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Sequence Number: 12-22-16
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File Date: 12/20/2010

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Department of Environment and Conservation
Division:	Radiological Health
Contact Person:	Beth Murphy
Address:	3 rd Floor L&C Annex 401 Church Street Nashville, Tennessee 37243-1532
Phone:	(615)532-0392
Email:	Beth.Murphy@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:	12 th Floor L&C Tower 401 Church Street 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:	17 th Floor Conference Room, L&C Tower		
Address 2:	401 Church Street		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	02/22/11		
Hearing Time:	1:00 p.m.	<input checked="" type="checkbox"/> CST	<input type="checkbox"/> EST

Additional Hearing Information:

Oral or written comments are invited at the hearing. In addition, written comments may be submitted to Beth Murphy 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), February 25, 2011, in order to assure consideration.

Copies of draft rules are available for review in the Public Access Areas of the following Department Environmental Field Offices:

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

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

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

Memphis Environmental Field Office
8383 Wolf Lake Drive
Bartlett, TN 38133-4119
(901) 371-3000

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

Division of Radiological Health
L & C Annex, Third Floor
401 Church Street
Nashville, TN 37243-1532
(615) 532-0364

The "DRAFT" rules may be accessed for review also at the Department's World Wide Web Site located at <http://www.state.tn.us/environment/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
1200-02-10	Licensing and Registration
Rule Number	Rule Title
1200-02-10-.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>)

Paragraph (2) of Rule 1200-02-10-.24 Registration is amended by deleting it in its entirety and replacing it with the following so that, as amended, paragraph (2) shall read as follows:

- (2) (a) Except for those radiation machines described in subparagraph (b) of this paragraph, an annual registration fee will be due the first working day following January 1 of 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 Rule 1200-02-10-.24(3) 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 January 17 and will require payment by March 17 of the indicated year. 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 1200-02-10-.27 by personnel of the Division of Radiological Health, Tennessee Department of Environment and Conservation.
- (b) X-ray machines owned or possessed by public safety agencies of any county, city, municipality or any area operating under a metropolitan form of government, are exempt from paying the fees of this rule. As used in this rule, "public safety agencies" shall mean those units (typically known as bomb squads) of the above governmental entities whose purpose is the protection of the general public from explosive devices and that use the radiation machines only to detect and/or inspect explosive devices and not any other purposes including, but not limited to, detecting weapons or medical diagnosis.

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: December 20, 2010

Signature: Debra G. Shults

Name of Officer: Debra G. Shults

Title of Officer: Director

Subscribed and sworn to before me on: December 20, 2010

Notary Public Signature: Wanda K Smith

My commission expires on: My Commission Expires November 7, 2012

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Filed with the Department of State on: 12/20/10

Tre Hargett

Tre Hargett
Secretary of State

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