



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Health

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) 08/01/2012 (if less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: WAC 246-254-130, Radioactive waste disposal site surveillance fee increase and clarification of who must pay. This rule increases the fee to "meet the actual cost of conducting business," to offset the costs of program activities related to regulatory oversight of the site, and maintain the department's agreement with the US Nuclear Regulatory Commission as required by RCW 70.98.110. Editorial changes were made to clarify who must pay the fee.

Citation of existing rules affected by this order:

Repealed: None
Amended: WAC 246-254-130
Suspended: None

Statutory authority for adoption: RCW 70.98.085, 2ESHB 1087

Other authority : RCW 70.98.050, 70.98.085, and 70.98.110

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 12-10-069 on 05/01/2012 (date).
Describe any changes other than editing from proposed to adopted version: None.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone _____
Address: _____ fax _____
e-mail _____

Date adopted: 06/25/12

NAME (TYPE OR PRINT)

Mary C. Selecky

SIGNATURE

TITLE

Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 25, 2012

TIME: 1:45 PM

WSR 12-14-025

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-254-130 Radioactive waste disposal site surveillance fee. (1) The department shall charge a radioactive waste site surveillance fee (~~((for radioactive waste site surveillance))~~ of twenty-six dollars per cubic foot to generators and brokers of LLRW (low-level radioactive waste) and NARM (naturally occurring and accelerator produced radioactive material).

(2) The fee shall be an added charge on each cubic foot of (~~(low-level waste)~~) LLRW and NARM disposed at the disposal site.

(3) The department shall authorize by contract the operator of a low-level radioactive waste disposal site to collect the fee from waste generators and brokers.

(4) The department shall provide for reimbursement to the site operator for collection costs.

(5) The department shall calculate the fee collected from waste generators and brokers as required under RCW 70.98.085 and the fee shall not exceed the statutory limit specified in that section.

(6) The site operator shall remit the fee to the department as follows:

- (a) Quarterly for the first seven quarters of each biennium.
- (b) By July 15 for the final quarter of the biennium.



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 246-254-130, Radioactive waste disposal site surveillance fee increase and clarification of who must pay

Hearing location(s): Department of Health
Point Plaza East Room 139
310 Israel Road SE
Tumwater WA 98501

Submit written comments to:

Name: Michelle K Austin
Address: PO Box 47827
Olympia, WA 98504-7824
Website: <http://www3.doh.wa.gov/policyreview/>
fax 360-236-2266 by (date) 06/05/2012

Date: 06/05/12

Time: 10:00 a.m.

Assistance for persons with disabilities: Contact

Michelle K Austin by 05/28/2012

TTY (800) 833-6388 or () 711

Date of intended adoption: 06/25/2012

(Note: This is NOT the effective date)

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

In 2011, the state Legislature gave the Department of Health (department) the authority to increase the radioactive waste site surveillance fee to "meet the actual costs of conducting business," which is consistent with the underlying statutes. The proposed fee increase is necessary to offset the costs of program activities related to regulatory oversight of the site and maintain the department's agreement with the U.S. Nuclear Regulatory Commission, as required by RCW 70.98.110. In addition, editorial changes are also included to clarify who must pay the site surveillance fee.

Reasons supporting proposal:

The proposed rule is needed to fund the statutory objectives of protecting the public and environment from the harmful effects of radiation. The proposed fee increase is needed to offset the ongoing decline in revenue based on the volume of waste disposed at the site, and to enable the program to continue to meet the requirements of the underlying statutes. To clarify that this fee applies to both low-level radioactive waste and naturally occurring and accelerator produced radioactive material as intended by the underlying statute, the proposed rule identifies both types of radioactive waste.

Statutory authority for adoption:

RCW 70.98.085, 2ESHB 1087

Statute being implemented:

RCW 70.98.050, 70.98.085, and 70.98.110

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:

DATE 04/30/12

NAME (type or print)

Mary C. Selecky

SIGNATURE

TITLE

Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 01, 2012

TIME: 11:21 AM

WSR 12-10-069

(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..... Mikel J. Elsen	111 Israel Road SE, Tumwater WA 98501	360-236-3241
Implementation.....Mikel J. Elsen	111 Israel Road SE, Tumwater WA 98501	360-236-3241
Enforcement.....Mikel J. Elsen	111 Israel Road SE, Tumwater WA 98501	360-236-3241

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. Under RCW 19.85.025 and 34.05.310(4)(f), a SBEIS is not required for proposed rules that set or adjust fees or rates pursuant to legislative standards.

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: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(vi) exempts rules that set or adjust fees or rates pursuant to legislative standards.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

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(5) The department shall calculate the fee collected from waste generators and brokers as required under RCW 70.98.085 and the fee shall not exceed the statutory limit specified in that section.

(6) The site operator shall remit the fee to the department as follows:

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