

insurance commissioner in writing in case of the termination of any such contract.

Passed the Senate March 3, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 88.

[Senate Bill No. 15.]

REGULATION OF SOURCES OF IONIZING RADIATION.

AN ACT relating to the development, regulation, and utilization of sources of ionizing radiation; and amending sections 2, 3, 5, 7, 8, 11, 15 and 18, chapter 207, Laws of 1961 and RCW 70.98.020, 70.98.030, 70.98.050, 70.98.070, 70.98.080, 70.98.110, 70.98.150 and 70.98.180.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Section 2, chapter 207, Laws of 1961 and RCW 70.98.020 are each amended to read as follows:

RCW 70.98.020 amended.

It is the purpose of this chapter to effectuate the policies set forth in RCW 70.98.010 by providing for:

Nuclear energy and radiation, regulation. Purpose.

(1) A program of effective regulation of sources of ionizing radiation for the protection of the occupational and public health and safety;

(2) A program to promote an orderly regulatory pattern within the state, among the states and between the federal government and the state and facilitate intergovernmental cooperation with respect to use and regulation of sources of ionizing radiation to the end that duplication of regulation may be minimized;

(3) A program to establish procedures for assumption and performance of certain regulatory responsibilities with respect to byproduct, source, and special nuclear materials;

(4) A program to permit maximum utilization of sources of ionizing radiation consistent with the health and safety of the public.

RCW 70.98.030
amended.

SEC. 2. Section 3, chapter 207, Laws of 1961 and RCW 70.98.030 are each amended to read as follows:

Nuclear energy
and radiation,
regulation,
Definitions.

(1) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(2) "Ionizing radiation" means gamma rays and x-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(3) (a) "General license" means a license effective pursuant to regulations promulgated by the state radiation control agency, without the filing of an application, to transfer, acquire, own, possess, or use quantities of, or devices or equipment utilizing, byproduct, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially.

(b) "Specific license" means a license, issued after application to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing byproduct, source, special nuclear materials, or other radioactive materials occurring naturally or produced artificially.

(4) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Atomic Energy Commission, or any successor thereto, and other than federal

government agencies licensed by the United States Atomic Energy Commission, or any successor thereto.

(5) "Source material" means (a) uranium, thorium, or any other material which the governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such; or (b) ores containing one or more of the foregoing materials, in such concentration as the governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material in such concentration to be source material.

(6) "Special nuclear material" means (a) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the governor declares by order to be special nuclear material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (b) any material artificially enriched by any of the foregoing, but does not include source material.

(7) "Registration" means registration with the state department of health by any person possessing a source of ionizing radiation in accordance with rules, regulations and standards adopted by the department of health.

(8) "Radiation source" means any type of device or substance which is capable of producing or emitting ionizing radiation.

SEC. 3. Section 5, chapter 207, Laws of 1961 and RCW 70.98.050 are each amended to read as follows:

RCW 70.98.050
amended.

(1) The department of health is hereby designated as the state radiation control agency, hereinafter referred to as the agency, and shall be the state

State radiation
control agency.

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control agency.

agency having sole responsibility for administration of the regulatory, licensing and radiation control provisions of this chapter.

(2) The director of the state department of health shall be director of the agency, hereinafter referred to as the director, who shall perform the functions vested in the agency pursuant to the provisions of this chapter.

(3) The agency shall appoint a state radiological control officer, and in accordance with the laws of the state, fix his compensation and prescribe his powers and duties. Such officer shall be competent to evaluate radiological health hazards associated with the many uses of radioactive material and other sources of ionizing radiation. He shall at least have a baccalaureate degree, be trained in the physical and/or life sciences, and shall have had experience in health physics.

(4) In accordance with the laws of the state, the agency may appoint, employ, fix the compensation, and prescribe the powers and duties of such other individuals, including consultants and advisory councils and committees, as may be necessary to carry out the provisions of this chapter. The personnel engaged in field activities of evaluation and inspection shall at least have a baccalaureate degree in the physical or life sciences, or the equivalent, and be trained in health physics.

(5) The agency shall for the protection of the occupational and public health and safety:

(a) Develop programs for evaluation of hazards associated with use of ionizing radiation;

(b) Develop programs with due regard for compatibility with federal programs for regulation of byproduct, source, and special nuclear materials;

(c) Formulate and, with the approval of the technical advisory board, adopt, promulgate, and

repeal codes, rules and regulations relating to control of sources of ionizing radiation;

(d) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, political subdivisions, and with groups concerned with control of sources of ionizing radiation;

(e) Have the authority to accept and administer loans, grants, or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the federal government and from other sources, public or private;

(f) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to control of sources of ionizing radiation;

(g) Collect and disseminate information relating to control of sources of ionizing radiation; including:

(i) Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations;

(ii) Maintenance of a file of registrants possessing sources of ionizing radiation requiring registration under the provisions of this chapter and any administrative or judicial action pertaining thereto; and

(iii) Maintenance of a file of all rules and regulations relating to regulation of sources of ionizing radiation, pending or promulgated, and proceedings thereon.

(h) In connection with any contested case as defined by RCW 34.04.010 or any other administrative proceedings as provided for in this chapter, have the power to issue subpoenas in order to compel the attendance of necessary witnesses and/or the production of records or documents.

SEC. 4. Section 7, chapter 207, Laws of 1961 and RCW 70.98.070 are each amended to read as follows:

RCW 70.98.070
amended.

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and radiation,
regulation.
Advisory coun-
cil on nuclear
energy and
radiation.

(1) There is hereby created an advisory council on nuclear energy and radiation, hereinafter referred to as the council, consisting of seven members appointed by the governor and serving at his pleasure. Membership on the advisory council shall include, but not be limited to, representatives from industry, labor, the healing arts, research and education. In addition the directors of the department of health, department of labor and industries, department of agriculture, and the department of commerce and economic development shall serve as ex officio members of the council. The governor shall designate from his appointees a member to serve as chairman of the council. Members of the council shall receive no salary or compensation for services but shall be reimbursed for actual expenses incurred while engaged in the business of the council.

(2) The council shall:

(a) Review and evaluate policies and programs of the state relating to ionizing radiation.

(b) Make recommendations to the governor and furnish such advice as may be required on matters relating to development, utilization, and regulation of sources of ionizing radiation.

(c) Make an annual report to the governor.

(d) Review, after any agency, agencies, board or commission has held any public hearing required by this chapter or chapter 34.04 prior to promulgation and filing with the code reviser, the proposed rules and regulations of the state radiation control agency and all other boards, agencies, and commissions of this state relating to use and control of sources of ionizing radiation to determine that such rules and regulations are consistent with rules and regulations of other agencies, boards, and commissions of the state. Proposed rules and regulations shall not be filed with the code reviser until sixty

days after submission to the council unless the council waives all or any part of such sixty day period.

(e) When the council determines that any proposed rules or regulations or parts thereof are inconsistent with rules and regulations of other agencies, boards, or commissions of the state, the council will so advise the governor and the appropriate agency, agencies, boards or commissions, and consult with them in an effort to resolve any such inconsistencies.

(f) Have the power to employ, compensate, and prescribe the powers and duties of such individuals as may be necessary to properly carry out the duties of the council from whatever funds which may be made available to the council for such purpose, including the power to employ an executive secretary to perform the administrative functions of the council.

SEC. 5. Section 8, chapter 207, Laws of 1961 and RCW 70.98.080 are each amended to read as follows:

RCW 70.98.080 amended.

(1) The agency shall provide by rule or regulation for general or specific licensing of byproduct, source, special nuclear materials, or devices or equipment utilizing such materials, or other radioactive material occurring naturally or produced artificially. Such rule or regulation shall provide for amendment, suspension, or revocation of licenses. Such rule or regulation shall provide that:

Registration of sources of ionizing radiation
—Licensing of byproduct, source, special nuclear materials or devices—
using same—
Exemptions.

(a) Each application for a specific license shall be in writing and shall state such information as the agency, by rule or regulation, may determine to be necessary to decide the technical, insurance, and financial qualifications, or any other qualification of the applicant as the agency may deem reasonable and necessary to protect the occupational and public health and safety. The agency may at any time after the filing of the application, and before the expiration of the license, require further written statements

Nuclear energy and radiation, regulation. Registration of sources of ionizing radiation—Licensing of byproduct, source, special nuclear materials or devices using same—Exemptions.

and shall make such inspections as the agency deems necessary in order to determine whether the license should be granted or denied or whether the license should be modified, suspended, or revoked. In no event shall the agency grant a specific license to any applicant who has never possessed a specific license issued by a recognized state or federal authority until the agency has conducted an inspection which insures that the applicant can meet the rules, regulations and standards adopted pursuant to this chapter. All applications and statements shall be signed by the applicant or licensee. The agency may require any applications or statements to be made under oath or affirmation;

(b) Each license shall be in such form and contain such terms and conditions as the agency may by rule or regulation prescribe;

(c) No license issued under the authority of this chapter and no right to possess or utilize sources of ionizing radiation granted by any license shall be assigned or in any manner disposed of; and

(d) The terms and conditions of all licenses shall be subject to amendment, revision, or modification by rules, regulations or orders issued in accordance with the provisions of this chapter.

(2) The agency may require registration of all sources of ionizing radiation.

(3) The agency may exempt certain sources of ionizing radiation or kinds of uses or users from the registration or licensing requirements set forth in this section when the agency makes a finding after approval of the technical advisory board that the exemption of such sources of ionizing radiation or kinds of uses or users will not constitute a significant risk to the health and safety of the public.

(4) In promulgating rules and regulations pursuant to this chapter the agency shall, insofar as practical, strive to avoid requiring dual licensing,

and shall provide for such recognition of other state or federal licenses as the agency shall deem desirable, subject to such registration requirements as the agency may prescribe.

SEC. 6. Section 11, chapter 207, Laws of 1961 and RCW 70.98.110 are each amended to read as follows:

RCW 70.98.110 amended.

(1) The governor, on behalf of this state, is authorized to enter into agreements with the federal government providing for discontinuance of certain of the federal government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by this state pursuant to this chapter.

Federal-state transfer agreements—Termination of rights under federal license.

(2) Any person who, on the effective date of an agreement under subsection (1) above, possesses a license issued by the federal government shall be deemed to possess the same pursuant to a license issued under this chapter which shall expire either ninety days after the receipt from the state radiation control agency of a notice of expiration of such license or on the date of expiration specified in the federal license, whichever is earlier.

SEC. 7. Section 15, chapter 207, Laws of 1961 and RCW 70.98.150 are each amended to read as follows:

RCW 70.98.150 amended.

It shall be unlawful for any person to use, manufacture, produce, transport, transfer, receive, acquire, own, or possess any source of ionizing radiation unless licensed by or registered with, or exempted by the agency in accordance with the provisions of this chapter.

Prohibited uses.

SEC. 8. Section 18, chapter 207, Laws of 1961 and RCW 70.98.180 are each amended to read as follows:

RCW 70.98.180 amended.

This chapter shall not apply to the following sources or conditions:

Exemptions.

(1) Radiation machines during process of manufacture, or in storage or transit: *Provided*, That this exclusion shall not apply to functional testing of such machines.

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(2) Any radioactive material while being transported in conformity with regulations adopted by any federal agency having jurisdiction therein, and specifically applicable to the transportation of such radioactive materials.

(3) No exemptions under this section are granted for those quantities or types of activities which do not comply with the established rules and regulations promulgated by the Atomic Energy Commission, or any successor thereto.

Passed the Senate March 4, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 89.

[Senate Bill No. 57.]

EXEMPTIONS FROM EXECUTION AND ATTACHMENT.

AN ACT relating to personal exemptions; and amending section 253, page 178, Laws of 1854, as last amended by section 1, page 96, Laws of 1886, and RCW 6.16.020; and repealing section 114, chapter 235, Laws of 1945 and RCW 33.20.140.

Be it enacted by the Legislature of the State of Washington:

RCW 6.16.020 amended.

SECTION 1. Section 253, page 178, Laws of 1854, as last amended by section 1, page 96, Laws of 1886, and RCW 6.16.020 are each amended to read as follows:

Executions and attachments. Exempt property specified.

The following personal property shall be exempt from execution and attachment, except as hereinafter specially provided:

(1) All wearing apparel of every person and family, but not to exceed five hundred dollars in value in furs, jewelry, and personal ornaments for any person.

(2) All private libraries not to exceed five hun-