



DEPARTMENT OF
ECOLOGY
State of Washington

Concise Explanatory Statement

**Chapter 173-325 WAC Low Level
Radioactive Waste Disposal**

and

**Chapter 173-326 WAC Commercial
Low-Level Radioactive Waste Disposal –
Site Use Permits**

Summary of rule making and response to comments

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Publication and Contact Information

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Ecology publishes this document to meet the requirements of the Washington State Administrative Procedure Act (RCW 34.05.325)

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Concise Explanatory Statement

Chapter 173-325 WAC

Low Level Radioactive Waste Disposal

and

Chapter 173-326 WAC

**Commercial Low-Level Radioactive Waste
Disposal – Site Use Permits**

Nuclear Waste Program
Washington State Department of Ecology
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Introduction

The purpose of a Concise Explanatory Statement is to:

- Meet the Administrative Procedure Act (APA) requirements for agencies to prepare a Concise Explanatory Statement (RCW 34.05.325).
- Provide reasons for adopting the rule.
- Describe any differences between the proposed rule and the adopted rule.
- Provide Ecology's response to public comments.

This Concise Explanatory Statement provides information on The Washington State Department of Ecology's (Ecology) rule adoption for:

Title: Low Level Radioactive Waste Disposal (LLRWD) and Commercial Low-Level Radioactive Waste Disposal (CLLRWD) – Site Use Permits

WAC Chapter(s): Chapters 173-325, 173-326 WAC

Adopted date: April 4, 2014

Effective date: May 5, 2014

To see more information related to this rule making or other Ecology rule makings please visit our web site: <http://www.ecy.wa.gov/laws-rules/index.html>

Reasons for Adopting the Rule

The purpose of this rule is to repeal two chapters that Ecology no longer has authority to implement, Chapter 173-325 WAC Low Level Radioactive Waste Disposal and Chapter 173-326 WAC Commercial Low-Level Radioactive Waste Disposal – Site Use Permits. Chapter 70.98 RCW, as amended by Chapter 19, 2012 laws (HB 2304 and SB 6491). They 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 Chapters 246-249 and 246-254 WAC to align their rules with the statute.

Differences Between the Proposed Rule and Adopted Rule

RCW 34.05.325(6)(a)(ii) requires Ecology to describe the differences between the text of the proposed rule as published in the *Washington State Register* and the text of the rule as adopted, other than editing changes, stating the reasons for the differences.

There are no differences between the proposed rule filed on September 27, 2013 and the adopted rule filed on April 4, 2014.

Response to Comments

An expedited rule making notice(CR-105) was filed on September 27, 2013 and written objections and comments could be submitted until December 2, 2013. No comments were received. Ecology informed interested parties through the Nuclear Waste Program website, sending notice to agency email lists, issuing a press release, and sending a letter to Washington State tribal governments.