

EXECUTIVE ORDER 79-09

WHEREAS, on October 4, 1979, a proclamation was issued by Governor Dixy Lee Ray, pursuant to statutory authority, declaring a state of emergency and the temporary closure of the Hanford, Washington low-level nuclear waste site; and

WHEREAS, said proclamation was found necessary to protect the life, health, safety, and property of the people of the State of Washington, resulting from the serious deficiencies in the packaging and transportation of low-level nuclear waste materials destined for delivery at the Hanford Works; and

WHEREAS, since the closure of the Hanford facility, a number of important steps have been taken by the administration through personal action of the Governor, the State Energy Office and other state agencies resulting in the following assurances: (a) Commitment by the United States Nuclear Regulatory Commission and the United States Department of Transportation for funds to train state personnel as additional inspectors. Further, that these departments will increase their respective enforcement powers over low-waste producers and shippers. (b) A stepped up inspection and enforcement program, through the Washington State Patrol, of carriers of waste materials. (c) A system of certification through the Department of Social and Health Services that requires more stringent and effective warranties and indemnification provisions. (d) An inter-state agreement between the States of Washington, Nevada and South Carolina, that will provide that violations of rules and regulations in one state will result in suspension in each of the other states of the use of that state's site (e) Congressional action in the authorization and location of additional low-level sites and the recognition that nuclear waste disposal is a federal, as well as, a state responsibility; and

WHEREAS, through the concerted actions of the Governors of the States of Washington, Nevada, and South Carolina, the nation's attention and the attention of the remaining Governors of the other states has been drawn to the need for each state to participate in the handling of low-level nuclear waste material, and for the Congress to take immediate steps for the location of additional sites; and

WHEREAS, there is an immediate need and a vital interest within the nation's medical Institutions and research communities to establish storage sites for low-level radioactive residue, and there is recognition on the part of the medical fraternity that such materials must be properly packaged before disposal at such sites; and

WHEREAS, the Hanford site has been operated by Nuclear Engineering Company through a lease agreement with the State of Washington, and that said company has properly and safely operated said site but that certain provisions of the lease needed to be updated concerning increased perpetual care and maintenance payments, indemnity requirements, and other changes, and these things being now mutually agreed upon; and

WHEREAS, Nuclear Engineering Company, has agreed that upon a reopening of the site it will provide express service to it's regular Washington State customers, mainly hospitals and research

institutions, upon application by the company for a Site Use Permit and provided an appropriate temporary waiver by the State of the conditions of this executive order is confirmed; and

WHEREAS, the Governor of Washington is authorized to issue orders to protect the public health and safety interests of the people and environment of the State of Washington.

NOW, THEREFORE, I, Dixy Lee Ray, Governor of the State of Washington, pursuant to the powers vested in me and in protection of the public health and safety, do hereby order that:

1. Any person who generates or packages commercial low-level radioactive waste for disposal at the Hanford, Washington facility shall be required to provide to the State of Washington a Compliance Certificate that shall be signed by an authorized representative of the generator or packages and shall warrant to the State of Washington that the waste shipment was inspected within forty-eight (48) hours prior to shipment and conforms in all respects to both Federal and State requirements for shipment, transportation and disposal. Said certification shall accompany each shipment of waste materials shipped to the Hanford, Washington facility. The generator or packager shall indemnify and hold harmless the State of Washington from any and all claims, suits, losses, damages or expenses on account of injuries to any and all persons whomsoever, and any and all property damage, arising or growing out of or in any manner for the failure of the generator/packager to comply with the warranties set forth herein.

2. Any broker, shipping and/or transporting commercial low-level radioactive waste into the State of Washington for disposal at the Hanford, Washington facility from the broker's warehouse facility, or any other independent intermediate point or facility, shall be required to conduct an external visual and dose-rate inspection of said packaged waste materials within forty-eight (48) hours prior to shipment or transport, and shall be required to certify to the State of Washington that said inspections have been conducted and revealed no items of non-compliance with all applicable laws, rules and regulations. Said certification shall accompany each shipment of waste shipped to the Hanford, Washington facility, and shall indemnify and hold harmless the State of Washington from any and all claims, suits, damages, or expenses on account of injuries to or death of any and all persons whomsoever, and any and all property damage, arising or growing out of or in any manner for the failure of the broker to comply with the warranties set forth herein. Broker shall mean, for the purpose of this section, any person, who acts as an agency or intermediary for a generator/packager or another person, provided it shall not include a carrier whose sole function is to transport low-level waste, a generator/packager of a low-level waste, or a low-level radioactive waste disposal site operator.

3. Any carrier, as defined by the United States Department of Transportation (DOT) Regulations, transporting commercial low-level radioactive waste into the State of Washington for disposal at the Hanford, Washington facility shall give at least four (4) hours but not more than forty-eight (48) hours advance notice in writing to the State of the intended movement of a shipment within, or the arrival from without the State, of low-level radioactive waste, and shall be required to certify to the State of Washington that the transportation vehicle is properly placarded and secured for transport and that all shipping papers are as required by the United States Department of Transportation, and all other applicable regulations and orders have been properly executed

and delivered to said carrier, and said carrier certification shall accompany each load of waste transported to the Hanford, Washington facility.

4. The Department of Social and Health Services (DSHS) is hereby ordered to adopt Emergency Regulations for a Site Use Permit for the purpose of assisting in the correction of the conditions resulting in the Emergency Condition specified in the Governor's Proclamation dated October 4, 1979, said Emergency Regulations to be in accordance with the guidelines consistent with this Executive Order. The Department is further ordered to adopt, as soon as practicable, permanent regulations incorporating ' the elements of the corrective action set forth in this Executive Order. Any generator/packager or broker who desires to utilize the Hanford, Washington low-level radioactive waste disposal facility shall file with DSHS, prior to the initial use upon reopening, an intent to file an application for a User Permit. There shall be a provision made in the regulations adopted for the applicant to pay for the costs of the Department in administering the regulations.

5. That appropriate copies of assurances from federal and other agencies and persons involved, and proposed forms of compliance are attached and made a part of this order.

6. Effective this date, the Hanford, Washington low-level radioactive waste facility is authorized to resume full operations pursuant to its license, issued by the State of Washington, and pursuant to all applicable laws, rules and regulations, and the provisions of this executive order.

7. Pursuant to the provisions of RCW 43.06.210 the proclamation issued on October 4 1979 is hereby terminated.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 19th day of November A.D., Nineteen hundred and seventy-nine.

Dixy Lee Ray
Governor of Washington

BY THE GOVERNOR:

Assistant Secretary of State

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
OLYMPIA, WASHINGTON

LOW-LEVEL RADIOACTIVE WASTE SHIPMENT CERTIFICATION

As required by Executive Order dated __, 1979, issued by the Governor of the State of Washington, the following certification, as applicable, is made to the State of Washington.

SECTION A:

GENERATOR/PACKAGER: _____
(Company Name)

Certification is hereby made in the State of Washington that shipment no. ___ of low-level radioactive waste has been inspected in accordance with requirements of the Governor of Washington's Executive Order dated __, 1979, prior to its shipment, and further certification is made that the inspection has revealed no items of non-compliance with all applicable laws, rules and regulations. It is further certified that in the case of solidified waste, there is no freestanding liquid in any container in this shipment. The undersigned shall indemnify and hold harmless the State of Washington from any and all claims, suits, losses, damages or expenses on account of injuries to any and all persons whomsoever, and any and all property damage, arising or growing out of or in any manner connected with the activities performed under this order.

BY: _____
DATE: _____ TITLE: _____

SECTION B:

BROKER: _____
(Company Name)

Certification is hereby made to the State of Washington that shipment no. ___ of low-level radioactive waste has been inspected in accordance with the requirements of the Governor of Washington's Executive Order dated __, 1979, prior to its shipment and further certification is made that the inspection has revealed no items of non-compliance with all applicable laws, rules and regulations. The undersigned shall indemnify and hold harmless the State of Washington from any and all claims, suits, losses, damages or expenses on account of injuries to any and all persons whomsoever, and any and all property damage, arising or growing out of or in any manner connected with the activities performed under this order.

BY: _____
DATE: _____ TITLE: _____
