

Department of State
Division of Publications
 312 Rosa L. Parks, 8th Floor Snodgrass/TN Tower
 Nashville, TN 37243
 Phone: 615.741.2650
 Fax: 615.741.5133
 Email: register.information@tn.gov

For Department of State Use Only

Sequence Number: 06-22-14
 Notice ID(s): 2189
 File Date: 6/25/14

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Environment and Conservation
Division:	Radiological Health
Contact Person:	Roger Fenner
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor Nashville, Tennessee 37243
Phone:	(615) 532-0404
Email:	Roger.Fenner@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 2nd Floor Nashville, Tennessee 37243
Phone:	1-866-253-5827 (toll free) or (615) 532-0200 Hearing impaired callers may use the TN Relay Service at 1-800-848-0298.
Email:	beverly.evans@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Nashville Environmental Field Office		
Address 2:	711 R.S. Gass Blvd		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	08/19/14		
Hearing Time:	1:30 p.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Videoconferencing Location(s): The public may teleconference the Nashville hearing at the following locations:

Address 1:	Memphis Environmental Field Office		
Address 2:	8383 Wolf Lake Road		
City:	Bartlett, Tennessee		
Zip:	38133		
Hearing Date :	08/19/14		
Hearing Time:	1:30 p.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Address 1:	Chattanooga Environmental Field Office	
Address 2:	540 McCallie Avenue, State Office Bldg., Suite 550	
City:	Chattanooga, Tennessee	
Zip:	37402	
Hearing Date :	08/19/14	
Hearing Time:	2:30 p.m.	<input type="checkbox"/> CST/CDT <input checked="" type="checkbox"/> EST/EDT

Address 1:	Knoxville Environmental Field Office	
Address 2:	3711 Middlebrook Pike	
City:	Knoxville, Tennessee	
Zip:	37921	
Hearing Date :	08/19/14	
Hearing Time:	2:30 p.m.	<input type="checkbox"/> CST/CDT <input checked="" type="checkbox"/> EST/EDT

Additional Hearing Information:

In response to feedback from the regulated community, the Department proposes to amend Rule 0400-20-10-.24 Registration. Currently, an annual registration fee for x-ray producing equipment is due to the Department on March 17th of each year and the invoice is dated January 17th per regulation. A registrant may qualify to pay a registration fee equal to 18 percent of the fee due if a private individual approved by the department performs the inspection and if several other conditions are met. Division employees must review each inspection report submitted to ensure it meets all the qualifying conditions. The March 17th date does not give the Division staff sufficient time to review all these reports submitted by stakeholders (registrants). If adopted as proposed these amendments will enable Department staff to review these reports, enter the information into the database that Fiscal Services uses to invoice and ensure proper payment is made to the Department. Fiscal Services will be able to send an accurate invoice to stakeholders who qualify for a reduction in fees. Without these amendments, some stakeholders, qualifying for an 18 percent reduction in fees, will continue to pay the full fee due by March 17th and, after review and approval, are owed a refund or are issued a credit to their account. These amendments will streamline the process and reduce the amount of resources spent by all involved parties.

Oral or written comments are invited at the hearing. In addition, written comments may be submitted to Roger Fenner at the Division of Radiological Health, Central Office, address below, prior to or following the public hearing. However, the Division must receive comments in its Central Office by 4:30 p.m. (CST), August 19, 2014, in order to assure consideration.

Copies of draft rules are available for review in the Public Access Areas of the following Departmental Environmental Assistance Centers:

Nashville Field Office
711 R. S. Gass Boulevard
Nashville, TN 37243
(615) 687-7000 / 1-888-891-8332

Knoxville Field Office
3711 Middlebrook Pike
Knoxville, TN 37921
(865) 594-6035 / 1-888-891-8332

Chattanooga Field Office
State Office Building
540 McCallie Avenue, Suite 550
Chattanooga, TN 37402-2013
(423) 634-5781 / 1-888-891-8332

Memphis Field Office
8383 Wolf Lake Drive
Bartlett, TN 38133-4119
(901) 368-7939 / 1-888-891-8332

Copies are available for review also at the Division of Radiological Health, Central Office:

Division of Radiological Health
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, Tennessee 37243
(615) 532-0364

The "DRAFT" rules may be accessed for review also at the Department's World Wide Web Site located at <http://tn.gov/environment/ppo/#rad>.

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0400-20-10	Licensing and Registration
Rule Number	Rule Title
0400-20-10-.24	Registration

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 0400-20-10
Licensing and Registration

Amendments

Paragraph (2) of Rule 0400-20-10-.24 Registration is amended by deleting the paragraph and substituting the following so that, as amended, paragraph (2) shall read as follows:

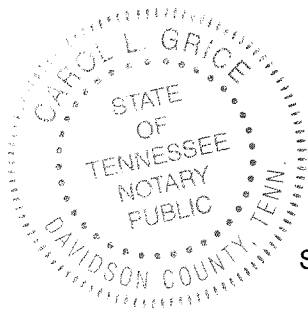
- (2) An annual registration fee will be required each year as long as the radiation machine or service is subject to registration. Each registrant shall submit the annual fee payable to, "Treasurer, State of Tennessee," in the appropriate dollar amount in accordance with the Classification and Fee Schedule in paragraph (3) of this rule to the Division of Radiological Health. Payment shall be accompanied by a copy of the fee invoice properly completed. The invoice for the annual fee will be dated May 1st and will require payment by June 15th of the indicated year. The annual registration fee shall be due within 45 days of issuance of an invoice. At the time of the annual payment, a registrant of only Class II radiation machines may request specific times or list restricted hours during normal work hours for inspections pursuant to Rule 0400-20-10-.27 by personnel of the Division of Radiological Health, Tennessee Department of Environment and Conservation.

Part 2 of subparagraph (d) of paragraph (3) of Rule 0400-20-10-.24 Registration is amended by deleting the paragraph and substituting the following so that, as amended, paragraph (2) shall read as follows:

- 2. Each newly acquired tube subject to registration is inspected within 2 months of ownership or possession.

Authority: T.C.A. §§ 68-202-101 et seq. and 4-5-201 et seq.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.



Date: June 25, 2014

Signature: *Debra G. Shults*

Name of Officer: Debra G. Shults

Title of Officer: Director of the Division of Radiological Health

Subscribed and sworn to before me on: June 25, 2014

Notary Public Signature: *Carol L. Grice*

My commission expires on: June 21, 2016

Department of State Use Only

Filed with the Department of State on: 6/25/14

Tre Hargett
Tre Hargett
Secretary of State

RECEIVED
2014 JUN 25 PM 1:39
OFFICE OF
SECRETARY OF STATE