50 WAC TRANSPORTATION OF HAZARDOUS MATERIALS

WAC  
446-50-080 Transportation requirements.

**WAC 446-50-080 Transportation requirements.** (1) The Washington state patrol acting by and through the chief of the Washington state patrol after conferring with the committee created by RCW 46.48.190 hereby adopts the following parts of Title 49 Code of Federal Regulations, as they exist during 1985, subject to any appendices and amendments in the future: 170 (Reserved), 171 General information, regulations, and definitions, 172 Hazardous materials table and hazardous materials communications regulations, 173 Shippers—General requirements for shipments and packaging, 177 Carriage on public highway, 178 Shipping container specifications, 180-189 (Reserved). Title 49 CFR, parts 100 through 199, relates to safety in the transportation of hazardous materials upon the public highways. This

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regulation is intended to apply only to the transportation of hazardous materials by highway in Washington, to the handling and storage operations incident to such transportation, and to the highway portion of an intermodal shipment of hazardous materials.

(2) Copies of Title 49 CFR, parts 100 through 199, now in force are on file at the code reviser's office, Olympia[,] and at the Washington state patrol headquarters, commercial vehicle enforcement section, Olympia. Additional copies may be available for review at Washington state patrol district headquarters offices, public libraries, Washington utilities and transportation [(commission offices and at the United States Department of Transportation)], bureau of motor carrier safety office, Olympia. Copies of the CFR may be purchased through the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402. [Statutory Authority: RCW 46.48.170 - 46.48-.190. 85-20-070 (Order 85-1), § 446-50-080, filed 9/30/85. Statutory Authority: RCW 46.48.170. 84-05-010 (Order 82-3), § 446-50-080, filed 2/7/84; 83-03-008 (Order 82-3), § 446-50-080, filed 1/11/83; 82-07-100 (Order 82-2), § 446-50-080, filed 3/24/82. Statutory Authority: RCW 46.48.190. 81-03-008 (Order 80-2), § 446-50-080, filed 1/8/81; 80-01-009 (Order 79-4), § 446-50-080, filed 12/11/79.]

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

## Title 448 WAC STATE TOXICOLOGIST

**Chapter 448-12** Administration of breathalyzer test.

### Chapter 448-12 WAC ADMINISTRATION OF BREATHALYZER TEST

WAC  
448-12-210 BAC Verifier Data Master, infrared breath test instrument approved.  
448-12-220 Test defined.  
448-12-230 Administration of breath test on BAC Verifier Data Master instrument.  
448-12-240 Instructors.  
448-12-250 Operators.  
448-12-260 Review of qualifications.  
448-12-270 Permit cards.  
448-12-280 Course approval.  
448-12-290 Minimum course requirements.  
448-12-300 Instruction.  
448-12-310 Operators and instructors.  
448-12-320 Address for correspondence.  
448-12-330 Names of instructors.  
448-12-340 Effective date.

**WAC 448-12-210 BAC Verifier Data Master, infrared breath test instrument approved.** The BAC Verifier Data Master infrared breath test instrument is