

the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 23, 1985.

Passed the House April 17, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 383

[Engrossed Substitute Senate Bill No. 3799]

RADIATION CONTROL DUTIES OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—USER PERMIT SYSTEM FOR LOW-LEVEL RADIOACTIVE WASTE AT HANFORD

AN ACT Relating to nuclear energy and materials; amending RCW 70.98.050; and adding new sections to chapter 70.98 RCW.

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

*Sec. 1. Section 5, chapter 207, Laws of 1961 as last amended by section 1, chapter ... (E2SHB 3), Laws of 1985 and RCW 70.98.050 are each amended to read as follows:

(1) The department of social and health services is designated as the state radiation control agency, hereinafter referred to as the agency, and shall be the state agency having sole responsibility for administration of the regulatory, licensing and radiation control provisions of this chapter.

(2) The secretary of social and health services shall be director of the agency, hereinafter referred to as the secretary, 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.

(4) 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 a state-wide radiological baseline beginning with the establishment of a baseline for the Hanford reservation;

(c) Implement an independent state-wide program to monitor ionizing radiation emissions from radiation sources within the state;

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

~~((e))~~ **(e) Conduct environmental radiation monitoring programs which will determine the presence and significance of radiation in the environment and which will verify the adequacy and accuracy of environmental radiation monitoring programs conducted by the federal government at its installations in Washington and by radioactive materials licensees at their installations;**

(f) Formulate, adopt, promulgate, and repeal codes, rules and regulations relating to control of sources of ionizing radiation;

~~((d))~~ (g) 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))~~ (h) 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))~~ (i) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to control of sources of ionizing radiation, including the collection of statistical data and epidemiological research, where available, on diseases that result from exposure to sources of ionizing radiation;

~~((g))~~ (j) 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))~~ (k) 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.

(5) In order to avoid duplication of efforts, the agency may acquire the data requested under this section from public and private entities that possess this information.

*Sec. 1 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 70.98 RCW to read as follows:

(1) The agency shall seek federal financial assistance as authorized by the nuclear waste policy act of 1982, P.L. 97-425 section 116(c), for activities related to the high-level radioactive waste program in the state of Washington. The activities for which federal funding is sought shall include, but are not limited to, the development of a radiological baseline for the Hanford reservation; the implementation of a program to monitor ionizing radiation emissions on the Hanford reservation; the collection of statistical

data and epidemiological research, where available, on diseases that result from exposure to sources of ionizing radiation on the Hanford reservation.

(2) In the event the federal government refuses to grant financial assistance for the activities under subsection (1) of this section, the agency is directed to investigate potential legal action.

NEW SECTION. Sec. 3. A new section is added to chapter 70.98 RCW to read as follows:

(1)(a) The agency shall institute a user permit system and issue site use permits consistent with current regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility.

(b) The costs of administering the user permit system shall be borne by the applicants for site use permits.

(c) The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste.

(2) In addition to the fee collected pursuant to subsection (1) of this section, the agency shall collect a surveillance fee as an added charge on each cubic foot of low level radioactive waste disposed of at the disposal site in this state which shall be set at a level that is sufficient to fund completely the radiation control activities of the agency which are not otherwise covered by cost recovery programs including, but not limited to, any funds from federal sources: PROVIDED, That the surveillance fee shall not exceed three percent of the basic minimum fee charged by an operator of a low-level radioactive waste disposal site in this state. The basic minimum fee consists of the disposal fee for the site operator, the fee for the perpetual care and maintenance fund administered by the state, the fee for the state closure fund, and the tax collected pursuant to chapter 82.04 RCW. The fee shall also provide funds for other state agencies that incur expenses as a result of the control and management of the disposal of low-level radioactive waste in the state of Washington. Disbursements for these purposes to other state agencies shall be by authorization of the secretary of the department of social and health services or the secretary's designee.

(3) The agency may adopt such rules as are necessary to carry out its responsibilities under this section.

(4) The agency shall submit a report to the legislature and the governor on or before the start of the 1986 regular session of the legislature. The report shall specify the radiation control activities required in this 1985 act,

the cost of each activity and the source of the funding for each activity including federal assistance and the fees authorized by this 1985 act.

Passed the Senate April 28, 1985.

Passed the House April 27, 1985.

Approved by the Governor May 20, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 20, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to Section 1(c), Substitute Senate Bill No. 3799, entitled:

"AN ACT Relating to nuclear energy and materials;"

Section 1(c) is identical to Section 1(c) of Engrossed Second Substitute House Bill No. 3. Since I have previously signed ESSHB No. 3, Section 1(c) of this bill is unnecessary.

With the exception of Section 1(c), Substitute Senate Bill No. 3799 is approved."

CHAPTER 384

[Engrossed Senate Bill No. 4140]

HIGH SCHOOL GRADUATION REQUIREMENTS

AN ACT Relating to high school graduation requirements; amending RCW 28A.05.060 and 28A.05.040; and adding new sections to chapter 28A.05 RCW.

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

NEW SECTION. Sec. 1. The state board of education shall adopt rules pursuant to chapter 34.04 RCW, to implement the course requirements set forth in RCW 28A.05.060. Such rules shall include, as the state board deems necessary, granting equivalencies for and temporary exemptions from the course requirements in RCW 28A.05.060 and special alterations of the course requirements in RCW 28A.05.060. In developing such rules the state board shall recognize the relevance of vocational and applied courses and allow such courses to fulfill in whole or in part the courses required for graduation in RCW 28A.05.060. Such rules may include provisions for competency testing in lieu of such courses required for graduation in RCW 28A.05.060.

Sec. 2. Section 6, chapter 278, Laws of 1984 and RCW 28A.05.060 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students who commence the ninth grade subsequent to July 1, 1985, that meet or exceed the following: