



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Department of Health.

- Permanent Rule
- Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify)

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

- Yes
 - No
- If Yes, explain:

Purpose: This rule revision addresses recent federal rule changes pertaining to transportation of radioactive materials. The rule improves public health by revising transportation procedures that pose the highest risk of exposure to workers and the general public, and structures the regulations to be more risk-informed and performance-based.

Citation of existing rules affected by this order:

Repealed: WAC 246-231-070
 Amended: WAC 246-231-001, 005, 010, 030, 040, 060, 080, 090, 100, 110, 120, 140, 200
 Suspended: none

Statutory authority for adoption: RCW 70.98.050

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 08-03-067 on 01/14/2008 (date).
 Describe any changes other than editing from proposed to adopted version: Two changes were made from the proposed to the final rule. The first change corrected a cross reference in section WAC 246-231-136 from section WAC 246-231-133 to WAC 246-231-040(4). The second change was to underline Table 2 in WAC 246-231-200. The Code Reviser's Office published a note with the CR-102 filing in the Washington State Register to address this error. There are no other changes.
 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 _____

EMERGENCY RULE ONLY

- Under RCW 34.05.350 the agency for good cause finds:
- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 - That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: 04/16/2008

NAME (TYPE OR PRINT)
Mary C. Selecky

SIGNATURE

TITLE
Secretary

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

**DATE: April 18, 2008
TIME: 4:42 PM**

WSR 08-09-093

**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>17</u>	Amended	<u>13</u>	Repealed	<u>1</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</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>17</u>	Amended	<u>13</u>	Repealed	<u>1</u>