

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Washington State Energy Office
(agency name)

Administrative Order No. 82-1

(1) I, Richard H. Watson (Acting), director of Washington State Energy Office

do promulgate and adopt at 400 E Union Avenue, Olympia, Washington (place)

the annexed rules relating to:

Fees for the perpetual care and maintenance of radioactive waste management facilities. WAC 194-16

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on. Such rules shall take effect:

- at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, Richard H. Watson, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is: to assure the perpetual care and maintenance of radioactive waste management facilities and thereby protect the public health, safety, and welfare, an adequate fund supported by fees is necessary. The existing fund and fee structure has been determined to be inadequate and the procedures for collecting the fees are not formalized. Therefore, the office must promulgate these rules immediately to formalize the collection procedures and assure financing for perpetual care and maintenance. Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

(X) (a) This rule is promulgated pursuant to RCW 43.21F.075(2) and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW which directs that the

(agency) has authority to implement the provisions of

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED March 24 1982

By [Signature] Acting Director, Washington State Energy Office Title

STATE OF WASHINGTON FILED MAR 24 1982 CODE REVISER'S OFFICE WSR 82-07-0867 KR

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## Chapter 194-16 WAC

## FEES--RADIOACTIVE WASTE MANAGEMENT FACILITIES

NEW SECTION

WAC 194-16-010 PURPOSE AND SCOPE. The proper perpetual care and maintenance of radioactive waste management facilities is required to protect the public health, safety, and welfare. This chapter establishes the fees charged by the Washington state energy office for financing the necessary perpetual care and maintenance of radioactive waste management facilities. Promulgation of this regulation is further intended to satisfy the state's financial responsibilities to the United States government pursuant to the perpetual care agreement executed July 29, 1965.

NEW SECTION

WAC 194-16-020 AUTHORITY. This chapter is promulgated by the state energy office pursuant to authority granted in RCW 43.21F.045 and 43.21F.075.

NEW SECTION

WAC 194-16-030 DEFINITIONS. (1) "Facility" means any site, location, structure, or property used or to be used for the storage, disposal, or burial of radioactive materials or waste, which lies within the one hundred acre tract described in the perpetual care agreement between the state of Washington and the United States government executed July 29, 1965.

(2) "Office" means the Washington state energy office.

(3) "Perpetual care and maintenance" means the activities necessary to stabilize and secure a closed facility during the perpetual care period, including but not limited to: Trench stabilization; upkeep of erosion control measures, fences, and warning signs; and sampling of monitor wells.

(4) "Subleasee" means a party to a sublease with the state of Washington for a portion of the one thousand acres of land, as described in the state's lease with the United States government executed September 10, 1964, lying within the Hanford Reservation.

NEW SECTION

WAC 194-16-040 PERPETUAL CARE AND MAINTENANCE FEE. (1) Any subleasee of the state who stores, disposes, or buries radioactive materials or waste at a facility shall pay a perpetual care and maintenance fee.

(2) The perpetual care and maintenance fee shall be one dollar seventy-five cents per cubic foot of radioactive material or waste buried or permanently stored at a facility.

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NEW SECTION

WAC 194-16-050 PCM FEE--METHOD OF PAYMENT. (1) The perpetual care and maintenance fee shall be due on a quarterly basis for the quarters ending January 15, April 15, July 15, and October 15. All perpetual care and maintenance fee payments shall be paid within forty-five days after the due date.

(2) Perpetual care and maintenance payments shall be by check, draft, or money order payable to the Washington state energy office.

NEW SECTION

WAC 194-16-060 PCM FEE--DISPOSITION. (1) Upon receipt of perpetual care and maintenance fee payments, the office shall transmit such payments to the state treasurer for deposit in the perpetual maintenance account authorized by RCW 43.21F.075(2).

(2) Moneys in the perpetual maintenance account shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance account.

(3) The office shall maintain a segregated account of perpetual care and maintenance fee payments which are deposited in the perpetual maintenance account.

(4) The office, in consultation with the state radiation control agency, shall periodically evaluate the perpetual care and maintenance fee to determine whether it will provide adequate financing to assure perpetual care and maintenance of a closed facility. Any adjustments to the fees shall be made by rule adopted pursuant to chapter 34.04 RCW.

NEW SECTION

WAC 194-16-070 SEVERABILITY. If any portion of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

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