

*File
Solid Waste*

September 25, 1980

MEMORANDUM FOR: J. Davis, NMSS
 H. Denton, NRR
 H. Shapar, ELD
 V. Stello, IE

FROM: G. Wayne Kerr, Acting Director, SP

SUBJECT: WASHINGTON INITIATIVE 383

Attached is a copy of the subject initiative which will be on the ballot in November. It appears inconsistent with some information we previously obtained, namely there is no 1984 cutoff date for medical wastes in the initiative. Further, Sec. 3 of the initiative coupled with the definitions in Sec. 2 raises questions about the extent of applicability of the initiative to low level waste. We have requested the State regulatory agency to obtain the Attorney General's opinion on the initiative and its applicability to LLW.

G. Wayne Kerr, Acting Director
 Office of State Programs

Enclosure:
 As Stated

cc: W. Dircks, EDO w/encl.
 J. Fouchard, PA w/encl.

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✓ J. Collins, TMI w/encl.
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OFFICE ▶	SP <i>[Signature]</i>				
SURNAME ▶	GWKerr/ds				
DATE ▶	9/22/80				

FILED
FEB 26 1980SECRETARY OF STATE
STATE OF WASHINGTON

INITIATIVE MEASURE 383

1 AN ACT Relating to radioactive waste; prohibiting the storage of CRBTF
2 certain radioactive waste in Washington state; creating a I
3 new chapter in Title 70 RCW; and providing penalties. -227;
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON: 1

5 NEW SECTION. Section 1. The people of the state of PARTA
6 Washington find that: ;6

7 (1) Radioactive wastes are highly dangerous, in that 10
8 releases of radioactive materials and emissions to the 11
9 environment are inimical to the health and welfare of the people 12
10 of the state of Washington, and contribute to the occurrences of 13
11 harmful diseases, including excessive cancer and leukemia. The 13
12 dangers posed by the transportation and presence of radioactive 14
13 wastes are increased further by the long time periods that the 16
14 wastes remain radioactive and highly dangerous; 16

15 (2) Transporting, handling, storing, or otherwise caring 17
16 for radioactive waste presents a hazard to the health, safety, 18
17 and welfare of the individual citizens of the state of 19
18 Washington because of the ever-present risk that an accident or 20
19 incident will occur while the wastes are being cared for; 20

20 (3) The likelihood that an accident will occur in this 21
21 state involving the release of radioactive wastes to the 22
22 environment becomes greater as the volume of wastes transported, 23
23 handled, stored, or otherwise cared for in this state increases; 23

24 (4) The effects of unplanned releases of radioactive 24
25 wastes into the environment, especially into the air and water 25
26 of the state, are potentially both widespread and harmful to the 26
27 health, safety, and welfare of the citizens of this state. 26

28 The burdens and hazards posed by increasing the volume of 27
29 radioactive wastes transported, handled, stored, or otherwise 28
30 cared for in this state by the importation of such wastes from 29

1 outside this state is not toward the state government say 29
 2 reasonably ask its citizens to bear. The people of the state of 30
 3 Washington believe that the principles of federalism do not 31
 4 require the sacrifice of the health, safety, and welfare of the 32
 5 people of one state for the convenience of other states or 33
 6 nations. 33

7 NEW SECTION. Sec. 2. The definitions set forth in this 35
 8 section apply throughout this chapter. 35

9 (1) "Radioactive waste" means unwanted radioactive 36
 10 material, including radioactive residues produced as a result of 37
 11 electric power generation or other reactor operation. 37

12 (2) "Medical waste" means radioactive waste from all 38
 13 therapy, diagnosis, or research in medical fields and 39
 14 radioactive waste which results from the production and 40
 15 manufacture of radioactive material used for therapy, diagnosis, 41
 16 or research in medical fields, except that "medical waste" does 42
 17 not include spent fuel or waste from the fuel of an isotope 42
 18 production reactor. 42

19 (3) "Radioactive waste generated or otherwise produced 43
 20 outside the geographic boundaries of the state of Washington" 44
 21 means radioactive waste which was located outside the state of 45
 22 Washington at the time of removal from a reactor vessel. 45

23 NEW SECTION. Sec. 3. Notwithstanding any law, order, or 47
 24 regulation to the contrary, after July 1, 1981, no area within 48
 25 the geographic boundaries of the state of Washington may be used 49
 26 by any person or entity as a temporary, interim, or permanent 50
 27 storage site for radioactive waste, except medical waste, 50
 28 generated or otherwise produced outside the geographic 51
 29 boundaries of the state of Washington. This section does not 52
 30 apply to radioactive waste stored within the state of Washington 52
 31 prior to July 1, 1981. 52

32 NEW SECTION. Sec. 4. Notwithstanding any law, order, or 54
 33 regulation to the contrary, after July 1, 1981, no person or 55
 34 entity may transport radioactive waste, except medical waste, 55
 35 generated or otherwise produced outside the geographic 56
 36 boundaries of the state of Washington to any site within the 57

1 geographic boundaries of the state of Washington for temporary, 57
2 interim, or permanent storage. 58

3 NEW SECTION. Sec. 5. (1) A violation of or failure to 60
4 comply with the provisions of sections 3 or 4 of this act is a 61
5 gross misdemeanor. 61

6 (2) Any person or entity that violates or fails to 62
7 comply with the provisions of sections 3 or 4 of this act is 63
8 subject to a civil penalty of one thousand dollars for each 64
9 violation or failure to comply. 64

10 (3) Each day upon which a violation occurs constitutes a 65
11 separate violation for the purposes of subsections (1) and (2) 66
12 of this section. 66

13 (4) Any person or entity violating this chapter may be 67
14 enjoined from continuing the violation. The attorney general or 68
15 any person residing in the state of Washington may bring an 69
16 action to enjoin violations of this chapter, on his or her own 70
17 behalf and on the behalf of all persons similarly situated. 70
18 Such action may be maintained in the person's own name or in the 71
19 name of the state of Washington. No bond may be required as a 72
20 condition to obtaining any injunctive relief. The superior 73
21 courts have jurisdiction over actions brought under this 73
22 section, and venue shall lie in the county of the plaintiff's 74
23 residence, in the county in which the violation is alleged to 75
24 occur, or in Thurston county. In addition to other relief, the 76
25 court in its discretion may award attorney's and expert witness 76
26 fees and costs of the suit to a party who demonstrates that a 77
27 violation of this chapter has occurred. 77

28 NEW SECTION. Sec. 6. Notwithstanding the other 79
29 provisions of this chapter, the state of Washington may enter 80
30 into an interstate compact, which will become effective upon 80
31 ratification by a majority of both houses of the United States 81
32 Congress, to provide for the regional storage of radioactive 82
33 wastes. 82

34 NEW SECTION. Sec. 7. This chapter shall be liberally 84
35 construed to protect the health, safety, and welfare of the 85
36 individual citizens of the state of Washington. 85

1	<u>NEW SECTION:</u> Sec. 8. If any provision of this act or	97
2	its application to any person or circumstance is held invalid,	87
3	the remainder of the act or the application of the provision to	88
4	other persons or circumstances is not affected.	88
5	<u>NEW SECTION:</u> Sec. 9. This act may be known as the	90
6	Radioactive Waste Storage and Transportation Act of 1980.	90
7	<u>NEW SECTION:</u> Sec. 10. Sections 1 through 9 of this act	92
8	shall constitute a new chapter in Title 70 RCW.	92