



# EXPEDITED RULE MAKING

**CR-105 (June 2004)**  
(Implements RCW 34.05.353)  
**EXPEDITED RULE MAKING ONLY**

**Agency:** Department of Ecology AO # 13-06

**Title of rule and other identifying information:** (Describe Subject) The Department of Ecology is proposing to repeal:

- Chapter 173-325 WAC Low-Level Radioactive Waste Disposal and
- Chapter 173-326 WAC Commercial Low-Level Radioactive Waste Disposal - Site Use Permits.

### NOTICE

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

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**AND RECEIVED BY** (Date) December 2, 2013

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

The purpose of this rule proposal is to repeal two chapters that Ecology no longer has authority to implement. Chapter 70.98 RCW, as amended by Chapter 19, 2012 Laws HB 2304 and SB 6491, transferred authority for the Site Use Permit Program to the Department of Health (Health) effective July 1, 2012. Health has been administering this program since that date and has adopted rules under Chapter 246-249 WAC and Chapter 246-254 WAC to align their rules with the statute.

**Reasons supporting proposal:** The Site Use Permit Program regulations describe a permit system for disposal of commercial low-level radioactive waste near Richland, WA. The disposal facility is commonly referred to as “US Ecology.”

Ecology is conducting this rule making to conform to state law and to repeal duplicative rules. This repeal will eliminate possible confusion over obsolete rules.

**Statutory authority for adoption:**  
Chapter 43.200 RCW Radioactive Waste Act

**Statute being implemented:**  
Chapter 70.98 WAC Nuclear Energy and Radiation

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" 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:

### CODE REVISER USE ONLY

**DATE**

**NAME (TYPE OR PRINT)**

Polly Zehm

**SIGNATURE**

**TITLE**

Deputy Director, Department of Ecology

**Name of proponent:** (person or organization) Department of Ecology

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting.....	Larry Goldstein	Lacey	(360) 407-6573
Implementation....	N/A		( )
Enforcement.....	N/A		( )

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

N/A