

# Concise Explanatory Statement

## Radioactive Materials Licenses and Licensee Fees



**Table I: Comments in Support**

Comment Received	Department of Health Determination
<p>Believes that a well-resourced DOH is in everyone’s best interest and consistent with our need to safely and quickly deploy fusion electricity. Thus, we support the proposal to increase the broad scope licensing fees.</p>	<p><b>No change to proposed rule.</b> Thank you for your comment and understanding.</p>

**Table II: Comments in Opposition**

Comment Received	Department of Health Determination
<p>The number of licensed locations have decreased so you should need less staff.</p>	<p><b>No change to proposed rule.</b> The department does not anticipate any significant reduction (or growth) in the number of licenses over the next five years. Staffing and vacancies are comparable to levels 7-8 years ago. Currently we have about 350 radioactive material licenses which is similar to our number 7-8 years ago. While some license types (e.g., portable gages) are showing a slight decrease, new licenses, license types (e.g., fusion) and amendments (simple and complex) continue to be presented for staff review and approval. The federal Nuclear Regulatory Commission security requirements on certain licenses have become stricter resulting in more staff time and effort.</p>
<p>You should not remove the 50% second discount because many organizations have multiple locations but share same policies, procedures, oversight, and radiologists.</p>	<p><b>No change to proposed rule</b> When originally adopted, the 50% discount was offered due to the thought that additional facility would not require as much effort to</p>

	<p>license and inspect. Experience has shown otherwise. Second (and additional) facilities are not time savers, but require as much inspection time as the main facility. In addition, this reduction was not funded from a dedicated source; this has been supplemented by other radioactive material users' fees.</p>
<p>Your license renewal schedule should be the same as the federal Nuclear Regulatory Commission (NRC). The Department is currently at 5 years and the NRCs changing many to 15 years. The Department is doing 3x as much work as the NRC and you should use less staff at these locations.</p>	<p><b>No change to proposed rule</b></p> <p>Washington's license renewal schedule has been adjusted from 5 years to 10 years. States are allowed to be more restricted than the NRC. Such is the case in radioactive materials licensing. Staff inspection needs range from 1 to 5 inspectors depending on the complexity of the facility (e.g., portable gages to large health care facility/university) and its regulatory compliance history.</p>
<p>Instead of raising fees to increase revenue to balance your budget, DOH should reduce their expenditures. Examples of ways to reduce expenditures include:</p> <ul style="list-style-type: none"> <li>• Reduce staff.</li> <li>• Remove the requirement to request an amendment each time a new Authorized User comes on board. Follow 10 CFR 35.13 and 35.14.</li> <li>• Remove the requirement to request an amendment for each all use areas. Part 35.14 allows material used for imaging and uptake to be used in other locations without an amendment, as long as the NRC is notified in 30 days.</li> <li>• Reduce the number of inspections; the NRC does not inspect as frequently. Modify your inspection schedule based upon NRC guidelines and risk based on the site.</li> <li>• Create a workgroup of Radiation Safety Officers to come up with additional cost saving measures that would also ensure radiation safety. This would be a more effective method of increasing radiation safety rather than increasing fees.</li> </ul>	<p><b>No change to proposed rule</b></p> <ul style="list-style-type: none"> <li>• Reducing staff is not feasible at this time due to our backlog of inspections and licensing actions. In order to reduce our backlog in these areas, we hired contractors to help train our staff, complete licensing actions, and conduct inspections.</li> <li>• Washington regulations do not include the 10 CFR 35.13 and 35.14 wording allowing an Authorized User to work for up to 30 days before notice is given to the Department. In order to allow this practice, additional rulemaking by the Department would be needed.</li> <li>• Inspection frequency has been reduced to match the NRC frequencies. Low risk licenses (e.g., portable gages) are inspected at 5 year (nominal) intervals. Low risk license renewals are extended up to 10 years as they come due for renewal or for an amendment.</li> <li>• A committee of licensees and regulators can be established to review future section expenses and incomes. Inspection frequency (1–5 years) is set by the NRC. License renewals have been relaxed consistent with the complexity of the license and enforcement history.</li> </ul>

**Table III: Outside the scope of rulemaking**

<b>Comment Received</b>	<b>Department of Health Determination</b>
Encourages the consideration of an additional broad scope fee category (corresponding to a higher possession limit within the Type A category) for max possession > 1,000 Curie.	<b>No change to proposed rule.</b> Thank you for your comment. New categories will be evaluated in future fee rulemaking (e.g., proposed every 2-3 years).



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