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WASHINGTON STATE DEPARTMENT OF ECOLOGY

'84 MAR 15 P3:48 HIGH-LEVEL NUCLEAR WASTE MANAGEMENT LEGISLATIVE PROPOSALS

Status as of: March 9, 1984

This will be the last legislative update. The 48th Legislature adjourned on March 9, 1984, the 60th legislative day. The legislation listed here passed both houses. Other related measures not listed in this update did not pass out of committee.

| <u>Status</u> | <u>Senate Bills</u> | <u>Sponsor</u> | |
|-----------------------------|---------------------|----------------|---|
| Did not pass | ESB 4534 | Williams | Would have provided for Governor to set a salary for Chair of the Nuclear Waste Board and Advisory Council, and would make position subject to advice and consent of Senate. |
| Incorporated into ESHB 1637 | SB 4558 | Williams | Would have established procedures to poll legislators to see if Legislature should convene to consider Presidential decision recommending a site in Washington State for a high-level waste repository. (Incorporated into ESHB 1637). |
| Signed by Speaker of House | SCR 142 | Hurley | Before any agreement negotiated between the State and USDOE regarding siting a repository in Washington State is entered into, the following issues would need to be addressed: --whether foreign waste should be included in the repository; --reasons for which work should be suspended at the site; --how the state plays in the federal decision making process if a decision is made to co-mingle defense and civilian wastes; --completion of an emergency response plan; --and federal liability for accidents at the repository site or during transportation of waste to the site. |
| Filed Secretary of State | SJM 127 | Williams | The Legislature requests that the U.S. Department of Energy conduct studies on crystalline rock, particularly granite, to determine its suitability for a repository and for possible consideration in the first repository site selection process. SJM 127 requests that the Hanford site not be recommended to the President for inclusion in the first repository selection process until studies on crystalline rock have been performed and evaluated. |

WM Record File 101.3 WM Project 10
Docket No. _____
PDR
LPDR

Distribution: REB DM
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PDR WASTE
WM-10 PDR

00708

| <u>Status</u> | <u>Senate Bills</u> | <u>Sponsor</u> | |
|---------------------------------|---------------------|---------------------------|--|
| Filed, Secretary of State | ESJM 131 | Williams and Hurley | <p>State/USDOE negotiations on the Consultation and Cooperation Draft Agreement have not resolved the issue of liability for accidents that may occur at a nuclear waste repository site or during transportation of waste to the site. The federal government contends that its liability is limited by the Price-Anderson Act. The state position is that its citizens must be fully compensated for any damage which may result as a consequence of a repository being located in this state.</p> <p>Congress is requested to immediately examine the issue of federal liability with respect to proposed national nuclear waste repositories. If Congress finds the Price-Anderson Act applicable to liability of federal contractors with respect to repositories, the liability limitation in the act be eliminated.</p> |
| Signed by Governor | ESHB 1637 | Nelson | <p>The new law renames the existing Nuclear Waste Policy & Review Board the "Nuclear Waste Board", and adds the director of the state Water Research Center at Washington State University as a new member.</p> <p>The Board is responsible for identifying and reviewing state agency policies relating to management of radioactive wastes, and to analyze recommendations of the Nuclear Waste Advisory Council to determine how state agencies may be responsive to the needs of the Board. Among its coordination and review responsibilities, the Board is to:</p> <ul style="list-style-type: none"> --enable the state to effectively evaluate federal repository siting actions; --review and study the activities of and need for advisory and technical committees; --participate in the consultation and concurrence process provided for under the Nuclear Waste Policy Act of 1982; --assist the Department of Ecology in participation in the low-level waste policy act of 1980; --monitor and comment on decisions in the Northwest Interstate Compact Committee on low-level radioactive waste management; --and disseminate information it receives on radioactive waste management and repository site selection to the legislature, appropriate state agencies, local units of government, regional planning commissions, American Indian Tribal Councils, the Advisory Council and persons who requested such information. |

The Board serves as spokesman on behalf of the citizens of the state before the federal Department of Energy, and coordinates (through the Advisory Council) educational programs for the public. The Council advises the Board on how to maximize public involvement programs.

The new law established a legislative review process for agreements negotiated by the Board with the federal government, and site suitability recommendations of the Board. If the state were selected for a repository by the President, the Board would review the site to determine its suitability, hold public hearings and recommend to the Governor and Legislature approval or disapproval of the site selection. The Legislature would poll its members to determine if a special session should be called to address the issue.

The Department of Ecology is directed to provide administrative and technical assistance as requested by the Board. Other state agencies also shall assist the Board in fulfilling its duties. The Board and Department of Ecology both may receive financial assistance from the federal government to carry out their responsibilities and the Board will submit a written report at least semi-annually to the Governor and the Legislature.

Office of High-Level Nuclear Waste Management
Department of Ecology PV-11
Spokane, WA 98504
459-6670

1 House Amendment to Senate Concurrent
2 Resolution No. 142
3 By Representatives D. Nelson and
4 Isaacson

*S. Nelson
Isaacson*

002009 ADOPTED 3/8/84

5 Strike everything after "WHEREAS," on
6 line 1 and insert the following:
7 "The United States Congress
8 enacted the Nuclear Waste Policy Act
9 of 1982 which envisions a cooperative
10 state-federal relationship in
11 selecting high-level nuclear waste
12 repository sites in the United
13 States; and
14 WHEREAS, The federal act
15 recognizes both a legislative and
16 executive role in establishing the
17 state's position and policies with
18 respect to the siting process; and
19 WHEREAS, A draft agreement is
20 being negotiated between the state
21 and the federal government as
22 provided for by the Nuclear Waste
23 Policy Act of 1982; and
24 WHEREAS, It is recognized that
25 entering into this agreement does not
26 indicate acceptance of a decision to
27 locate a repository within the
28 state; and
29 WHEREAS, The federal government
30 maintains that its liability for
31 accidents at the repository site or
32 in the transportation of waste to the
33 site is limited; and
34 WHEREAS, The Legislature finds
35 that the safety of the citizens of

1 the state of Washington is
2 potentially endangered by the
3 transportation of high-level
4 radioactive waste through the state;
5 NOW, THEREFORE, BE IT RESOLVED,
6 By the Senate of the state of
7 Washington, the House of
8 Representatives concurring, That
9 before an agreement is entered into
10 between the state and the federal
11 government, the following issues
12 should be addressed: Whether foreign
13 waste should be included in a
14 repository; the reasons for which
15 work should be suspended at the site;
16 how the state may obtain injunctive
17 relief; what role the state may play
18 in the federal decision-making
19 process if a decision is made to
20 commingle defense and civilian
21 wastes; the completion of an
22 emergency response plan; and federal
23 liability for accidents at the
24 repository site or during
25 transportation of waste to the site;
26 and
27 BE IT FURTHER RESOLVED, That
28 copies of this resolution be
29 delivered to the Governor of the
30 state of Washington, the Director of
31 the Washington state Department of
32 Ecology, and to the Secretary of the
33 United States Department of Energy."