



PROPOSED RULE MAKING

CR-102 (June 2012)

(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) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

WAC 246-247-035, National standards adopted by reference for sources of radionuclide emissions

Hearing location(s): Department of Health
 Town Center 2, Room 145
 111 Israel Road SE
 Tumwater, WA 98513

Date: 06/21/16

Time: 11:00 am

Submit written comments to:

Name: Michelle K Austin, Project Manager
 Address: Department of Health
 PO Box 47820
 Olympia, WA 98504-7820
 e-mail: <http://www3.doh.wa.gov/policyreview/>
 fax 360-236-2250 by (date) 06/21/2016

Assistance for persons with disabilities: Contact

Michelle K Austin by 06/17/2016

TTY (800) 833-6388 or () 711

Date of intended adoption: 07/19/2016

(Note: This is NOT the effective date)

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

This rule making is necessary to update the publication date of rules previously adopted by reference in WAC 246-247-035, National standards adopted by reference for sources of radionuclide emissions. The amendment makes no changes to any requirements previously adopted, but is required for the Department of Health (department) to receive full delegation of the Radionuclide Air Emissions Program from the U.S. Environmental Protection Agency (EPA).

Reasons supporting proposal:

The intent of RCW 70.98.050 is to safely regulate the possession and use of radioactive material within the state of Washington. The intent of RCW 70.98.080(5) is to reduce redundant licensing requirements. The rule meets the intent of the statutes by adopting requirements as stringent as the federal requirements in order for the department to have full delegation authority from EPA.

Statutory authority for adoption:

RCW 70.98.050 and RCW 70.98.080

Statute being implemented:

RCW 70.98.050 and RCW 70.98.080

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

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: May 05, 2016

TIME: 1:22 PM

WSR 16-11-009

DATE 05/05/2016

NAME (type or print)

Clark Halvorson

SIGNATURE

TITLE

Assistant Secretary

(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..... Michelle K Austin	111 Israel Road SE, Tumwater, WA 98504	360-236-3250
Implementation.....John Martell	309 Bardley Blvd, Suite 201, Richland WA 99352	509-946-3798
Enforcement.....John Martell	309 Bardley Blvd, Suite 201, Richland WA 99352	509-946-3798

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

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.

prepared. Under RCW
that
statutes

A small business economic impact statement (SBEIS) was not
19.85.025 and 34.05.310(4)(c), a SBEIS is not required for proposed rules
adopt or incorporate by reference - without material change - federal
or regulations, Washington state law, the rules of other Washington state
agencies, or national consensus codes that generally establish industry
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:
RCW 34.05.328. RCW

The agency did not complete a cost benefit analysis under
34.05.328(5)(b)(iii) exempts rules that adopt or incorporate by reference
without material change federal statutes or regulations, Washington state law,
the rules of other Washington state agencies, or national consensus codes that
generally establish ind

WAC 246-247-035 National standards adopted by reference for sources of radionuclide emissions. (1) The following federal standards, as in effect on July 1, ((2015)) 2016, are adopted by reference except as provided in subsections (2) and (3) of this section.

These standards apply in addition to other requirements of this chapter.

(a) For federal facilities:

(i) 40 C.F.R. Part 61, Subpart A - General Provisions.

(ii) 40 C.F.R. Part 61, Subpart H - National Emission Standards for Emissions of Radionuclides Other Than Radon From Department of Energy Facilities.

(iii) 40 C.F.R. Part 61, Subpart I - National Emission Standards for Radionuclide Emissions From Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H.

(iv) 40 C.F.R. Part 61, Subpart Q - National Emission Standards for Radon Emissions From Department of Energy Facilities.

(b) For nonfederal facilities:

(i) 40 C.F.R. Part 61, Subpart A - General Provisions.

(ii) 40 C.F.R. Part 61, Subpart B - National Emission Standards for Radon Emissions From Underground Uranium Mines.

(iii) 40 C.F.R. Part 61, Subpart K - National Emission Standards for Radionuclide Emissions From Elemental Phosphorus Plants.

(iv) 40 C.F.R. Part 61, Subpart R - National Emissions Standards for Radon from Phosphogypsum Stacks.

(v) 40 C.F.R. Part 61, Subpart T - National Emission Standards for Radon Emissions From the Disposal of Uranium Mill Tailings.

(vi) 40 C.F.R. Part 61, Subpart W - National Emission Standards for Radon Emissions From Operating Mill Tailings.

(2) References to "Administrator" or "EPA" in 40 C.F.R. Part 61 include the department of health except in any section of 40 C.F.R. Part 61 for which a federal rule or delegation indicates that the authority will not be delegated to the state.

(3) Any change or alternative to standards, emission monitoring and test procedures, compliance and reporting requirements, or record-keeping requirements must be approved by EPA.