



RULE-MAKING ORDER

PERMANENT RULE ONLY

CR-103P (December 2017)
(Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 31, 2025

TIME: 8:18 AM

WSR 25-22-063

Agency: Department of Health

Effective date of rule:

Permanent Rules

☒ 31 days after filing.

☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: Office of Radiation Protection program fees. The Department of Health (department) adopted amendments to fees in chapter 246-254 WAC, Radiation protection fees, to cover operating costs. This adoption also includes making editorial updates, clarifying existing fees, and aligning with the Code Reviser's 2025 Bill Drafting Guide.

Citation of rules affected by this order:

New:

Repealed:

Amended: WACs 246-254-020, 246-254-053, 246-254-070, 246-254-080, 246-254-090, 246-254-100, 246-254-120, 246-254-130, 246-254-140, 246-254-150

Suspended:

Statutory authority for adoption: RCW 43.70.250, RCW 43.70.110, RCW 70A.388.050

Other authority: None

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 25-19-021 on September 5, 2025.

Describe any changes other than editing from proposed to adopted version:

The language in WAC 246-254-150(c) was changed to align with the federal Nuclear Regulatory Commission's regulations. The Nuclear Regulatory Commission requires states to charge a minimum fee of \$250,000 in 1978 US dollars and authorizes states to adjust the amount annually prior to actual payments to recognize inflation. The inflation rate to be used is indicated by the change in the consumer price index published by the United States Department of Labor, Bureau of Labor Statistics. However, this requirement is spelled out in a different section of WAC from the fee section. To align with the federal requirements and provide clarity, the following edits were made:

WAC 246-254-150(c): Pay to the department a minimum of (~~two hundred fifty thousand dollars~~) \$250,000 (1978 dollars) ~~\$1,215,000~~ to cover the costs of long-term surveillance prior to the termination of a uranium or thorium mill license. The amount will be adjusted annually prior to actual payments to recognize inflation as outlined in WAC 246-252-030(10).

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted on the agency's own initiative:

New	<u>0</u>	Amended	<u>10</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>10</u>	Repealed	<u>0</u>

Date Adopted: 10/31/2025

Name: Kristin Peterson, JD for Dennis E. Worsham

Title: Chief of Policy for Secretary of Health

Signature:



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 submit to the department or its designee applicable 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 tube at the facility;

(b) Radioactive material license;

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

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

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

(f) Air emission license.

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

(4) The department shall charge a fee for each radioactive material license based on the ((single)) highest fee category ((describing)) that corresponds to the activities ((subject to the conditions of)) listed on the license. For operations with multiple facilities, a single radioactive material license is required for the entire operation based on its size.

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

(5) At the discretion of the department, the department may require multiple radioactive material licenses based upon:

(a) Physical separation of operations;

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

(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 at the fee rate established by rule at the time such fee is paid:

(i) At least ~~((thirty))~~ 30 days prior to the annual anniversary date for licensees; or

(ii) On a payment schedule as provided in WAC 246-254-030 or other schedule as may be determined through partnership with BLS.

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

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

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

(9) Each licensee, permittee, or registrant shall remit the full amount of any quarterly billing or individual billing for licensing or compliance actions within ~~((thirty))~~ 30 days of receipt of the bill.

WAC 246-254-053 Radiation machine facility fees. (1) A registrant shall comply with chapter 246-224 WAC when registering radiation machine facilities. A registrant shall pay the following applicable radiation machine facility registration fees and radiation machine tube fees for each radiation machine facility and tube annually as identified in Table A and B of this section.

Table A

Radiation Machine Facility Registration Fee	((\$195)) <u>\$245</u>
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Table B

Radiation Machine Tube Fees		
Category	Machine Type	Fee
Dental	Intraoral	((\$58)) <u>\$73</u>
	Handheld	((\$58)) <u>\$73</u>
	Panoramic/ Cephalometric	((\$58)) <u>\$73</u>
	Cone Beam CT	((\$58)) <u>\$73</u>
	Educational	((\$58)) <u>\$73</u>
	Radiographic/Other	((\$58)) <u>\$73</u>
Veterinary	Radiographic	((\$77)) <u>\$97</u>
	Portable	((\$77)) <u>\$97</u>
	Dental	((\$77)) <u>\$97</u>
	Cone Beam CT	((\$77)) <u>\$97</u>
	Fluoroscopic	((\$112)) <u>\$141</u>
	Computed Tomography	((\$191)) <u>\$240</u>
Podiatry	Radiographic	((\$86)) <u>\$108</u>
	Cone Beam CT	((\$86)) <u>\$108</u>
	Educational	((\$86)) <u>\$108</u>
	Handheld	((\$86)) <u>\$108</u>
	Fluoroscopic	((\$231)) <u>\$290</u>

Radiation Machine Tube Fees		
Category	Machine Type	Fee
Medical Radiographic	Fixed	(((\$246)) <u>\$309</u>
	Mobile	(((\$246)) <u>\$309</u>
	Portable	(((\$246)) <u>\$309</u>
	Cone Beam CT	(((\$246)) <u>\$309</u>
	Educational	(((\$246)) <u>\$309</u>
Fluoroscopic	C-arm	(((\$231)) <u>\$290</u>
	Micro Amperage (Mini) C-arm	(((\$231)) <u>\$290</u>
	O-arm	(((\$231)) <u>\$290</u>
	Specialty Rooms	(((\$231)) <u>\$290</u>
	Under Table	(((\$231)) <u>\$290</u>
	Educational	(((\$231)) <u>\$290</u>
Therapy	Accelerator (Linear)	(((\$334)) <u>\$420</u>
	Nonaccelerator	(((\$334)) <u>\$420</u>
	Superficial Radiation Therapy (Dermatology)	(((\$334)) <u>\$420</u>
	Educational	(((\$334)) <u>\$420</u>
	Other	(((\$334)) <u>\$420</u>
Computed Tomography	Diagnostic	(((\$783)) <u>\$983</u>
	Simulation	(((\$490)) <u>\$615</u>
	Attenuation Correction (PET/SPECT)	(((\$490)) <u>\$615</u>
	Portable	(((\$783)) <u>\$983</u>
	Mobile	(((\$783)) <u>\$983</u>
	Educational	(((\$783)) <u>\$983</u>
Mammography	Standard (including tomography)	\$0
	Stereotactic Mammography	(((\$55)) <u>\$70</u>
Bone Densitometer	Standard	(((\$84)) <u>\$106</u>
	Body Composition Scanner	(((\$84)) <u>\$106</u>

Radiation Machine Tube Fees		
Category	Machine Type	Fee
Industrial	Cabinet X-Ray	(((\$133)) <u>\$167</u>
	Blood Irradiator	(((\$133)) <u>\$167</u>
	Specimen Analyzer	(((\$133)) <u>\$167</u>
	Medical Examiner	(((\$133)) <u>\$167</u>
	Vault (less than 1MeV)	(((\$167)) <u>\$210</u>
	Vault (greater than 1MeV)	(((\$331)) <u>\$416</u>
	Open Beam Radiography	(((\$133)) <u>\$167</u>
	Particle Accelerator	(((\$331)) <u>\$416</u>
Security	Body Scanner	(((\$133)) <u>\$167</u>
	Baggage Scanner	(((\$133)) <u>\$167</u>
	Bomb Squad	(((\$133)) <u>\$167</u>
	Back Scatter	(((\$133)) <u>\$167</u>
Analytical	Cabinet XRF	(((\$133)) <u>\$167</u>
	Handheld XRF	(((\$133)) <u>\$167</u>
	X-Ray Diffraction	(((\$133)) <u>\$167</u>
Electron Microscopes	Electron Microscopes	\$0

(2) Radiation shielding plan review fees. Radiation machine facilities regulated under the shielding plan requirements of WAC 246-225-030, 246-226-030, or 246-227-150 are subject to a ~~(((\$778))~~ \$977 radiation shielding review fee for each X-ray room plan submitted:

(a) A registrant may request an expedited plan review for ~~(((\$2,339))~~ \$2,936 for each X-ray room plan. An expedited plan means the department will complete the plan review within two business days of receiving all required information from the registrant.

(b) If a radiation machine facility regulated under WAC 246-225-030, 246-226-030, or 246-227-150 operates without submittal and departmental review of radiation shielding calculations and a floor plan it will be subject to a shielding design follow-up fee of ~~(((\$1,561))~~ \$1,960 in addition to the ~~(((\$778))~~ \$977 radiation shielding review fee.

(3) Inspection fees.

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

(b) Radiation machine facilities requiring follow-up inspections due to uncorrected noncompliance events must pay an inspection follow-up fee of (~~(\$1,281)~~) \$1,608 for each reinspection required.

(4) The annual radiation machine facility registration fees and radiation machine tube fees are not transferable to another geographical location or registrant.

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) ((~~\$14,054~~)) \$16,713 for operation of a single nuclear pharmacy.

(b) ((~~\$23,952~~)) \$28,503 for operation of a single nuclear laundry.

(c) ((~~\$23,952~~)) \$28,503 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) ((~~\$8,392~~)) \$9,986 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) ((~~\$2,158~~)) \$2,568 for a license authorizing the receipt and redistribution from a single facility of manufactured products or devices containing radioactive material.

(f) ((~~\$16,068~~)) \$19,121 for a license authorizing decontamination services operating from a single facility.

(g) ((~~\$7,595~~)) \$9,039 for a license authorizing waste brokerage including the possession, temporary storage at a single facility, and over-packing only of radioactive waste.

(h) ((~~\$3,384~~)) \$4,027 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) ((~~\$3,972~~)) \$4,727 for a civil defense license.

(j) ((~~\$1,195~~)) \$1,422 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) ((~~\$47,537~~)) \$56,569 for a license authorizing possession of atomic numbers three through 83 with maximum authorized possession of any single isotope greater than one curie.

(b) ((~~\$21,973~~)) \$26,147 for a license authorizing possession of atomic numbers three through 83 with maximum authorized possession of any single isotope greater than 0.1 curie but less than or equal to one curie.

(c) ((~~\$17,656~~)) \$21,011 for a license authorizing possession of atomic numbers three through 83 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 ((~~\$1,533~~)) \$1,824;

(b) Billing at the rate of ((~~\$248~~)) \$295 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 nonrefundable.

(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 (~~(\$24,523)~~) \$29,183 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.

AMENDATORY SECTION (Amending WSR 24-21-092, filed 10/17/24, effective 11/17/24)

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

(1) (~~(\$11,875)~~) \$14,131 for operation of a mobile nuclear medicine program from a single base of operation;

(2) (~~(\$8,656)~~) \$10,301 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);

(3) (~~(\$7,497)~~) \$8,922 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);

(4) (~~(\$11,955)~~) \$14,227 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;

(5) (~~(\$6,424)~~) \$7,645 for the use of sealed sources for manual brachytherapy as defined in WAC 246-240-251 at a single facility (manual brachytherapy);

(6) (~~(\$3,972)~~) \$4,727 for the use of sealed sources in a remote afterloader unit, teletherapy unit, or gamma stereotactic radiosurgery unit, as defined in WAC 246-240-351, at a single facility (machine brachytherapy);

(7) (~~(\$6,033)~~) \$7,179 for a license authorizing medical or veterinary possession of greater than 200 millicuries total possession of radioactive material at a single facility;

(8) ((~~\$4,800~~)) \$5,712 for a license authorizing medical or veterinary possession of greater than 30 millicuries but less than or equal to 200 millicuries total possession of radioactive material at a single facility;

(9) ((~~\$3,512~~)) \$4,179 for a license authorizing medical or veterinary possession of less than or equal to 30 millicuries total possession of radioactive material at a single facility;

(10) ((~~\$3,096~~)) \$3,684 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);

(11) ((~~\$1,931~~)) \$2,298 for a license authorizing medical or veterinary possession of a sealed source for diagnostic use at a single facility.

AMENDATORY SECTION (Amending WSR 24-21-092, filed 10/17/24, effective 11/17/24)

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) ((~~\$13,984~~)) \$16,641 for a license authorizing the use of radiographic exposure devices in one or more permanent radiographic vaults in a single facility.

(b) ((~~\$18,747~~)) \$22,309 for a license authorizing the use of radiographic exposure devices at temporary job sites but operating from a single storage facility.

(c) ((~~\$9,183~~)) \$10,928 for a license authorizing well-logging activities including the use of radioactive tracers operating from a single storage facility.

(d) ((~~\$1,979~~)) \$2,355 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) ((~~\$2,158~~)) \$2,568 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) ((~~\$1,360~~)) \$1,618 for a license authorizing possession of gas chromatograph units containing radioactive material at a single facility.

(g) ((~~\$3,770~~)) \$4,487 for a license authorizing possession of any self-shielded or pool type irradiator with sealed source total quantity greater than 100 curies at a single facility.

(h) ((~~\$20,040~~)) \$23,848 for a license authorizing possession of sealed sources for a walk-in type irradiator at a single facility.

(i) ((~~\$17,453~~)) \$20,769 for a license authorizing possession of greater than one gram of unsealed special nuclear material or greater than 500 kilograms of source material at a single facility.

(j) ((~~\$5,585~~)) \$6,646 for a license authorizing possession of less than or equal to one gram of unsealed special nuclear material or 500 kilograms of source material at a single facility.

(k) (~~(\$882)~~) \$1,049 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 100 percent for each additional location.

(3) Depleted uranium registrants required to file Form RHF-20 shall forward an annual fee of (~~(\$177)~~) \$210 to the department.

(4) General licensees required to register in accordance with WAC 246-233-020 (3)(k) shall forward an annual fee of (~~(\$527)~~) \$627 to the department.

AMENDATORY SECTION (Amending WSR 24-21-092, filed 10/17/24, effective 11/17/24)

WAC 246-254-100 Fees for laboratory radioactive material licenses.

(1) Persons licensed or authorized to possess or use unsealed radioactive material in the following laboratory categories shall forward annual fees to the department as follows:

(a) (~~(\$9,563)~~) \$11,380 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) (~~(\$4,720)~~) \$5,617 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 10 millicuries and less than or equal to 100 millicuries of H-3 or C-14; or

(iii) Greater than one millicurie and less than or equal to 10 millicuries of any single isotope.

(c) (~~(\$3,972)~~) \$4,727 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 10 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) (~~(\$1,360)~~) \$1,618 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) (~~(\$1,833)~~) \$2,181 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 100 percent for each additional location.

(3) Persons registered to perform in vitro testing pursuant to Form RHF-15 shall forward an annual fee of (~~(\$177)~~) \$210 to the department.

AMENDATORY SECTION (Amending WSR 24-21-092, filed 10/17/24, effective 11/17/24)

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 (~~(\$248)~~) \$295 per hour of direct staff time associated with the follow-up inspection, not to exceed (~~(\$2,480)~~) \$2,950 per follow-up inspection. Hours are calculated in half-hour increments.

(b) For each environmental cleanup monitoring visit, a fee of (~~(\$248)~~) \$295 per hour of direct staff time associated with the environmental cleanup monitoring visit, not to exceed (~~(\$6,226)~~) \$7,375 per visit. Hours are calculated in half-hour increments.

(c) For each new license application, the fee of (~~(\$398)~~) \$474 in addition to the required annual fee.

(d) For each sealed source and device evaluation, a fee of (~~(\$248)~~) \$295 per hour of direct staff time associated with each sealed source and device evaluation, not to exceed (~~(\$7,471)~~) \$9,135 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 (~~(\$248)~~) \$295 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 10 percent of the licensee's annual fee.

(f) For expedited licensing review, a fee of (~~(\$248)~~) \$295 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 30 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.

AMENDATORY SECTION (Amending WSR 91-22-027, filed 10/29/91, effective 11/29/91)

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 ura-

nium 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))~~ \$170,100; 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))~~ \$131,220; and

(b) Quarterly billings not to exceed ~~((forty thousand dollars))~~ \$194,400.

(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.

AMENDATORY SECTION (Amending WSR 00-08-013, filed 3/24/00, effective 4/24/00)

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))~~ \$0.97 per kilogram of uranium or thorium compound milled out of the raw ore;

(b) Remit this payment within ~~((thirty))~~ 30 days after the end of each calendar quarter; and

(c) Pay to the department a minimum of (~~two hundred fifty thousand dollars~~) \$250,000 (1978 dollars) to cover the costs of long-term surveillance prior to the termination of a uranium or thorium mill license. The amount will be adjusted annually prior to actual payments to recognize inflation as outlined in chapter 246-252 WAC.

(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).

WAC 246-254-130 Radioactive waste disposal site surveillance fee. (1) The department shall charge a radioactive waste site surveillance fee of (~~(\$26)~~) \$126 per cubic foot to generators and brokers of LLRW (low-level radioactive waste) and NARM (naturally occurring and accelerator produced radioactive material).

(2) The fee (~~(shall)~~) will be an added charge on each cubic foot of LLRW and NARM 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 70A.388.060 and the fee (~~(shall)~~) may 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 15th for the final quarter of the biennium.