WSR 26-17-053
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed August 12, 2026, 2:47 p.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: Radiation material medical use notification rule update. The department of health (department) is proposing to incorporate the missing notification language from the federal requirements in 10 C.F.R. 35.14(a), Subpart A by text into WAC 246-240-025. The proposed amendment also corrects subsection numbers, and adds a comma to correct the mailing address. This rule making is necessary to ensure consistency between federal and state rules.

Hearing Location(s): On October 6, 2026, at 3:00 p.m. Register in advance for this webinar at https://us02web.zoom.us/webinar/register/WN_h_RK_pBVTGy4UwruQSMWag. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: October 13, 2026.

Submit Written Comments to: Zehra Siddiqui, P.O. Box 47820, Olympia, WA 98504-7820, email zehra.siddiqui@doh.wa.gov, web https://fortress.wa.gov/doh/policyreview/, beginning the date and time of filing, by October 6, 2026, at 11:59 p.m.

Assistance for Persons with Disabilities: Contact Zehra Siddiqui, phone 360-236-3010, TTY 711, email zehra.siddiqui@doh.wa.gov, by September 22, 2026 at 11:59 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to add missing federal language from 10 C.F.R. § 35.14(a), Subpart A to WAC 246-240-025. The federal provision requires medical use licensees to notify the regulatory agency when they permit certain individuals to work under the provisions of 10 C.F.R. § 35.13(b) and to submit documentation demonstrating the individual's qualifications. These requirements and provisions provide for the radiation safety of workers, the general public, patients, and human research subjects. The proposal aligns Washington's medical use regulations with Nuclear Regulatory Commission requirements and helps maintain compatibility between the state's radioactive materials program and the federal rule.

Reasons Supporting Proposal: The proposed changes are necessary to align the rule language with the notification requirements language in 10 C.F.R. § 35.14(a), Subpart A.

Statutory Authority for Adoption: RCW 70A.388.040 and 70A.388.050.

Statute Being Implemented: RCW 70A.388.040 and 70A.388.050.

Rule is necessary because of federal law, 10 C.F.R. § 35.14 (April 24, 2002).

Name of Proponent: Governmental.

Name of Agency Personnel Responsible for Drafting: Zehra Siddiqui, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-3010; Implementation and Enforcement: Sonam Choudrie, 111 Israel Road S.E., Tumwater, WA 98501, 360-764-0984.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The department did not complete a cost-benefit analysis under RCW 34.05.328. RCW 34.05.328 (5)(b)(iii) exempts rules that adopt or in-

corporate by reference without material change federal statutes or regulations, Washington state law, the rules of other Washington state agencies, or national consensus codes that generally establish industry standards. The proposed rules incorporate missing federal language from 10 C.F.R. § 35.14(a), Subpart A.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: 10 C.F.R. § 35.14 (April 24, 2002), *Nuclear Regulatory Commission, Medical Use of Byproduct Material: Notifications*. These revisions are intended to include the missing federal language for radiation material medical use notification rules. This rule making ensures consistency with federal language and an overall safer program.

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of exemptions: The proposed rule incorporates federal regulations without material change, corrects the subsection numbers, and adds a comma to correct the mailing address.

Scope of exemption for rule proposal:

Is fully exempt.

August 12, 2026
Kristin Peterson, JD
Chief of Policy
for Dennis E. Worsham
Secretary of Health

RDS-7318.1

AMENDATORY SECTION (Amending WSR 22-19-084, filed 9/20/22, effective 10/21/22)

WAC 246-240-025 Notifications. (1) A licensee shall provide the department, no later than 30 days after the date the licensee permits an individual to work under the provisions of WAC 246-240-022(2) as an authorized user, authorized medical physicist, ophthalmic physicist, or authorized nuclear pharmacist:

(a) A copy of the board certification and, as appropriate, verification of completion of:

(i) Training for the authorized medical physicist under WAC 246-240-072(3);

(ii) Any additional case experience required in WAC 246-240-210(2)(a)(ii)(G) for an authorized user under WAC 246-240-201; or

(iii) Device specific training in WAC 246-240-399(3) for the authorized user under WAC 246-240-351; or

(b) A copy of the NRC or agreement state license, the permit issued by an NRC master material licensee, the permit issued by an NRC or agreement state licensee of broad scope, the permit issued by an NRC master material license broad scope permittee, or documentation that only accelerator-produced radioactive materials, discrete sources of radium-226, or both, were used for medical use or in the practice of nuclear pharmacy at a government agency or federally recognized Indian tribe before November 30, 2007, or at all other locations of use before August 8, 2009, or an earlier date as noticed by the NRC for each individual whom the licensee permits to work under the provisions of this section.

(2) A licensee shall notify the department no later than 30 days after:

(a) An authorized user, an authorized nuclear pharmacist, a radiation safety officer, an associate radiation safety officer, ophthalmic physicist, or an authorized medical physicist permanently discontinues performance of duties under the license or has a name change;

(b) The licensee's mailing address changes;

(c) The licensee's name changes, but the name change does not constitute a transfer of control of the license as described in WAC 246-232-050(2);

(d) The licensee has added to or changed the areas of use identified in the application or on the license where radioactive material is used under either WAC 246-240-151 or 246-240-157 if the change does not include the addition or relocation of either an area where PET radionuclides are produced or a PET radioactive drug delivery line from the PET radionuclide or PET radioactive drug production area;

(e) The licensee obtains a sealed source for use in manual brachytherapy from a different manufacturer or with a different model number than authorized by its license for which it did not require a license amendment as provided in WAC 246-240-022(9). The notification must include the manufacturer and model number of the sealed source, the isotope, and the quantity per sealed source; or

(f) The licensee permits an authorized user or an individual qualified to be a radiation safety officer, under WAC 246-240-069 and 246-240-081, to function as a temporary radiation safety officer and to perform the functions of a radiation safety officer in accordance with WAC 246-240-051(3).

((~~(2)~~)) (3) The licensee shall send the documents required in this section to the department at P.O. Box 47827, Olympia, WA 98504-7827.