

**From:** Monica Orendi  
**To:** Patricia McGrady-Finneran  
**Date:** 06/07/2007 9:49:24 AM  
**Subject:** Fwd: RATS 2005-1 Proposed Regulation

>>> "Frazee, Terry (DOH)" <Terry.Frazee@DOH.WA.GOV> 6/4/2007 2:13 PM >>>  
Attached is our rule-making order proposing a permanent change to Washington Administrative Code section 246-221-150, Security and control of stored radioactive materials and radiation machines. The specific change in the section, in state-required editing style (new language is underlined; proposed deletions are lined-out), is included in the order.

We believe that this revision will satisfy the compatibility and health and safety categories established in your Procedure SA-200 for the regulation amendment described as RATS 2005-1 (SA-201). It would be most helpful if any comments could be received by the date of the public hearing (June 27, 2007).

If you have any questions or comments, please contact me at your earliest convenience. Thank you.

<<securitycntrradio\_001.pdf>>

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Public Health - Always Working for a Safer and Healthier Washington

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This message from Terry C. Frazee  
Western Regional Director  
Office of Radiation Protection  
Division of Environmental Health  
Washington Department of Health

Quick ways to reach me:  
Voice = 360-236-3213  
FAX = 360-236-2255

Also, visit our Home Page at  
<http://www.doh.wa.gov/ehp/rp>

We are located in Town Center 2 at 111 Israel Rd SE, Tumwater, WA 98501.  
Our mailing address is PO Box 47827, Olympia, WA 98504-7827.

**Mail Envelope Properties** (46680CDD.0D4 : 21 : 10192)

**Subject:** Fwd: RATS 2005-1 Proposed Regulation  
**Creation Date** 06/07/2007 9:49:17 AM  
**From:** Monica Orendi  
  
**Created By:** MLO1@nrc.gov

**Recipients**

nrc.gov  
TWGWPO01.HQGWDO01  
PXM1 (Patricia McGrady-Finneran)

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MESSAGE	2869	06/07/2007 9:49:17 AM
securitycntrradio_001.pdf	104857	06/07/2007 9:49:06 AM

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# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- Preproposal Statement of Inquiry was filed as WSR ; or
- Expedited Rule Making--Proposed notice was filed as WSR ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

WAC 246-221-150, Security and control of stored radioactive material and radiation machines.

Hearing location(s): Department of Health  
 111 Israel Road SE  
 Town Center 2, Room 530  
 Tumwater, Washington 98501

Submit written comments to:

Name: Arden Scroggs  
 Address: Office of Radiation Protection  
 Radioactive Materials Section  
 Post Office Box 47827  
 Olympia, Washington 98504-7827

Website: <http://www3.doh.wa.gov/policyreview/>  
 fax (360) 236-2255 by (date) 06/25/2007

Date: June 27, 2007 Time: 10:00 a.m.

Assistance for persons with disabilities: Contact

Nancy Burgin by 06/20/2007

TTY (800) 833-6388 or () 711

Date of intended adoption: 08/06/2007

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

This proposed rule revises state regulations to match federal regulations regarding security for portable gauges containing licensed radioactive material. The federal rule requires licensees to use a minimum of two independent physical controls to secure portable gauges from unauthorized removal.

Reasons supporting proposal:

The proposed rule adopts a federal rule change which Washington state is required to adopt for compatibility with the U.S. Nuclear Regulatory Commission regulations. Portable gauges contain radioactive material which, if compromised, could be hazardous to public health. Adopting national standards for security of portable gauges will reduce the potential for theft or unauthorized use of radioactive material.

Statutory authority for adoption:

RCW 70.98.050

Statute being implemented:

RCW 70.98.050

Is rule necessary because of a:

- |                         |   |  |
|-------------------------|---|--|
| Federal Law?            | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| Federal Court Decision? | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

If yes, CITATION:

10 CFR 30.34(i)

DATE 5/17/07

NAME (type or print)

Mary C. Selecky

SIGNATURE

TITLE

Secretary

CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

MAY 21 2007

TIME 3:18 AM  
 WSR 07-11-121 PM

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Department of Health

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Arden Scroggs	Tumwater, Washington	(360) 236-3221
Implementation.... Arden Scroggs	Tumwater, Washington	(360) 236-3221
Enforcement..... Arden Scroggs	Tumwater, Washington	(360) 236-3221

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:  
Address:

phone  
fax  
e-mail

No. Explain why no statement was prepared.

According to RCW 19.85.025(3) and RCW 19.85.061, this proposed rule is exempt from the requirements of chapter 19.85 RCW because it adopts federal regulations (10 CFR 30.34(i)) without material change. These rules are required in order to maintain a state program that is compatible with that of the Nuclear Regulatory Commission as specified under the terms of the formal agreement signed by the Governor and the Chairman of the Commission.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:  
Address:

phone  
fax  
e-mail

No: Please explain: According to RCW 34.05.328(5)(b)(iii), this proposed rule is exempt from the requirements of RCW 34.05.328 because it adopts federal regulations without material change.

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

WAC 246-221-150 Security and control of ((stored)) radioactive material and radiation machines. (1) Licensed radioactive materials and registered radiation machines shall be secured from, or controlled in such a manner so as to prevent, unauthorized access or removal from the place of storage.

(2) Each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

(3) Licensed radioactive materials in an unrestricted area and not in storage shall be tended under the constant surveillance and immediate control of the licensee.

((+3+)) (4) Registered radiation machines in an unrestricted area and not in storage shall be under the control of the registrant.