WISCONSIN DEPARTMENT OF HEALTH SERVICES
PROPOSED ORDER TO ADOPT PERMANENT RULES

The Wisconsin Department of Health Services ("the department") proposes an order to **repeal** DHS 157.10 (3) (table) and 157.86 (1) (a) 2. to 4.**; amend** DHS 157.03 (304), 157.05 (3), 157.12 (1) (a), (6) (a), and (3) (e) 2., 157.13 (3) (f) 2., 3., and 4., (4) (i) 2. a., (17) (b) and (c) 2.,157.25 (2), 157.29 (6) (e), 157.31 (7) (c) (Note), 157.32 (1) (d) (Note) and (2) (a) and (b), 157.61 (9) (a) 1., (7) (c) 2., and (10) (c) 2. (intro.), 157.64 (8) (a) 1., 157.67 (17) (b) 3., 157.72 (1) (a) 2. a., 157.74 (2) (d) 3., (g) 3., 4., and (Note), and (5) (a) 3. a. and b., 157.76 (11) (b) and (c), 157.77 (2) (i), 157.78 (2) (intro.), 157.80 (2) (a) 1. and 2., 157.87 (3) (k), and (5) (intro.), and 157.9719 (1) (c) (Note 1) and (Note 2)**; repeal and recreate** DHS 157.10 (3), 157.13 (17) (b) 4. b. (Note) and (c) 2. f. (Note), 157.29 (6) (e) 2. (Note), 157.32 (1) (a) 3. (Note), 157.32 (2) (c) (intro.) and (e) (Note), 157.32 (5) (c) (Note), 157.56 (2) (b) (Note), (3) (c) 10. (Note), and (5) (Note), 157.72 (1) (c) (Note) and (d) 3. (Note) and (4) (a) 5. (Note) and (b) 5. (Note), 157.76 (11) (a), 157.78 (2) (a) and (b), 157.86 (1) (a) 1., 157.9715 (3) (Note), 157.9721 (8) (Note), and Appendix U**;** and **to create** DHS 157.03 (101p) and (367m), 157.13 (17) (a) (Note), 157.32 (2) (a) (Note) and (b) 2. (Note), (3) (b) 6. (Note), and (4) (Note), 157.72 (2) (g) (Note), 157.74 (5) (b), 157.87 (6) (d), and Appendix V., relating to radiation protection requirements for radiation producing machines and radioactive materials.

RULE SUMMARY

Statute interpreted
Sections 254.31 to 254.45, Stats., and 42 USC 2011 to 2114

Statutory authority
Sections 227.11 (2) (a), 254.34 (1) (a) and (b), 254.35 (3) (g), 254.365 (4), and 254.37 (3), Stats.

Explanation of agency authority
As specified under s. 254.34 (1), Stats., the department is the state radiation control agency and is required under ss. 254.34 (1) (a), 254.365 (4), and 254.37 (3), Stats., to promulgate rules pertaining to the use of radiation in Wisconsin. Specifically, the department is required to promulgate rules as may be necessary to prohibit and prevent unnecessary radiation exposure, including registration and licensing of sources of ionizing radiation. The department's rules for by-product material, source material, and special nuclear material are required to be in accordance with 42 USC 2021 (o) and be otherwise compatible with the requirements under 42 USC 2011 to 2114 and regulations adopted under 42 USC 2011 to 2114. As specified under s. 254.33, Stats., it is further the policy for the department to advise, consult and cooperate with other agencies of the state, the federal government, other states and interstate agencies and with affected groups, political subdivisions and industries; and, in general, to conform as nearly as possible to nationally accepted standards in the promulgation and enforcement of rules

Related statute or rule
Chapter NR 809 incorporates the radioactivity standards for community water systems and the exemptions and requirements established in ss. DHS 157.95 and 157.96. The Department of Natural Resources applies these standards to community drinking water systems.

Chapter DHS 163 establishes requirements for identification, removal and reduction of lead-based paint hazards. Lead in paint analysis requires use of a portable device containing radioactive material or x-ray tube which is required to be licensed or registered under ch. DHS 157. Section DHS 157.05 (4) also requires any person providing training for certified lead

inspectors or risk assessors to meet the training requirements of s. DHS 163.24 (a) 1. and 3. and to complete an additional eight hours of radiation safety training.

Chapter 462, Stats., requires radiographers to be licensed and limited x-ray machine operators to be permitted by the state. Sections DHS 157.74 (2) (m) and 157.80 (2) (a) 1. also require individuals operating x-ray equipment for diagnostic purposes to possess a current radiography license or limited x-ray machine operator's permit from the state of Wisconsin.

Plain language analysis

Under s. 254.34 (1) (a) and (b) Stats., the department is responsible for developing and enforcing rules, including registration and licensing of sources of ionizing radiation, to prohibit and prevent unnecessary radiation exposure. Section 254.33, Stats., further directs the department to "conform as nearly as possible to nationally accepted standards in the promulgation and enforcement of rules." The department is also responsible for maintaining compliance with the Agreement Between the United States Nuclear Regulatory Commission and the State of Wisconsin for the Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended ("the agreement"), signed by Governor Doyle and the Nuclear Regulatory Commission ("NRC") in 2003. See 68 Fed. Reg. 19860, 19862 (April 22, 2003). The agreement transferred regulatory authority over certain radioactive materials from the NRC to the state. Under the agreement, the department is responsible for licensing and inspecting radioactive materials commonly used in medicine, industry, research and education. The state regulatory program is periodically evaluated by NRC staff. The agreement provides that the state will revise the radioactive material provisions of ch. DHS 157 within three years of any applicable changes to Title 10 of the Code of Federal Regulations. Title 10 was revised as recently as 2023, whereas ch. DHS 157 was last revised in 2022. The department proposes to revise the radioactive material requirements in ch. DHS 157 in order to comply with the agreement. No reasonable alternative exists to revising provisions in ch. DHS 157 pertaining to radioactive material, because the agreement remains in effect. The proposed revisions are anticipated to bring the state into compliance with the agreement.

In addition, the department proposes to revise provisions of ch. DHS 157 pertaining to x-rays. These revisions are necessary to prohibit and prevent unnecessary radiation exposure, and to conform to nationally accepted standards for technologies employing x-rays. Revisions reflect new diagnostic and therapeutic technologies, the department's experience with implementing and administering the current rule, changes in comparable federal regulations, suggested national standards from the Conference of Radiation Control Program Directors, and input provided to the department by an advisory group that included representatives of academic and medical facilities, radioactive materials users, x-ray users and large and small businesses. No reasonable alternative exists to revising the provisions of ch. DHS 157 pertaining to x-rays because, pursuant to ss. 254.33 and 254.34, Stats., the department must promulgate and enforce rules, including registration and licensing of sources of ionizing radiation, as may be necessary to prohibit and prevent unnecessary radiation exposure. The proposed revisions are necessary to accomplish this purpose.

Entities that may be affected by the proposed revisions to ch. DHS 157 are hospitals, academic facilities, medical clinics, dental facilities, chiropractic offices, veterinary facilities, and industrial facilities that use radioactive materials or x-ray devices.

The proposed revisions to ch. DHS 157 would accomplish the following:

1. Update the radiation protection and regulatory requirements for radioactive materials to ensure compatibility with current applicable regulations of the federal Nuclear Regulatory Commission (NRC) in 10 CFR Parts 20, 32, 35, 37, 40, and 71, relating to standards for

protection against radiation; specific domestic licenses to manufacture or transfer certain items containing byproduct material; medical use of byproduct material; physical protection of byproduct material; domestic licensing of source material; packaging and transportation of radioactive material.

2. Achieve compatibility with current applicable regulations of the federal Food and Drug Administration ("FDA") in 21 CFR Parts 900, 1020, and 1040 relating to mammography quality standards, performance standards for ionizing radiation emitting products; and light-emitting products for the protection against hazards of radiation

3. Codify suggested national standards for x-ray device imaging from the Conference of Radiation Control Program Directors in the Suggested State Regulations for the Control of Radiation.

4. Correct outdated, imprecise, and inconsistent rule language based on the department's experience administering the current rule.

5. Set the fee to $0 for the amendment or termination of a radioactive material license when no site visit is required by the department. This reduces the administrative burden for the department and licensees for these types of licensing actions that don't incur additional travel or laboratory costs.

6. Add two radioactive material license fee categories that apply to amendment or termination of a license when the department is required to conduct a site visit. These proposed fee categories are tiered and based on the number of samples the department has to collect for laboratory analysis.

7. Add two radioactive material license fee categories that apply to the medical use of radioactive material: one category for the use of emerging medical technology and one category for sealed sources contained in remote afterloaders. These radioactive material license fee categories apply to the application and annual fees and reflect the additional staff time and resources required license and inspect these uses of radioactive material.

8. Add one radioactive material license fee category for the application or amendment of a specific license that requires the department to review the licensee's financial assurance or decommissioning plan requirements. This fee category only applies to radioactive materials licensees that have large quantities of certain types of radioactive material. This additional fee category reflects the additional staff time and resources required to review this type of regulated activity.

9. Add one radioactive material license fee category that applies to a licensee that is required to have a written plan to respond to a release of radioactive material and periodically hold practice exercises of that plan. This radioactive license fee category applies to the initial application and annual fees. This type of emergency planning is only required for certain radioactive materials licensees with large quantities of radioactive material. This additional fee category reflects the additional staff time and resources required to review this type of regulated activity and evaluate the required periodic practice exercise.

10. Clarify applicability and consolidate specific radioactive material license fee categories for accelerator licenses, well logging, and manufacturing and distribution. This will remove fee categories that are unused, duplicative, or have significant overlap with other fee categories.

11. Remove x-ray fluorescence (XRF) devices that contain radioactive material as a specific license category and add XRF devices to the list of general licenses that are registered

annually. This change reduces the number of regulatory requirements that apply to XRF devices that contain radioactive material and maintains minimum standards for safe use and accountability.

12. Implement a general fee schedule for radioactive material licenses that increases annually through the year 2032. The first-year increase is 24%. The next 5 years have smaller varying increases that equal an average of 2% per year over the 5-year period. There has not been a general fee increase for all radioactive material license fee categories since the program was enacted in 2003. Program revenue from radioactive material license fees is the only source of funding for the program, and these changes are necessary to close the program's current budget deficit and will limit fee increases over a reasonable period of time.

13. Implement a general fee schedule for x-ray registrants that increases annually through the year 2032. Except for dental facilities, the first-year increase is 18% for the per site and per x-ray tube fee. For dental facilities, the first-year increase is 18% for the per site fee and 14% for the per x-ray tube fee. For all registrants, the next 5 years have smaller varying increases that equal an average of 2% per year over the 5-year period. There has not been a general fee increase for all x-ray registration fee categories since 2006. This program revenue is the only source of funding for the program, and these changes are necessary to close the program's current budget deficient and will limit fee increases over a reasonable period of time.

Summary of, and comparison with, existing or proposed federal regulations

Wisconsin's agreement with the Nuclear Regulatory Commission requires the department to incorporate relevant changes to federal radioactive material regulations into its radiation protection rules within three years of the effective date of the federal regulations. The proposed changes to ch. DHS 157 ensure continued compatibility with new federal radioactive material regulations in 10 CFR Parts 19, 20, 31, 33-36, 37, 39, 40, 70, 71 and 150, and Title 49 CFR, as required by s. 254.34 (1), Stats.

The proposed changes to ch. DHS 157 are equivalent to 21 CFR Parts 900, 1020, and 1040, which set quality standards for mammography, diagnostic, therapeutic, and cabinet x-ray devices.

Comparison with rules in adjacent states

Illinois:

Illinois is an agreement state with the NRC. As a result, Illinois law in effect as of December 1, 2025, contains radiation protection and regulatory requirements similar to those contained in ch. DHS 157 and compatible with equivalent federal regulations in Titles 10 and 49 of the Code of Federal Regulations.

Illinois's fee structure for radioactive materials licenses includes comparable but overall fewer categories than the department's current rule. Illinois does have an additional fee category for diagnostic only medical use and does not have separate fee categories for emerging medical technology, sealed sources contained in remote afterloaders for medical use, and emergency planning requirements. Illinois also has full cost recovery fees for certain licensed activities with respect to source material and waste processing and all licensees are charged a $300 recovery and remediation fee. For currently equivalent fee categories, Illinois's licensing fees range from 13 percent less to 91 percent greater than the WI fees.

Illinois's annual x-ray device registration ranges from $50 to $250 per machine depending

on type of use. Annual registration fees are: $50 per machine for dental and veterinary use; $175 per machine for medical use; and $75 to $250 per machine for industrial and other use.

Reference: Ill. Admin. Code tit. 32, Parts 320 and 331 (2025).

Iowa:
Iowa is an agreement state with the NRC. As a result, Iowa law in effect as of December 1, 2025, contains radiation protection and regulatory requirements similar to those in ch. DHS 157 and compatible with equivalent federal regulations in Titles 10 and 49 of the Code of Federal Regulations.

Iowa's fee structure for radioactive materials licenses includes comparable but overall fewer categories than the department's current rule. Iowa does have an additional fee category for diagnostic only medical use and does not have separate fee categories for emerging medical technology, sealed sources contained in remote afterloaders for medical use, and emergency planning requirements. The amendment fee for all categories is $600. In general, Iowa's current licensing fees are 10 percent greater than the equivalent current WI fees.

Iowa's annual x-ray device registration ranges from $40 to $500 per machine depending on type of use. Annual registration fees are: $60 per machine for dental and veterinary use; $120 per machine for medical use; and $40 to $500 per machine for industrial and other use. Iowa has a maximum fee cap per facility for medical, osteopathy, dentistry, podiatry, and chiropractic facilities.

Reference: Iowa Admin. Code r. 641-38.8 (1) and (2) (2025).

Michigan:
Michigan is not an agreement state with the NRC. Michigan law in effect December 1, 2025, contains some regulatory requirements similar to those in ch. DHS 157. The NRC is currently responsible for regulating the majority of radioactive material use in Michigan under Titles 10 and 49 of the Code of Federal Regulations.

The NRC determines license fees within Michigan. The NRC's fee structure for radioactive materials licenses includes comparable but overall fewer categories than the department's current rule. The NRC does not provide additional fee categories for emerging medical technology, sealed sources contained in remote afterloaders for medical use, and emergency planning requirements. The NRC does not have an amendment fee but does have some fee categories that charge full cost recovery. In general, for 2025 the NRC fees are more than 90 percent greater than the equivalent current WI fees.

Michigan's annual x-ray device registration ranges from $58.19 to $174.88 per machine depending on type of use. Annual registration fees are: $104.88 for the first machine and $58.19 for each additional machine for dental and veterinary users; and $174.88 per machine for all other types of use. Michigan also has a fee of $233.32 per site visit inspection and $1,567.45 per mammography facility evaluation.

Reference: 10 CFR § 170.31 Table 1 (2025); Mich. Comp. Laws § 333.13522 (2025).

Minnesota:
Minnesota is an agreement state with the NRC. As a result, Minnesota law in effect December 1, 2025, contains radiation protection and regulatory requirements similar to those in ch. DHS 157 and compatible with equivalent federal regulations in Titles 10 and 49 of the Code of Federal Regulations.

Minnesota's fee structure for radioactive materials licenses includes comparable but overall fewer categories than the department's current rule. Minnesota does not have additional fee categories for emerging medical technology, sealed sources contained in remote afterloaders for medical use, and emergency planning requirements. The amendment fee for a radioactive materials license is $800. In general, the current Minnesota fees are 32 percent greater than the equivalent current WI fees.

Minnesota's annual x-ray device registration fee includes a per site fee of $155 and a per machine fee that ranges from $60 to $1000 depending on the type of use. Annual per machine registration fees are: $60 for dental use; $130 for medical, veterinary, and other use; $160 for security screening use; $300 for industrial accelerator use; and $1000 for radiation therapy use.

Reference: Minn. Stat. §§ 144.1205 and 144.121 (2025).

Summary of factual data and analytical methodologies
The department referred to all of the following to draft the proposed rules:

1. The input of an advisory committee that included stakeholders affected by the proposed rules. These included representatives of academic and medical facilities, radioactive materials users, x-ray users, and large and small businesses.

2. An agreement state rule template called the "Suggested State Regulations for the Control of Radiation" ("SSRCR") developed by the Conference of Radiation Control Program Directors, Inc. ("CRCPD"). The CRCPD is a national organization of primarily state radiation control staff that supports and represents state radiation control programs. The SSRCR is developed with the involvement of federal radiation agencies, such as the NRC, FDA, and the Environmental Protection Agency. The SSRCR is also continually updated and used by most of the existing agreement states to help meet federal requirements.

3. Requirements of Titles 10, 21, and 49 of the Code of Federal Regulations; Title 42 of the United States Code; ss. 254.31 to 254.45, Stats.; and the agreement.

4. Data that the department maintains on all radioactive material licensees and registrants. This data includes the number of sites, quantities of radioactive material and numbers of x-ray tubes, categories and types of use, and history of amendments. The department used this information as the bases to analyze the impact of the proposed registration and license fee changes.

5. Section 227.114 (1) (a), Stats., which defines "small business" as a business entity, including its affiliates, which is independently owned and operated and not dominant in its field, and which employs 25 or fewer full-time employees or which has gross annual sales of less than $5,000,000.

Analysis and supporting documents used to determine effect on small business
The methods specified in s. 227.114 (2), Stats., for reducing a rule's impact on small business were considered by the department but have not been adopted in the proposed rules because they are not feasible. Adopting the methods specified in s. 227.114 (2), Stats., would be contrary to the state's public policy on radiation control stated in s. 254.33, Stats., as well as federal requirements, and the agreement between the state and the NRC, which are the basis for the proposed rule. The department's analysis of the effect of rulemaking on small businesses regulated by ch. DHS 157 is therefore confined to proposed revisions to regulatory requirements and fee changes.

The department's x-ray registration and inspection program, and radioactive materials licensing and inspection program, are both entirely supported by the annual fees authorized under ss. 254.35 (3) and 254.365 (5), Stats. The industries of registrants and licensees are represented in the North American Industry Classification System sectors 31-33-Manufacturing; 42-Wholesale Trade; 44-45-Retail Trade; 54-Professional, Scientific, and Technical Services; 61-Educational Services ; 62-Health Care and Social Assistance; 71-Arts, Entertainment, and Recreation; and 92-Public Administration.

The small business status of a registered or licensed entity is not collected by the department for registration or licensing purposes, but the types of use and general industry information are collected. The largest group of registrations are classified as dental use with over 38% of registered facilities and over 59% of the total registered x-ray tubes. Using the American Dental Association Health Policy Institute 2024 data, an estimated 72% of dental practices meet the definition of a small business. Similarly, a significant portion of the other types of uses such as medical and industrial manufacturing are likely performed by small businesses. For purposes of this analysis, the department assumes that the majority of the 5049 combined registrants and licensees meet the definition of a small business.

However, the additional proposed license fee categories are specific to radioactive materials licensees with authorization for large quantities of radioactive material or uses typically seen at large medical facilities and are therefore not anticipated to impact small businesses. The department is proposing a fee increase of 24% for radioactive materials licenses, 18% for non-dental x-ray registrations,18% for dental site x-ray registrations, and 14% for per x-ray tube registrations at dental sites. The anticipated total increase in fees collected in the first year following the effective date of the proposed rule is $423,740. The department is also proposing to increase license and registration fees by 2% per year for 5 years following the effective date of the proposed rule. The total anticipated revenue of these fee increases in the 5 years is $259,671. In total, the proposed general fee increases in the proposed rule are estimated to be $683,411. The small businesses to which the proposed rule applies would incur a proportional amount of this cost that is likely to be greater than a total of $50,000. Therefore, the proposed general fee increases would have a moderate impact on small businesses.

Effect on small business
Based on the foregoing analysis, the permanent rule is anticipated to have a moderate economic impact on small businesses.

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Statement on quality of agency data
The data used by the department to prepare these proposed rules and analysis comply with s. 227.14 (2m), Stats.

Place where comments are to be submitted and deadline for submission
Comments may be submitted to the agency contact person that is listed above until the deadline given in the upcoming notice of public hearing. The notice of public hearing and deadline for submitting comments will be published in the Wisconsin Administrative Register and to the department's website, at https://www.dhs.wisconsin.gov/rules/permanent.htm. Comments may

also be submitted through the Wisconsin Administrative Rules Website, at: https://docs.legis.wisconsin.gov/code/chr/active.

RULE TEXT

SECTION 1. DHS 157.03 (101p) is created to read:

DHS 157.03 (101p) "Direct Supervision" means guidance, instruction, and immediate oversight by a supervisor who is physically present at the facility and immediately available to apply proper instruction, assistance, and corrective actions as required.

SECTION 2. DHS 157.03 (304) is amended to read:

DHS 157.03 (304) "Radiographer's assistant" means any individual who, under the ~~direct~~ personal supervision of a radiographer, uses radiographic exposure devices, sources of radiation, related handling tools, or radiation survey instruments in industrial radiography.

SECTION 3. DHS 157.03 (367m) is created to read:

DHS 157.03 (367m) "Supervision" means guidance, instruction, and oversight under a supervisor's overall direction and control and ability to apply proper instruction, assistance, and corrective actions as needed, but the supervisor's physical presence is not always required.

SECTION 4. DHS 157.05 (3) is amended to read:

157.05 (3) RADIATION SURVEY INSTRUMENTATION. No person may operate a portable device containing radioactive material designed to measure moisture content or density of materials unless calibrated and operable radiation survey instrumentation that meets the requirements of s. DHS 157.52 (4) (a), (b) and (c) is available for use at each site or within one hour of where the portable devices are used.

SECTION 5. DHS 157.10 (3) repealed and recreated to read:

DHS 157.10 (3) FEE SCHEDULE. The fees assessed by the department for application, annual, amendment, and reciprocity of specific radioactive material licenses are as provided under this subsection. The department shall assess annual license fees under sub. (2) (b) based on the calendar year in which the annual fee ends. Amendment fees under sub. (2) (c) shall be paid by a licensee in addition to any other applicable fees. The department shall assess a fee for a license under this subsection based on all the categories of activity authorized by the license, unless the department waives a category of activity authorized by the license from the assessment of fees under this subsection

(a) The fee shall be $0 for amendment of a specific license not requiring a site visit by the department.

(b) The fee shall be $500 for amendment of a specific license requiring a site visit by the department and without laboratory analysis of samples collected by the department.

(c) The fee shall be $1500 for amendment of a specific license requiring a site visit by the department that includes laboratory analysis of up to 25 samples collected by the department. An additional $1500 fee shall be assessed for each additional increment of 25 samples collected by the department.

(d) The fee shall be $1000 for application or amendment of a specific license requiring review of the financial assurance or decommissioning requirements under s. DHS 157.15.

(e) The fee shall be 50 percent of the annual fee of the applicable fee category for reciprocal recognition of an out-of-state specific license,.

(f) The department shall apply an additional fee of 25 percent of the annual fee of the applicable category authorized at the site for each noncontiguous location listed on a license above two where licensed material is used or stored. Temporary job sites and licensees who possess a broad scope license are exempt from this additional fee.

(g) The application and annual fees for the specific license category shall be as provided in ch. DHS 157 Appendix V.

SECTION 6. DHS 157.10 (3) (table) is repealed.

SECTION 7. DHS 157.12 (1) (a) is amended to read:

DHS 157.12 (1) (a) No person may possess, receive, use, own, or transfer a device purchased under a general license that contains at least 370 MBq (10 millicuries) of cesium-137, 3.7 MBq (0.1 millicurie) of strontium-90, 37 MBq (1 millicurie) of cobalt-60, 3.7 MBq (0.1 millicurie) of radium-226 ~~or,~~ 37 MBq (1 millicurie) of americium- 241, any quantity of radioactive material in a x-ray fluorescence analyzer device that is not otherwise exempt under sub. (2), or any other transuranic unless that person registers annually with the department and pays a fee as prescribed in sub. (6),. Each address for a location of use as described in sub. (3) (d) represents a separate general licensee and requires a separate registration.

SECTION 8. DHS 157.12 (6) (a) is amended to read:

DHS 157.12 (6) (a) A general licensee shall pay an annual registration fee of ~~$100~~ $124 per site and ~~$50~~ $52 per device specified in sub. (1). The department may not assess an additional fee for recording changes in registration information.

SECTION 9. DHS 157.12 (3) (e) 2. is amended to read:

DHS 157.13 (3) (e) 2. The applicant submits a statement that radioactive material will be used only by or under the ~~direct~~ supervision of individuals who have received all the following:

SECTION 10. DHS 157.13 (3) (f) 2., 3., and 4. are amended to read:

DHS 157.13 (3) (f) 2. A Type A specific license of broad scope issued under this section shall be subject to the condition that radioactive material possessed under the license may only be used by or under the ~~direct~~ supervision of individuals approved by the licensee's radiation safety committee.

3. A Type B specific license of broad scope issued under this section shall be subject to the condition that radioactive material possessed under the license may only be used by or under the ~~direct~~ supervision of individuals approved by the licensee's radiation safety officer.

4. A Type C specific license of broad scope issued under this section shall be subject to the condition that radioactive material possessed under the license may only be used by or under the ~~direct~~ supervision of individuals who satisfy the requirements of par. (e).

SECTION 11. DHS 157.13 (4) (i) 2. a. is amended to read:

DHS 157.13 (4) (i) 2. a. Registered or licensed with the FDA as the owner or operator of a drug establishment that engages in the manufacture, preparation, propagation, compounding or processing of a drug under ~~21 CFR 207.20 (a)~~ 21 CFR 207.17 (a).

SECTION 12. DHS 157.13 (17) (a) (Note) is created to read:

DHS 157.13 (17) **Note:** The department may be contacted by phone at all times at (800) 943-0003.

SECTION 13. DHS 157.13 (17) (b) is amended to read:

DHS 157.13 (17) (b) *Events that must be reported within 24 hours.* A licensee shall notify the department within 24 hours by telephone, facsimile, electronic mail, or in person after the discovery of any of the following events involving licensed material:

SECTION 14. DHS 157.13 (17) (b) 4. b. (Note) is repealed and recreated to read:

DHS 157.13 (17) (b) 4. b. **Note:** The department may be contacted by phone at all times at (800) 943-0003. Written reports may be submitted by facsimile at (608) 267-3695 or electronic mail at dhsradioactivematerials@dhs.wisconsin.gov. The department will contact the licensee and acknowledge a timely receipt of the report.

SECTION 15. DHS 157.13 (17) (c) 2. is amended to read:

DHS 157.13 (17) (c) 2. A licensee who makes a report required by par. (a) or (b) shall submit a written report within 30 days of the initial ~~telephone or facsimile~~ report containing all of the following information:

SECTION 16. DHS 157.13 (17) (c) 2. f. (Note) is repealed and recreated to read:

DHS 157.13 (17) (c) 2. f. **Note:** Written reports may be submitted by facsimile at (608) 267-3695 or electronic mail at dhsradioactivematerials@dhs.wisconsin.gov. The department will contact the licensee and acknowledge a timely receipt of the report.

SECTION 17. DHS 157.25 (2) is amended to read:

DHS 157.25 (2) CONDITIONS REQUIRING INDIVIDUAL MONITORING OF EXTERNAL AND INTERNAL OCCUPATIONAL DOSE. A licensee or registrant shall monitor exposures from sources of radiation at levels sufficient to demonstrate compliance with the occupational dose limits of this subchapter. ~~Monitoring devices may be changed quarterly, provided the assignee has not exceeded 10% of the occupational limits in s. DHS 157.22 (1) (a). If the assignee exceeds 10% of the occupational limits, the monitoring device shall be changed monthly.~~ As a minimum, a licensee or registrant shall do all the following:

SECTION 18. DHS 157.29 (6) (e) is amended to read:

DHS 157.29 (6) (e) A licensee or registrant shall immediately notify the final delivery carrier and~~, by telephone and either telegram or facsimile,~~ the department, by telephone, under either of the following conditions:

SECTION 19. DHS 157.29 (6) (e) 2. (Note) is repealed and recreated to read:

DHS 157.29 (6) (e) 2. **Note:** The department may be contacted by phone at all times at (800) 943-0003.

SECTION 20. DHS 157.31 (7) (c) (Note) is amended to read:

DHS 157.31 (7) (c) **Note:** The form "Occupational Exposure Record per Monitoring Period F-45003" may be obtained by writing the Department at: Department of Health Services, Radiation Protection Section, P.O. Box 2659, Madison WI 53701-2659; or by downloading from the Department website at ~~http://dhs.wisconsin.gov/radiation/Index.htm~~ https://www.dhs.wisconsin.gov/radiation/rpscommonforms.htm.

SECTION 21. DHS 157.32 (1) (a) 3. (Note) repealed and recreated to read:

DHS 157.32 (1) (a) 3. **Note:** The department may be contacted by phone at all times at (800) 943-0003.

SECTION 22. DHS 157.32 (1) (d) (Note) is amended to read:

DHS 157.32 (1) (d) **Note:** ~~Reports should be sent to the Department at the following address:~~ Written reports may submitted by facsimile at (608) 267-3695, electronic mail at dhsradioactivematerials@dhs.wisconsin.gov, or mail at Department of Health Services, Radiation Protection Section, PO Box 2659, Madison WI 53701-2659. The department will contact the licensee or registrant and acknowledge a timely receipt of the report.

SECTION 23. DHS 157.32 (2) (a) is amended to read:

DHS 157.32 (2) (a) Notwithstanding other requirements for notification, a licensee or registrant shall ~~immediately after report to the department each~~ notify the department by telephone as soon as possible but not later than 4 hours after the discovery of an event involving a source of radiation possessed by the licensee or registrant that may have caused or threatens to cause any of the following conditions:

SECTION 24. DHS 157.32 (2) (a) (Note) is created to read:

DHS 157.32 (2) (a) **Note:** The department may be contacted by phone at all times at (800) 943-0003.

SECTION 25. DHS 157.32 (2) (b) is amended to read:

DHS 157.32 (2) (b) A licensee or registrant ~~shall, within 24 hours of discovery of the event, report to the department each~~ shall notify the department within 24 hours by telephone, facsimile, electronic mail, or in person after the discovery of an event involving loss of control of a licensed or registered source of radiation possessed by the licensee or registrant that may have caused, or threatens to cause, any of the following conditions:

SECTION 26. DHS 157.32 (2) (b) 2. (Note) is created to read:

DHS 157.32 (2) (b) 2. **Note:** The department may be contacted by phone at all times at (800) 943-0003. Written reports may be submitted by facsimile at (608) 267-3695 or electronic mail at dhsradioactivematerials@dhs.wisconsin.gov. The department will contact the licensee and acknowledge a timely receipt of the report.

SECTION 27. DHS 157.32 (2) (c) (intro.) is repealed and recreated to read:

DHS 157.32 (2) (c) (intro.) Reports required to be submitted to the department under pars. (a) and (b) shall, to the extent that the information is available, include all the following information:

SECTION 28. DHS 157.32 (2) (e) (Note) is repealed and recreated to read:

DHS 157.32 (2) (e) **Note:** The department may be contacted by phone at all times at (800) 943-0003.

SECTION 29. DHS 157.32 (3) (b) 6. (Note) is created to read:

DHS 157.32 (3) (b) 6. **Note:** Written reports may be submitted by facsimile at (608) 267-3695, electronic mail at dhsradioactivematerials@dhs.wisconsin.gov, or mail at Department of Health Services, Radiation Protection Section, PO Box 2659, Madison WI 53701-2659. The department will contact the licensee or registrant and acknowledge a timely receipt of the report.

SECTION 30. DHS 157.32 (4) (Note) is created to read:

DHS 157.32 (4) **Note:** Written reports may be submitted by facsimile at (608) 267-3695, electronic mail at dhsradioactivematerials@dhs.wisconsin.gov, or mail at Department of Health Services, Radiation

Protection Section, PO Box 2659, Madison WI 53701-2659. The department will contact the licensee or registrant and acknowledge a timely receipt of the report.

SECTION 31. DHS 157.32 (5) (c) (Note) is repealed and recreated to read:

DHS 157.32 (5) (c) **Note:** Written reports may be submitted by facsimile at (608) 267-3695, electronic mail at dhsradioactivematerials@dhs.wisconsin.gov, or mail at Department of Health Services, Radiation Protection Section, PO Box 2659, Madison WI 53701-2659.

SECTION 32. DHS 157.56 (2) (b) (Note) repealed and recreated to read:

DHS 157.56 (2) (b) **Note:** The department may be contacted by phone at all times at (800) 943-0003.

SECTION 33. DHS 157.56 (3) (c) 10. (Note) is repealed and recreated to read:

DHS 157.56 (3) (c) 10. **Note:** The department may be contacted by phone at all times at (800) 943-0003. Written reports may be submitted by facsimile at (608) 267-3695, electronic mail at dhsradioactivematerials@dhs.wisconsin.gov, or mail at Department of Health Services, Radiation Protection Section, PO Box 2659, Madison WI 53701-2659. The department will contact the licensee or registrant and acknowledge a timely receipt of the report.

SECTION 34. DHS 157.56 (5) (Note) is repealed and recreated to read:

DHS 157.56 (5) **Note:** The department may be contacted by phone at all times at (800) 943-0003. Written reports may be submitted by facsimile at (608) 267-3695, electronic mail at dhsradioactivematerials@dhs.wisconsin.gov, or mail at Department of Health Services, Radiation Protection Section, PO Box 2659, Madison WI 53701-2659. The department will contact the licensee or registrant and acknowledge a timely receipt of the report.

SECTION 35. DHS 157.61 (9) (a) 1. is amended to read:

DHS 157.61 (9) (a) 1. Graduated from a pharmacy program accredited by the Accreditation Council for Pharmacy Education, previously named the American Council on Pharmaceutical Education, or have passed the foreign pharmacy graduate examination committee examination.

SECTION 36. DHS 157.61 (7) (c) 2. is amended to read:

DHS 157.61 (7) (c) 2. An authorized user, authorized medical physicist, or authorized nuclear pharmacist identified on a department, NRC, or an agreement state license, a permit issued by an NRC master material licensee, a permit issued by an NRC or an agreement state licensee of broad scope, or ~~medical use~~ a permit issued by an NRC master material licensee broad scope permittee, and has experience with the radiation safety aspects of similar types of use of radioactive material for which the licensee seeks the approval of the individual as the radiation safety officer or associate radiation safety officer.

SECTION 37. DHS 157.61 (10) (c) 2. (intro.) is amended to read:

DHS 157.61 (10) (c) 2. (intro.) Physicians, dentists, or podiatrists not identified as authorized users for the medical use of radioactive material on a license issued by the department, the NRC, an agreement state, a permit issued by a NRC master material licensee, a permit issued by a NRC or an agreement ~~a~~ state broad scope licensee, or a permit issued in accordance with a NRC master material broad scope license on or before October 24, 2005, is exempt from the training requirements of ss. DHS 157.63 to 157.67 for any of the following materials and uses that these individuals performed on or before October 24, 2005:

SECTION 38. DHS 157.64 (8) (a) 1. is amended to read:

DHS 157.64 (8) (a) 1. A preceptor authorized user who meets the requirements in sub. (4) or (7), s. DHS 157.61 (10), or equivalent NRC or agreement state requirements ~~and has~~. A preceptor authorizer user who meets the requirements in sub. (4) or (7), or equivalent NRC or agreement state requirements, shall have experience in administering dosages in the same dosage category or categories as the individual requesting authorized user status.

SECTION 39. DHS 157.67 (17) (b) 3. is amended to read:

DHS 157.67 (17) (b) 3. Three years of supervised clinical experience in radiation therapy under an authorized user who meets the requirements in this subsection, s. DHS 157.61 (10), or equivalent NRC or agreement state requirements, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education or Royal College of Physicians and Surgeons of Canada or the ~~Committee~~ Council on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by subd. 2.

SECTION 40. DHS 157.72 (1) (a) 2. a. is amended to read:

DHS 157.72 (1) (a) 2. a. An administration of a wrong ~~pharmaceutical~~ radioactive drug containing radioactive material or the wrong radionuclide for a brachytherapy procedure.

SECTION 41. DHS 157.72 (1) (c) (Note) is repealed and recreated to read:

DHS 157.72 (1) (c) **Note:** The department may be contacted by phone at all times at (800) 943-0003.

SECTION 42. DHS 157.72 (1) (d) 3. (Note) is repealed and recreated to read:

DHS 157.72 (1) (d) 3. **Note:** Written reports may be submitted by facsimile at (608) 267-3695, electronic mail at dhsradioactivematerials@dhs.wisconsin.gov, or mail at Department of Health Services, Radiation Protection Section, PO Box 2659, Madison WI 53701-2659. The department will contact the licensee and acknowledge a timely receipt of the report.

SECTION 43. DHS 157.72 (2) (g) (Note) is created to read:

DHS 157.72 (2) (g) **Note:** The department may be contacted by phone at all times at (800) 943-0003. Written reports may be submitted by facsimile at (608) 267-3695, electronic mail at dhsradioactivematerials@dhs.wisconsin.gov, or mail at Department of Health Services, Radiation Protection Section, PO Box 2659, Madison WI 53701-2659. The department will contact the licensee or registrant and acknowledge a timely receipt of the report.

SECTION 44. DHS 157.72 (4) (a) 5. (Note) is repealed and recreated to read:

DHS 157.72 (4) (a) 5. **Note:** The department may be contacted by phone at all times at (800) 943-0003.

SECTION 45. DHS 157.72 (4) (b) 5. (Note) is repealed and recreated to read:

DHS 157.72 (4) (b) 5. **Note:** Written reports may be submitted by facsimile at (608) 267-3695, electronic mail at dhsradioactivematerials@dhs.wisconsin.gov, or mail at Department of Health Services, Radiation Protection Section, PO Box 2659, Madison WI 53701-2659. The department will contact the licensee and acknowledge a timely receipt of the report.

SECTION 46. DHS 157.74 (2) (d) 3. is amended to read:

DHS 157.74 (2) (d) 3. Operators of c-arm configuration units ~~which~~ that do not operate at a tube current in excess of 0.2 mA are exempt from the requirement to wear a ~~leaded~~ radiation protective apron, provided the operator wears a personal dosimeter as required under s. DHS 157.25 (2).

SECTION 47. DHS 157.74 (2) (g) 3., 4., and (Note) are amended to read:

DHS 157.74 (2) (g) 3. Each facility shall have ~~leaded shielding~~ radiation protective garments and devices available in sufficient numbers to provide protection to all personnel who are involved with x-ray operations and who are otherwise not shielded.

DHS 157.74 (2) (g) 4. ~~Leaded shielding~~ Radiation protective garments and devices shall be fluoroscopically or radiographically inspected at least every 2 years for defects and replaced if defective

DHS 157.74 (2) (g) **Note:** ~~Leaded shielding~~ Radiation protective garments and devices include aprons, gloves, vests, skirts, thyroid shields and gonadal shields

SECTION 48. DHS 157.74 (5) (a) 3. a. and b. are amended to read:

DHS157.74 (5) (a) 3. a. A qualified ~~radiation~~ medical physicist.

b. A designee of a qualified ~~radiation~~ medical physicist.

SECTION 49. DHS 157.74 (5) (b) is created to read:

DHS 157.74 (5) (b) Hospitals providing diagnostic x-ray services with registered radiation machines shall comply with the following:

1. File an authenticated radiological report in the patient's medical record.

2. Ensure a concise statement of the reason for the examination is included in the written order for an x−ray examination by the attending physician or another individual authorized by the medical staff to order an x−ray examination.

3. Ensure interpretations of x−rays are written or dictated and shall be signed by a qualified physician or another individual authorized by the medical staff to interpret x−rays.

4. Retain a copy of all reports, printouts, films, scans, and other image records of x-ray services for at least 5 years.

SECTION 50. DHS 157.76 (11) (a) is repealed and recreated to read:

DHS 157.76 (11) (a) A fluoroscopic x-ray system shall be operated by a person authorized to engage in the practice of radiography under ch. 462, Stats., and is specifically trained in the safe use of fluoroscopic x-ray systems. All fluoroscopic x-ray images shall be viewed, directly or indirectly, and interpreted by a licensed practitioner who may interpret the x-ray images within their scope of practice.

SECTION 51. DHS 157.76 (11) (b) is amended to read:

DHS 157.76 (11) (b) The use of fluoroscopic x-ray systems by licensed radiologic technologists shall be performed under the direct supervision of a licensed practitioner for the purpose of localization to obtain images for diagnostic purposes.

SECTION 52. DHS 157.76 (11) (c) is amended to read:

DHS 157.76 (11) (c) Radiologic technology students may not operate fluoroscopic x-ray systems except under the ~~direct~~ personal supervision of a licensed practitioner or radiologic technologist.

SECTION 53. DHS 157.77 (2) (i) is amended to read:

DHS 157.77 (2) (i) *Operator protection for veterinary systems.* All stationary, mobile or portable x-ray systems used for veterinary work shall be provided with either a 2 meter (6.5 feet) high protective barrier for operator protection during exposures or a means to allow the operator to be at least 2 meters (6.5 feet) from the tube housing assembly during exposures. Persons within 2.7 meters (9 feet) of the tube or animal during exposures shall be protected with at least 0.25mm lead equivalent aprons. Persons restraining the animal during radiography shall be protected with at least 0.25mm lead equivalent aprons and full coverage gloves or full coverage mittens containing not less than 0.5mm lead equivalent material. The exposure control may be foot operated.

SECTION 54 DHS 157.78 (2) (intro.) is amended to read:

DHS 157.82 (2) (intro.) SOURCE-TO-SKIN DISTANCE. X-ray systems designed for use with an intraoral image receptor shall ~~be provided with means to limit source-to-skin distance to not less than either one~~ meet all of the following~~:~~

SECTION 55 DHS 157.78 (2) (a) is repealed and recreated to read:

DHS 157.82 (2) (a) Provide a means to limit the source-to-skin distance to less than 18 centimeters (7 inches).

SECTION 56 DHS 157.78 (2) (b) is repealed and recreated to read:

DHS 157.82 (2) (b) The x-ray field at the minimum source-to-skin distance shall be contained in a circle having a diameter of no more than 7 centimeters (3 inches).

SECTION 57 DHS 157.80 (2) (a) 1. is amended to read:

DHS 157.80 (2) (a) 1. A CT x-ray system for human use ~~may only~~ shall be operated for diagnostic procedures by ~~an American registry of radiologic technologists certified person who is licensed as a radiographer by the State of Wisconsin or has met the radiographer license exemptions~~ a person authorized to engage in the practice of radiography under ch. 462, Stats., and has been specifically trained in its operation.

SECTION 58. DHS 157.80 (2) (a) 2. is amended to read:

DHS 157.80 (2) (a) 2. A CT x-ray system for veterinary use may only be operated for diagnostic procedures by a person who is certified by the American registry of ~~radiological~~ radiologic technologists or has completed training equivalent to the requirements of ch. DHS 157 Appendix L and has been specifically trained in its operation.

SECTION 59. DHS 157.86 (1) (a) 1. is repealed and recreated to read:

DHS 157.87 (1) (a) 1. The schedule of annual per site and per x-ray tube fees for each registration under this section to be as provided in ch. DHS 157 Appendix V.

SECTION 60. DHS 157.86 (1) (a) 2. to 4. is repealed.

SECTION 61. DHS 157.87 (3) (k) is amended to read:

DHS 157.87 (3) (k) *Personnel monitoring*. In addition to the requirements of s. DHS 157.25, ~~extremity dosimetry shall be provided and used by all of the following~~ the registrant shall maintain documentation demonstrating that unmonitored individuals are not likely to receive, in one year, a radiation dose in excess of 10 percent of the allowable limits in s. DHS 157.22 (1) or the registrant shall ensure that extremity dosimetry is provided to and used by all of the following personnel:

SECTION 62. DHS 157.87 (5) (intro.) is amended to read:

DHS 157.87 (5) (intro.) SHIELDED ROOM RADIATION GENERATING DEVICES. For radiation generating devices that do not meet the dose limits of s. DHS ~~157.25~~157.23, the radiation generating device may be maintained inside a shielded room such that the exterior of the room meets the dose limits of s. DHS ~~157.25~~157.23 when the radiation generating device is activated. Radiation generating devices in a shielded room shall meet the requirements in sub. (1) and all of the following:

SECTION 63. DHS 157.87 (6) (d) is created to read:

DHS 157.87 (6) (d) *Bomb squads.* A bomb squad of a city, city and county, county, special purpose district, or the state of Wisconsin is exempt from all requirements of this subchapter and subch. IV if all the following requirements are met:

1. All operators of radiographic equipment are explosive ordnance disposal technicians certified as bomb technicians by the federal bureau of investigation, or a successor federal agency responsible for training and certifying bomb technicians, or a certification that the department determines to be equivalent.

2. The employing jurisdiction designates a radiation safety officer who is certified as a bomb technician by the federal bureau of investigation, or a successor federal agency responsible for training and certifying bomb technicians, or a certification that the department determines to be equivalent.

3. The radiation safety officer designated under subd. 2. ensures that radiation safety activities are performed in accordance with the requirements of this subsection in the daily operation of the registrant's radiation safety program.

4. The bomb squad has written operating procedures that apply to the kinds of radiation machines used by the bomb squad and are followed by applicable personnel. Procedures shall address, at a minimum, all of the following:

a. Storage and security of the radiation machine to prevent unauthorized use or removal when not under the control and constant surveillance of an operator or the registrant.

b. Safe operation of the radiation machine and standoff distance to minimize radiation exposure to the operator.

c. Establishing a restricted area boundary and methods of preventing individuals from entering the area when the radiation machine is energized during training and operations.

d. Directions, taken from the manufacturer instructions if applicable, for the performance of interconnection, checkout, and maintenance of the radiation machine.

5. Radiation machines maintained and operated by the bomb squad meet the requirements specified in the National Institute of Justice Standard 0603.01, "Portable X-Ray Systems for Use in Bomb Identification" published December 2007 or subsequent standards that the department determines to be applicable.

6. The employing jurisdiction provides annual refresher training to all operators at intervals not to exceed 12 months. The training shall address or provide, at a minimum, the results of the department's

inspections, information on new procedures or equipment, accidents or errors that have been observed and steps to prevent recurrence, and an opportunity for individuals to ask radiation safety related questions.

7. The bomb squad uses radiation survey meters to determine the boundaries of the radiation area unless, to the extent practical, the federal bureau of investigation standard operating procedure of clearing an evacuation distance of at least 300 feet in all directions from the x-ray source is used.

8. The bomb squad posts radiation area boundaries unless law enforcement officers are used to maintain the federal bureau of investigation standard evacuation boundary.

9. Records of the operator's bomb technician certification and the operator's completion of the annual refresher training under subd. 6. are maintained by the registrant for at least 3 years.

SECTION 64. DHS 157.9715 (3) (Note) is repealed and recreated to read:

DHS 157.9715 (3) **Note:** The department may be contacted by phone at all times at (800) 943-0003. Written reports may be submitted by facsimile at (608) 267-3695, electronic mail at dhsradioactivematerials@dhs.wisconsin.gov, or mail at Department of Health Services, Radiation Protection Section, PO Box 2659, Madison WI 53701-2659. The department will contact the licensee or registrant and acknowledge a timely receipt of the report.

SECTION 65. DHS 157.9719 (1) (c) (Note 1) and (Note 2) are amended to read:

DHS 157.9717 (1) (c) **Note:** The contact information, including telephone and mailing addresses, of governors and governors' designees, is available on the U.S. Nuclear Regulatory Commission website at http://scp~~.nrc.gov/special/designee.pdf.~~ https://www.nrc.gov/materials/adv-notification-designees. A list of the contact information is also available upon request from the Director, Division of Materials Safety, Security, State, and Tribal Programs, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Note: The department may be contacted ~~at: Department of Health Services, Radiation Protection Section, P.O. Box 2659, Madison, WI, 53701-2659. Telephone contact is: 608-267-4797 during normal business hours or 608-258-0099 after hours.~~ by phone at all times at (800) 943-0003. Written reports may be submitted by facsimile at (608) 267-3695, electronic mail at dhsradioactivematerials@dhs.wisconsin.gov, or mail at Department of Health Services, Radiation Protection Section, PO Box 2659, Madison WI 53701-2659. The department will contact the licensee and acknowledge a timely receipt of the report.

SECTION 66. DHS 157.9721 (8) (Note) is repealed and recreated to read:

DHS 157.9721 (8) **Note:** The department may be contacted by phone at all times at (800) 943-0003. Written reports may be submitted by facsimile at (608) 267-3695, electronic mail at dhsradioactivematerials@dhs.wisconsin.gov, or mail at Department of Health Services, Radiation Protection Section, PO Box 2659, Madison WI 53701-2659. The department will contact the licensee or registrant and acknowledge a timely receipt of the report.

SECTION 67. DHS 157 Appendix U is repealed and recreated to read:

Chapter DHS 157

APPENDIX U

Category 1 and Category 2 Quantity of Radioactive Material Thresholds

The sum of fractions' methodology for evaluating combinations of multiple sources, aggregated sources, or multiple radionuclides is to be used in determining whether a location meets or exceeds the threshold and is thus subject to the requirements of subch. XV of ch. DHS 157. Category 1 and category 2 quantities of radioactive material do not include the radioactive material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet. The terabecquerel (TBq) values are the regulatory standard. The curie (Ci) values specified are obtained by converting from the TBq value. The curie values are provided for practical usefulness only.

Radioactive material	Category 1 (TBq)	Category 1 (Ci)	Category 2 (TBq)	Category 2 (Ci)
Americium-241	60	1,620	0.6	16.2
Americium-241/Be	60	1,620	0.6	16.2
Californium-252	20	540	0.2	5.40
Cobalt-60	30	810	0.3	8.10
Curium-244	50	1,350	0.5	13.5
Cesium-137	100	2,700	1	27.0
Gadolinium-153	1,000	27,000	10	270
Iridium-192	80	2,160	0.8	21.6
Plutonium-238	60	1,620	0.6	16.2
Plutonium-239/Be	60	1,620	0.6	16.2
Promethium-147	40,000	1,080,000	400	10,800
Radium-226	40	1,080	0.4	10.8
Selenium-75	200	5,400	2	54.0
Strontium-90	1,000	27,000	10	270
Thulium-170	20,000	540,000	200	5,400
Ytterbium-169	300	8,100	3	81.0

Note: *Calculations Concerning Multiple Sources or Multiple Radionuclides*

I. If multiple sources of the same radionuclide or multiple radionuclides are aggregated at a location, the sum of the ratios of the total activity of each of the radionuclides shall be determined to verify whether the activity at the location is less than the category 1 or category 2 thresholds of Appendix U, as appropriate. If the calculated sum of the ratios, using the equation below, is greater than or equal to 1.0, then the applicable requirements of subch. XV of ch. DHS 157 apply.

II. First determine the total activity for each radionuclide from Appendix U. This is done by adding the activity of each individual source, material in any device, and any loose or bulk material that contains the radionuclide. Then use the equation below to calculate the sum of the ratios by inserting the total activity of the applicable radionuclides from Appendix U in the numerator of the equation and the corresponding threshold activity from Table 1 in the denominator of the equation. Calculations shall be performed in metric values (i.e., TBq) and the numerator and denominator values shall be in the same units.

R_1 = total activity for radionuclide 1
R_2 = total activity for radionuclide 2
R_N = total activity for radionuclide n
AR_1 = activity threshold for radionuclide 1
AR_2 = activity threshold for radionuclide 2
AR_N = activity threshold for radionuclide n

$$\frac{R_1}{AR_1} + \frac{R_2}{AR_2} + \cdots + \frac{R_n}{AR_n} \geq 1.0$$

SECTION 68. DHS 157 Appendix V is created to read:

Chapter DHS 157

Appendix V

Fee Schedule for Radiation Machine Facility Registration

	Calendar Year						
Facility Category and Fee Type	2026	2027	2028	2029	2030	2031	2032 and beyond listed year
1. Radiation installation serving physicians and clinics, osteopaths and clinics, chiropractors, hospitals, podiatric, veterinary, industrial, school, research and development, or other sites not listed in this table.							
A. Per Site	$50	$59	$60	$61	$63	$64	$65
B. Per Tube	$50	$59	$60	$61	$63	$64	$65
2. Radiation installation serving dentists having an ionizing radiation installation.							
A. Per Site	$50	$59	$60	$61	$63	$64	$65
B. Per Tube	$35	$40	$41	$42	$42	$43	$44

Fee Schedule for Radioactive Materials License Category

	Calendar Year						
License Category and Fee Type	2026	2027	2028	2029	2030	2031	2032 and beyond listed year
1. **Specific License for Special Nuclear Material**							
A. Annual and application fee for a license to possess and use SNM in sealed sources that are contained in devices used in measuring systems.							
	$1,000	$1,240	$1,265	$1,290	$1,316	$1,342	$1,369
B. Annual and application fee for a license to possess and use SNM as calibration and reference sources.							
	$300	$372	$379	$387	$395	$403	$411
C. Annual and application fee for a license to possess and use SNM for authorizations that are not listed otherwise listed in this table. The department shall waive this annual fee if the licensee is authorized for any other license category and fee type listed in this table.							
	$1,500	$1,860	$1,897	$1,935	$1,974	$2,013	$2,054

2. **Specific License for Source Material**							
A. Annual and application fee for a license to possess and use source material for the processing or manufacturing of products or materials containing source material for commercial distribution.							
	$4,000	$4,960	$5,059	$5,160	$5,264	$5,369	$5,476
B. Annual and application fee for a license to possess and use source material in shielding or counterweights. The department shall waive this annual fee if the licensee is authorized for any other license category and fee type listed in this table.							
	$400	$496	$506	$516	$526	$537	$548
C. Annual and application fee for a license to possess and use source material for any uses not otherwise listed in this table.							
	$3,000	$3,720	$3,794	$3,870	$3,948	$4,027	$4,107
3. **Specific License for Byproduct or Naturally Occurring or Accelerator Produced Radioactive Material**							
A. Annual and application fee for a license of broad scope issued under s. DHS 157.13 (3) to possess and use byproduct or NARM material for the processing or manufacturing of products or materials containing byproduct or NARM material for commercial distribution.							
	$20,000	$24,800	$25,296	$25,802	$26,318	$26,844	$27,381
B. Annual and application fee for a license to possess and use byproduct or NARM material for the processing or manufacturing of products or material containing byproduct or NARM material for commercial distribution.							
	$6,000	$7,440	$7,589	$7,741	$7,895	$8,053	$8,214
C. Annual and application fee for a license to possess and use byproduct or NARM material limited to the commercial distribution or redistribution of products or material containing byproduct or NARM material.							
	$3,000	$3,720	$3,794	$3,870	$3,948	$4,027	$4,107
D. Annual and application fee for a license to possess and use byproduct or NARM material for industrial radiographic operations performed only in a shielded radiography installation.							
	$3,000	$3,720	$3,794	$3,870	$3,948	$4,027	$4,107
E. Annual and application fee for a license to possess and use byproduct or NARM material for industrial radiographic operations performed only at the address indicated on the license and at temporary job sites.							
	$5,000	$6,200	$6,324	$6,450	$6,579	$6,711	$6,845
F. Annual and application fee for a license to possess and use less than 370 TBq (10,000 curies) of byproduct or NARM material in sealed sources for irradiation of materials where the source is							

not removed from the shield. The department shall waive this annual fee if the licensee is authorized to perform the activities described under fee category type 3. H., I., or J. of this table.							
	$2,000	$2,480	$2,530	$2,580	$2,632	$2,684	$2,738
G. Annual and application fee for a license to possess and use less than 370 TBq (10,000 curies) of byproduct or NARM material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes. This fee category includes a license to use underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes.							
	$3,000	$3,720	$3,794	$3,870	$3,948	$4,027	$4,107
H. Annual and application fee for a license to possess and use at least 370 TBq (10,000 curies) of byproduct or NARM material in sealed sources for irradiation of materials.							
	$5,000	$6,200	$6,324	$6,450	$6,579	$6,711	$6,845
I. Annual and application fee for a license to possess and use of 3.7 PBq (100,000 curies) or more of byproduct or NARM material in sealed sources for irradiation of materials.							
	$12,000	$14,880	$15,178	$15,481	$15,791	$16,107	$16,429
J. Annual and application fee for a license to possess and use byproduct or NARM material for distribution of items containing radioactive materials to persons under a general license.							
	$2,000	$2,480	$2,530	$2,580	$2,632	$2,684	$2,738
K. Annual and application fee for a license to possess byproduct or NARM material intended for distribution to persons exempt from licensing.							
	$2,500	$3,100	$3,162	$3,225	$3,290	$3,356	$3,423
L. Annual and application fee for a license of broad scope issued under s. DHS 157.13 (3) to possess and use byproduct or NARM material for research and development that does not authorize commercial distribution.							
	$6,000	$7,440	$7,589	$7,741	$7,895	$8,053	$8,214
M. Annual and application fee for a license to possess less than 0.185 TBq (5 curies) of byproduct or NARM material for research and development that does not authorize commercial distribution.							
	$1,800	$2,232	$2,277	$2,322	$2,369	$2,416	$2,464
N. Annual and application fee for a license to possess 0.185 TBq (5 curies) or more of byproduct or NARM material for research and development that does not authorize commercial distribution.							
	$3,600	$4,464	$4,553	$4,644	$4,737	$4,832	$4,929
O. Annual and application fee for a license to possess and use byproduct or NARM material for installation, repair, maintenance leak testing or other service of devices or items containing radioactive material, or to perform services for other persons, including testing of sealed sources for leakage or contamination, instrument calibration, and sample analysis, excluding waste transportation or broker services.							

	$1,800	$2,232	$2,277	$2,322	$2,369	$2,416	$2,464
P. Annual and application fee for a license to possess and use byproduct or NARM material in sealed sources contained in devices used in industrial measuring systems including portable gauges.							
	$1,400	$1,736	$1,771	$1,806	$1,842	$1,879	$1,917
Q. Annual and application fee for a license to possess and use byproduct or NARM material in sealed sources contained in devices used in gas chromatographs.							
	$200	$248	$253	$258	$263	$268	$274
R. Annual and application fee for a license to possess and use byproduct or NARM material for veterinary use.							
	$2,000	$2,480	$2,530	$2,580	$2,632	$2,684	$2,738
S. Annual and application fee for a license to possess and use byproduct or NARM material that is not otherwise listed in this table.							
	$2,000	$2,480	$2,530	$2,580	$2,632	$2,684	$2,738
4. Specific License for Waste Processing							
A. Annual and application fee for a license to possess and use byproduct, source, special nuclear, or NARM material received from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or received from other persons for the purpose of incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material.							
	$25,000	$31,000	$31,620	$32,252	$32,897	$33,555	$34,227
B. Annual and application fee for a license to possess and use byproduct, source, special nuclear, or NARM material received from other persons for the purpose of packaging or repackaging the material that is limited to disposal by transfer to another person authorized to receive or dispose of the material.							
	$12,000	$14,880	$15,178	$15,481	$15,791	$16,107	$16,429
C. Annual and application fee for a license to possess and use byproduct, source, special nuclear, or NARM material received from other persons as prepackaged waste that is limited to disposal by transfer to another person authorized to receive or dispose of the material.							
	$5,000	$6,200	$6,324	$6,450	$6,579	$6,711	$6,845
5. Specific License for Well Logging							
A. Annual and application fee for a license to possess and use byproduct, source, special nuclear, or NARM material for well logging using sealed sources or subsurface tracer studies.							
	$5,000	$6,200	$6,324	$6,450	$6,579	$6,711	$6,845

6. Specific License for Nuclear Laundry							
A. Annual and application fee for a license to possess and use byproduct, source, special nuclear, or NARM material for commercial collection and laundry of items contaminated with radioactive material.							
	$16,000	$19,840	$20,237	$20,642	$21,054	$21,475	$21,905
7. Specific License for Medical Use							
A. Annual and application fee for a license of broad scope issued under s. DHS 157.13 (3) to possess and use byproduct, source, special nuclear, or NARM material for human use in medical diagnosis, treatment, or research and development.							
	$20,000	$24,800	$25,296	$25,802	$26,318	$26,844	$27,381
B. Annual and application fee for a license to possess and use byproduct, source, special nuclear, or NARM material for human use authorized under sections ss. DHS 157.63 to 157.66 in mobile nuclear medicine at temporary job sites.							
	$2,500	$3,100	$3,162	$3,225	$3,290	$3,356	$3,423
C. Annual and application fee for a license to possess and use byproduct, source, special nuclear, or NARM material for human use authorized under sections ss. DHS 157.63 to 157.66 in medical diagnosis, treatment, or research and development. The department shall waive this annual fee if the licensee is authorized to perform the activities described under fee category type 7. A. of this table.							
	$5,000	$6,000	$6,120	$6,242	$6,367	$6,495	$6,624
D. Annual and application fee for a license to possess and use byproduct, source, special nuclear, or NARM material for human use authorized under s. DHS 157.67 in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices.							
	$6,000	$7,440	$7,589	$7,741	$7,895	$8,053	$8,214
E. Annual and application fee for a license to possess and use byproduct, source, special nuclear, or NARM material for human use authorized under s. DHS 157.67 in sealed sources contained in remote afterloaders, including mobile therapy. The department shall waive this annual fee if the licensee is authorized to perform the activities described under fee category type 7. A. of this table.							
	$2,500	$3,100	$3,162	$3,225	$3,290	$3,356	$3,423
F. Annual and application fee for a license to possess and use byproduct, source, special nuclear, or NARM material for human use authorized under s. DHS 157.70. The department shall waive this annual fee if the licensee is authorized to perform the activities described under fee category type 7. A. of this table.							
	$1,000	$1,240	$1,265	$1,290	$1,316	$1,342	$1,369
8. Specific License for Academic Use							

A. Annual and application fee for a license to possess and use byproduct, source, special nuclear, or NARM material for educational use or academic research and development that does not authorize commercial distribution, excluding broad scope or human use licenses, with a combined possession limit of 12 isotopes and 37 GBq (1 curie) total activity.							
	$1,000	$1,240	$1,265	$1,290	$1,316	$1,342	$1,369
9. Specific License for Accelerator Produced Radioactive Material							
A. Annual and application fee for a license to possess and use radioactive materials activated by an accelerator. The department shall waive this annual fee if the licensee is authorized to perform the activities described under fee category type 7. A. of this table.							
	$4,000	$4,960	$5,059	$5,160	$5,264	$5,369	$5,476
10. Specific License Requiring an Emergency Plan							
A. Application fee for a license requiring an emergency plan under s. DHS 157.13 (1) (g) 2.							
	$35,000	$35,000	$35,700	$36,414	$37,142	$37,885	$38,643
B. Annual fee for a license requiring an emergency plan under s. DHS 157.13 (1) (g) 2.							
	$3,000	$3,000	$3,060	$3,121	$3,184	$3,247	$3,312

SECTION 69. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.22 (2) (intro.), Stats.