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Notice is given under SEPA, RCW 43.21C.080, that the Washington State Department of Health took the action described in (2) below on November 18, 2005.

1. Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) shall be commenced on or before December 21, 2005 in accordance with RCW 43.21C.080(2).

2. Description of agency action: On November 18, 2005, the Department of Health filed with the Code Reviser's Office a rulemaking order amending the order of adoption, WSR 05-21-128, dated October 19, 2005, regarding amendments to WAC 246-249, *Radioactive Waste - Use of Commercial Disposal Site*. The amended order of adoption extends the effective date of the rule from November 19, 2005 to December 23, 2005 due to a request from the Department of Ecology for time to evaluate potential issues arising from the application, if any, of the Cleanup Priority Act, RCW 70.105E, to the disposal of NARM at the commercial disposal site, before the rule takes effect.

The amendments to WAC 246-249 establish a disposal limit on diffuse naturally occurring radioactive and accelerator produced material (NARM) of 100,000 cubic feet per year at the commercial low-level radioactive waste disposal facility in Richland, Washington. Also included in the amendments is a case by case rollover option for carrying unused volume from year to year. Use of rollover volume requires application by the site operator and approval from the Department of Health. The amendments also replace an individual generator limit of 1,000 cubic feet per year with a requirement that individual generators receive prior approval from the Department of Health for disposal volumes of greater than 1,000 cubic feet per year. WAC 246-249-080 contains the substantive amendments. WAC 246-249-001, -010, and -090 were also amended for clarity and consistency.

3. Description of proposal (if not covered by (2)):

Pursuant to a 1996 settlement agreement between the Department of Health and the disposal facility operator, US Ecology, Inc., the Department of Health agreed to conduct rulemaking for the purpose of amending WAC 246-249-080 with respect to volume limits for diffuse NARM at the commercial disposal facility.

4. Location of proposal (a sufficient description should be given to locate the site, if any, but a complete legal description is not required):

The commercial low-level radioactive waste disposal facility is located on the U.S. Department of Energy Hanford Reservation, approximately 23 miles northwest of Richland, Washington, on 100 acres of land leased to the state of Washington and subleased by the Washington State Department of Ecology to US Ecology, Inc.

5. Type of environmental review under SEPA (include name and date of any environmental documents):

The Departments of Health and Ecology prepared a Final Environmental Impact Statement, Commercial Low-Level Radioactive Waste Disposal Site, Richland, Washington, dated May 2004. The Final Environmental Impact Statement was issued on July 29, 2004.

6. Documents may be examined during regular business hours at (location, including room number, if any):

111 Israel Road S.E., Tumwater, Washington and 309 Bradley Blvd, Suite 201, Richland, Washington.

7. Name of agency, proponent, or applicant giving notice:

Washington State Department of Health, Office of Radiation Protection

8. This notice is filed by (signature of individual and capacity in which the person is signing):

Gary Robertson, Director, Office of Radiation Protection

Gary Robertson

Date

11/18/05

SISP Review Complete

STP-006 Complete

RIDS: SP08



State of Washington
DEPARTMENT OF HEALTH
Office of Radiation Protection
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